

Demand to fill up vacancies of judges to clear backlog of cases

SHRI RAJEEV SHUKLA (Maharashtra): Sir, as of March 31, 2009, about 50,613 cases were lying pending in the Supreme Court, 38,74,090 in the High Courts, and 2.64 crores in the District and the Session Courts. About 30 per cent pending cases are criminal in nature, which require early disposal. Presently cases are pending on an average of 15 years.

One of the main reasons of huge pendency is attributed to shortage of judges and not filling up the vacancies in various courts causing considerable delays in clearing the cases. It is said that justice delayed is justice denied. The Government, therefore, should take immediate necessary steps to fill up the vacant posts of judges in courts, consider the setting up of double shifts of courts, including mobile courts. The services of retired judges can be taken in this regard to clear the mounting backlog of cases, with a view to deliver the justice at the doorsteps of the people.

MR. DEPUTY CHAIRMAN: Now, a statement by the Minister of External Affairs.

STATEMENT BY MINISTER

Re: Significant Developments in our Neighbourhood

THE MINISTER OF EXTERNAL AFFAIRS (SHRI S.M. KRISHNA): Sir, I rise to inform the House of significant developments in our relations with three important neighbours – Pakistan, Sri Lanka and Nepal.

Hon. Members will recall the Prime Minister's remarks, in this House, on June 9, 2009. He had said, then, that it is in our vital interest to make peace with Pakistan. In our vision of a cooperative and harmonious sub-continent, the relationship between India and Pakistan can be a critical building block. The Prime Minister had also referred to our intention of meeting Pakistan more than half way, if its leaders have the courage, determination and statesmanship to take the high road to peace. These sentiments encapsulate our approach. We also recognize the importance and salience of continued dialogue with Pakistan. However, dialogue, addressing mutual concerns, is premised on an atmosphere free of the threat of violence. It was with this explicit premise that the Composite Dialogue Process was restarted on 2004. Despite achievements, the dialogue and our very relationship with Pakistan have come under stress recurrently because of the license which terrorist groups have had in Pakistan to carry out attacks on India.

Hon. Members are aware of the Government of Pakistan's assurances to us, at the very highest level, that it would not let territories, under its control, to be used for attacks against India. Notwithstanding these assurances, we have been repeatedly and severely hit by a series of terrorists attacks emanating from Pakistan, it is the responsibility of the Government of Pakistan to take all such steps as are necessary to address this issue and expose and take action against the conspiracies and conspirators responsible for such attacks against India.

When the Prime Minister met President, Asif Ali Zardari, of Pakistan at the margins of the SCO Summit in Russia, last month, the President of Pakistan told us of Pakistan's efforts to deal with the menace of terrorism and the difficulties that they face. It was agreed that the Foreign Secretaries of India and Pakistan will discuss what Pakistan is doing and can do to prevent terrorism from Pakistan against India and to bring to justice those responsible for these attacks, including the horrendous crime of the attacks in Mumbai. After the Foreign Secretaries' report, we will be able to take stock of the situation at Sharm-ei-Sheikh where at the margins of the Non-Aligned Summit, Prime Minister will be meeting the Pakistani leadership.

Sir, permit me now to briefly apprise the House of recent developments in Sri Lanka. As the hon. Members are aware, after more than two decades of conflict involving the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organisation proscribed in India, the Sri Lankan Government in mid-May 2009 proclaimed the end of military operations after wresting back all the territories held by the LTTE. The death of several LTTE leaders was also announced, including that of Velupillai Prabhakaran, who is a proclaimed offender in India. This is a significant conclusion to the military conflict in Northern Sri Lanka.

The end of military operations in the Northern and the Eastern Sri Lanka is an opportunity to rebuild the country after the ravages of conflict. In the immediate post-conflict situation, the most pressing concern is to ensure the early resettlement and rehabilitation of nearly three lakh Tamil civilians displaced by the conflict in the last year. The early return of the Internally Displaced Persons (IDPs) to their homes is a crucial first step towards reclaiming their lives and restoring normalcy. We have been assured by the Sri Lankan Government and the President of their intention to proceed quickly with the task of resettlement. Mr. Basil Rajapaksa, Senior Adviser to the President of Sri Lanka, led a high-level delegation to India on June 24, 2009, when we studied the resettlement and rehabilitation issues in great detail. The Sri Lankan Government have committed themselves to resettling most IDPs in 180 days.

India will provide every possible assistance in the task of rehabilitation, resettlement and reconstruction. Hon. Members will recall that Prime Minister himself announced in this august House India's firm commitment to engage with the process of relief and rehabilitation in Sri Lanka in keeping with our abiding interest in the well being of the Tamil people in that country. The Government has earmarked Rs.500 crores for this purpose and we are willing to do more.

The immediate focus of the projects that will be taken up as part of this effort include deployment of four demining teams, which is a pre-requisite for IDPs to return to their homes, reconstruction of houses and supply of shelter material, medical assistance and provision and repair of civil infrastructure.

Since November 2008, India has shipped 1.7 lakh family relief packs from Tamil Nadu for IDPs and civilians affected by the conflict. The packs included essential items such as dry rations, personal hygiene items, clothes, utensils, etc. and were distributed to the beneficiaries by the ICRC. Another consignment of family packs will be despatched from Tamil Nadu shortly. India has also been operating a full-fledged 60-member field hospital in Sri Lanka since March 2009. Since moving to its new location near Vavuniya after the end of military operations, more than 14,000 patients have been treated by the facility which is equipped with modern equipment and amenities and they have

done commendable work. Further, two consignments of medicines have also been gifted to Sri Lanka in view of the urgent requirement for civilians and IDPs.

The cessation of hostilities gives Sri Lanka an opportunity to make a new beginning and to build a better future for all her peoples, and, therefore, for the region as a whole. We are convinced that a closure to the cycle of violence and terrorism that has plagued Sri Lanka requires an inclusive political process of dialogue and devolution. Such a process must address the legitimate aspirations of the minorities, including the Tamil community, within the democratic framework of a united Sri Lanka.

We have been assured by the Sri Lankan Government of their intention to pursue a political process that envisages a broader dialogue with all parties, including the Tamil parties, the full implementation of the 13th Amendment to the Sri Lankan Constitution and to go beyond, so as to achieve a meaningful devolution of powers. We will remain engaged with them through this process.

I would also like to take this opportunity to mention that the Government continues to closely monitor incidents affecting the safety of our fishermen in the waters between India and Sri Lanka. We have reiterated to Sri Lanka the need to ensure strict compliance with the understanding on fishing arrangements reached between the two countries in October 2008.

As a close neighbour with whom our security and prosperity are inescapably intertwined, the Government attaches utmost importance to the future course of events in Sri Lanka and has an interest in ensuring that a lasting political settlement is reached.

Finally, I wish to inform the House of recent developments in Nepal. As hon. Members are aware, the peace process in Nepal after the Constituent Assembly elections last year has gone through many ups and downs.

Due to the nature of our relations and the open border, developments in Nepal have a direct impact on us. We are therefore concerned at the lack of progress on peace process issues and fraying of the political consensus that was critical to the peace process. The task of constitution making has also not progressed as per agreed schedule, and it remains to be seen whether it can be completed by the stipulated timeframe of April 2010.

There are also significant differences between political parties as to the structure of governance, issues like federalism, etc., which they need to resolve. The Army Integration Special Committee, with the mandate to supervise, integrate and rehabilitate the combatants of the Maoist Army, was constituted in January 2009 along with a Technical Committee. No tangible progress has been achieved by it on this issue too. Over 19,600 combatants of the People's Liberation Army (PLA) of the Maoists and over 4000 cadres disqualified by the UN Mission in Nepal (UNMIN), which include minors, continue to stay in cantonments with their upkeep paid for by the Government of Nepal and international donors.

Prime Minister Prachanda resigned on May 4, 2009, after a political crisis brought about by his insistence on removal of the Chief of Army Staff of Nepal Army in spite of opposition from major political parties, including the main coalition partner CPN-UML, and advice of the President.

Following his resignation, a new coalition Government has been formed under the leadership of Prime Minister Madhav Kumar Nepal of CPN-UML. The coalition Government is supported by 22 political parties and enjoys a majority in the 601-member Constituent Assembly, which also acts as Legislature-Parliament. On her part, India has provided full support to the ongoing peace process in Nepal, including material assistance to strengthen the civil security forces and law enforcement machinery, and support for elections to the Constituent Assembly. We hope that the new government would be able to move expeditiously on the tasks of constitution-making and conclusion of peace process on the basis of the widest possible consensus. We have conveyed our commitment to assist the Government and the people of Nepal in their endeavour of transition to multi-party democracy and conclusion of peace process, in any manner and to the extent Nepal would like us to.

The open border between India and Nepal offers opportunities as well as challenges. Recently, there were allegations in the Nepalese media of encroachments on the border by Sasrastra Seema Bal (SSB), which were found to be false. Strip maps covering about ninety six per cent of the India-Nepal boundary have been jointly finalized and initialled. We have also agreed to establish local level mechanisms across the borders to address issues related to border management. Closure of the breach in the embankment of the Kosi river that occurred in August 2008 in Nepal has been carried out. We are also carrying out additional anti-erosion and protection works. Our relations with Nepal are unique and will continue to be a matter of highest priority for India. We do not view our fraternal ties with Nepal through the prism of its relations with any other country. A peaceful, democratic Nepal is in the interest of the people of Nepal, of India and of our region. India will continue to support Nepal in its democratic transition and economic development in any manner and to the extent it would like us to.

Thank you.

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Sir, the statement of the hon. Minister in relation to our relationship with Pakistan notes—and I am referring to the Prime Minister's earlier statement – that the Prime Minister has also referred to our intention of meeting Pakistan more than half way, if its leaders have the courage, determination and statesmanship to take the high road to peace; these sentiments encapsulate our approach. The statement also further notes that we have been repeatedly and severely hit by a series of terrorist attacks emanating from Pakistan.

Sir, besides the statement, today we also have the statement of the President of Pakistan where he has very candidly admitted that those considered heroes prior to 9/11 are now being called terrorists. It is a candid admission of the fact that Pakistan, at least, today admits that prior to 9/11, terrorism as part of the State policy, where terrorists were regarded as local heroes, was the prevalent political thought as far as Pakistan is concerned. Thirdly, Sir, we also have our experience of 26/11 and the attitude of Pakistan in first not owning up that the attacks emanated from Pakistan, that trainings took place in Pakistan, that there was evidence of the entire conspiracy being planned in Pakistan and, at some stage, not even cooperating with the kind of evidence which is required for accomplishing a proper trial as far as the case is concerned. Then, Sir, we also have statements

which have been issued over the last few weeks with regard to Kashmir still being a core area of dispute as far as India and Pakistan are concerned. Now in view of this assessment that the Prime Minister has referred to and in view of all these developments, what is the assessment now of the Government of India with regard to, first – there is a *bona fide* confusion which exists – who is really in control of Pakistan? Is it the political establishment? Is it the non-State actors? Is it the ISI or is it the Army? Therefore, whose words is the Government of India going to take in the process of formulating its own assessment as to when this composite dialogue really can begin? It is worth noting that in a period of two months first in Russia and now in Sharam-ul-Sheikh next week you are having a Prime Ministerial level meeting with Pakistan on two occasions. Secondly, Sir, the country must know as to what is the assessment of the Government of India in view of all these developments? Whether time has come to resume this dialogue or are we still in the process of having our own doubts and suspicions because of these bona fide reasons and, therefore, are still in the process of making an assessment in this direction.

DR. (SHRIMATI) NAJMA A. HEPTULLA (Rajasthan) : Sir, ...(Interruptions)...

MR. DEPUTY CHAIRMAN: One person from each party. ...(Interruptions).. List is there. I am calling one by one. ...(Interruptions)...

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, I just want to bring to your notice that in a *suo motu* statement it does not confine to a political party. The tradition in this House has been that anybody who gives the name for a question can put a question. So, let us not confine ourselves to the party. In that case, they have no role to play in this House.

DR. V. MAITREYAN (Tamil Nadu): Mr. Deputy Chairman, Sir, the hon. External Affairs Minister has given a statement here. ...(Interruptions)... With reference to the situation in Sri Lanka he has said very many things covering the last couple of months. But I feel that he has not said very many things also in his statement. I will not come to that now. The plight of nearly more than 300,000 Eelam Tamils, who are refugees in their own homeland, is miserable. The concentration camps lack the basic amenities. Instead of high-level officials coming and meeting here and there, I urge the External Affairs Minister to visit these camps himself directly and see for himself the sufferings of our own umbilical cord relatives. The Sri Lankan Government is said to have given commitment to the Government of India to resettle the IDPs in 180 days. I have no doubt that this will be an empty and hollow commitment which will not materialise. The Sri Lankan Government is more interested in holding elections in the north in August with all the refugees in the camps with no basic amenities. The entire north being a ghost area, who is going to vote in those elections? The Government of India should insist on three essential requirements in that order, first, immediate resettlement and rehabilitation should be the first priority. The political peace process ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Please seek clarifications. ...(Interruptions)... Let me again remind that it is clarification time. ...(Interruptions)... Please not again make speech. ...(Interruptions)...

DR. V. MAITREYAN: The political peace process should be made public by the Sri Lankan Government. The Minister has mentioned about the assurance given by the Sri Lankan Government about the full implementation of the 13th Amendment. Does it mean the re-merger of north and east? The last priority should be elections. Resettlement is the first priority, political process to follow and then only comes the question of elections. Would the hon. Minister give clarifications on these aspects and particularly our request to urge the Minister to visit these camps directly by himself to see as to what is happening because the entire world has been prevented from going to those camps to see what is happening? We are only given second-hand information. I would urge the hon. External Affairs Minister to tell us whether he will be visiting those camps.

SHRI SITARAM YECHURY (West Bengal) : The first clarification I would like to have from the hon. Minister is that this statement is titled as 'Significant developments in our neighbourhood', and I think, there are significant developments are taking place in Bangladesh as well, which have a very serious bearing on us. I am only wondering why there is no mention of that or no appraisal given to the House. In this context, I would like to know from hon. Minister that there is a new controversy which seems to be erupting with Bangladesh on the proposed Dam at Tipaimukh in India, which sections in Bangladesh are contesting that since they are the lower-riparian State, they would be affected and the likelihood of floods or drought will be there depending on what we do with the dam here in India. So, has this issue been taken into account? Have there been any bilateral discussions with Bangladesh, or, are we going ahead unilaterally? What is the position on this? I will be grateful if this clarified.

Second thing is concerning Sri Lanka. In paras 10 and 11 hon. Minister has talked about the political process. I do not wish to repeat what my hon. colleague. Mr. Maitreyan, has said. But, he has talked of the political process, and in the political process, from what I recollect, India has always been taking the position that there should be maximum autonomy in the North and the East to the Tamil population within the framework of a united Sri Lanka. Now, that maximum autonomy, somehow, is missing. Have we shifted our position, or, are we now trying to say that we are talking in the terms of legitimate concerns, meeting their aspirations etc. All that is fine. But, on the issue of the level of autonomy, which has been the most contentious issue, I think, there should be greater clarity.

As regards Nepal, my clarification is with relation to para 17. We have taken a very categorical position always in the past that we do not interfere in the internal processes and developments of any of our neighbours. I agree with all other matters stated as far as the approach in the matter of relations with neighbouring countries is concerned. But, in para 17, we seem to ascribe a motive or we seem to ascribe a reasoning as to why a certain step was taken by the then Prime Minister. I think, these are matters we should leave to themselves. We can note that this has happened. One Government fell; another Government has come. But, I do not think, it is correct on our part because the issue is how the Nepal society is discussing relationship with the Army, whether it should be under civilian control or not. Now, that issue should not be brought about as a matter of discussion on our agenda. I think, we must be very careful on that.

Finally, Sir, as regards Pakistan, the Leader of the Opposition has raised many issues. I agree with him on most of them. But, there is the mention of the meeting between the Foreign Secretaries of India and Pakistan and that they will submit a report. On that basis, the Prime Minister of India will take up the matter with Mr. Gilani at Sharm-el-Sheikh. Now, has that process begun? Because, I do not think there is much time left before that meeting will take place. We all will be enriched if we are also informed about that process.

DR. (SHRIMATI) NAJMA A. HEPTULLA : Sir, I am very happy that the new External Affairs Minister brought this statement, but we would have been very happy if there was a full-fledged structured discussion on the developments in our region. The Leader of the Opposition, Mr. Arun Jaitley, has very aptly articulated the position regarding Pakistan. So, I will not refer to it, but I would only say one word that in the light of what the President of Pakistan has said very clearly and candidly, will our Prime Minister take up this matter in G-8 meeting with other leaders of G-8? Why should we wait till Sharm-el-Sheikh? And, now that the President of Pakistan himself has told the world what the role of Pakistan has been as far as terrorism is concerned, is there any need for Foreign Secretary's Report? What will be the relevance of Foreign Secretary's report, or to wait for it till next week?

The other thing that, he has mentioned in his statement, is the open border with Nepal. Sir, we are very happy with the fact that India is keeping good relations with Nepal, but as far as the open border is concerned, there have been lot of reports in the newspapers of this open border being used for smuggling. Now, not only smuggling from Nepal, but even Chinese goods are being dumped into our markets, and in this era of economic melt down, it can have a very serious impact on our local market. So, what is the reaction of the Government? Sir, another point, which I would like to mention to the Minister of External Affairs is that he forgot to mention another neighbour of us, that is, China *vis-a-vis* Arunachal Pradesh. If you remember, today in the Question Hour also, there were concerns raised by the Members of Parliament. They were not fully allowed to raise the matter. There were some Members from Arunachal Pradesh who wanted to express their feelings about the interference of China in Arunachal Pradesh, their open border, and, their coming over there. There is a report, and, our party has also made enquiries, as to how they are coming inside Arunachal Pradesh, which has an open border; and, their claim over our State. What is the stand of the Government of India in this respect?

श्री राजीव शुक्ल (महाराष्ट्र) : उपसभापति जी, मैं विदेश मंत्री जी को इस बात के लिए धन्यवाद देना चाहता हूँ कि 14 जुलाई से जो विदेश सचिव स्तर की बातचीत शुरू होने जा रही है, उसके पहले उन्होंने सदन को विश्वास में लिया और भारत के पड़ोसी देशों से जो रिश्ते हैं और खास तौर से पाकिस्तान के साथ रिश्तों पर वक्तव्य दिया। एक जो महत्वपूर्ण बात है, जिसे कि नेता विपक्ष, श्री अरुण जेटली जी ने भी उठाया और नजमा जी ने भी कहा कि जब पाकिस्तान के राष्ट्रपति श्री जरदारी ने खुलेआम यह बात कबूली है कि हमारे लोग या हम लोगों ने रणनीति के लिहाज से, strategic point of view से terrorism को बढ़ावा दिया और terrorists create किए, तो कौन से

evidence की जरूरत है। आपको याद होगा कि मुशर्रफ़ साहब जब पिछली बार दिल्ली यात्रा में आए थे, किसी पत्रिका के उसमें, उसमें भी उन्होंने कबूला था कि हम यह बात कहते हैं कि हमारी तरफ से गलतियाँ हुई हैं, हमने ऐसे काम किए हैं और आपने भी किए होंगे। तो दो confession, एक former President का और एक इस समय जो present incumbent हैं, उनका statement है, इसके बाद कौन से evidence की इनको जरूरत है। तो Foreign Secretary level की जब बातचीत होगी तो उसमें इन बातों का जिक्र जरूर होना चाहिए और दूसरी चीज यह, जो नेता विपक्ष ने कही कि उनके हाथ में, पाकिस्तान की सरकार के हाथ में सचमुच कोई कंट्रोल है या नहीं। तो जो ग्रुप इंडिया में terrorism फैलाते हैं, जैसे जमात-उद-दावा, उनके जो चीफ हैं, ऐसे लोगों का कंट्रोल पूरी तरह से पाकिस्तान की सरकार के हाथ में है और वहां की पुलिस और सिक्युरिटी एजेंसीज के हाथ में है, उनको किन बेसिज पर जमानत, लगातार उनको ज्यूडिशियल रिलीफ मिल रही है? तो इन सारी बातों को वे Foreign Secretary level talks में लेंगे या नहीं लेंगे, यह मैं मंत्री जी से जानना चाहता हूँ।

SHRI D. RAJA (Tamil Nadu): Sir, even though the statement is on 'Significant Developments in our Neighbourhood', there is no mention of Burma, many things are happening there, or, Bangladesh, as pointed out by other colleagues. Due to time-constraint, I will confine myself to Sri Lanka only. I would like to put a few clarifications.

On page 2, para 6 talks about resettlement of IDPs. The Government claims that they had studied the resettlement and rehabilitation issue in great detail. Sir, there are reports that the present Tamil names are being changed and Sinhalese people are taken there and settled there in order to change the demographic composition of that area. May I know whether this issue was discussed during the talks with the high-level delegation of Sri Lanka? It is a very serious issue. Sir, I come to page 3, para 10, the issue which Comrade Sitaram has also raised - - of integrated part of north and east, where the Tamil people used to have their traditional homeland. May I know whether during the talks it was discussed that they would have the integrated north and east? Reference to article 13 is there but what is the present Sri Lankan Government thinking to have north and east together with more autonomy, more powers because that is the core of the political settlement of Tamils there. Whether the talks were held on that point or not we are not very sure about that. If you go by the reports which are coming from Sri Lanka, I do not think they are interested in having such a political process or political solution. As referred to by my previous colleague, they have two separate elections for two different regions. These are all complicated things. Did the Government take up this issue with Sri Lanka?

Finally, Sir, paragraph 12 talks about strict compliance with the understanding on fishing arrangements. What do you mean by strict compliance by Sri Lanka? The understanding of Sri Lanka is that the Indian fishermen have no right to fish around Katchatheevu. That is the real issue. The Government of India, I understand, has accepted the position of the Sri Lankan Government.

MR. DEPUTY CHAIRMAN: Please be brief.

SHRI D. RAJA: Yes, Sir. The access to Katchatheevu is not understood from the point of covering the right to fishing by the Indian fishermen. If that is so, how are you going to protect the

rights of Indian fishermen? There comes the question of the Katchatheevu Agreement. It needs to be renegotiated. I want to know whether the Government is contemplating to reopen the Katchatheevu Agreement for renegotiation.

MR. DEPUTY CHAIRMAN: Dr. E.M. Sudarsana Natchiappan, please be brief.

DR. E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): I would straightaway seek clarification. On Pakistan, its one-third portion alone is in the democratic set up. Rest of the portion is in the hands of terrorists. India can take up the issue of strengthening democracy in Pakistan, so that by staying united, we can eradicate terrorism by eradicating Taliban. We cannot go on telling that Pakistan is our enemy. Yesterday's statement of President Zardari was very clear that it needed India's help.

On Sri Lankan issue, it is not rehabilitating them in any camp. They have to be rehabilitated in the same place where they were living before they were asked to go out. Therefore, they should be allowed to go to the same house. They should be rehabilitated from where they have been uprooted.

Secondly, our Department of Culture should see that our culture in Tamil Nadu was part of Sri Lanka during the period of Pandyas and Cholas. We were having a very strong cultural bond. All is vanished now.

MR. DEPUTY CHAIRMAN: This is not a clarification.

DR. E.M. SUDARSANA NATCHIAPPAN: Sir, I am just suggesting that they have to be brought back to the status which was prevailing before the terrorists's movement.

Finally, another country, which was left out, is the Maldives. Many Tamilians were killed there. The International Covenant on Torture is not there. Therefore, people were killed there. There is no relief for the poor people who are going to the Maldives from India. That also needs to be clarified.

MR. DEPUTY CHAIRMAN: Mr. Tiruchi Siva, please be brief.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I appreciate the Government for having earmarked Rs. five crore for the relief and rehabilitation of the Tamilian people in Sri Lanka and its willingness to do more. But I would like to urge the Government to monitor whether it goes to the displaced Tamil civilians. Not stopping with that, I insist the Government to prevail upon the Sri Lankan Government for devolution of powers to the Tamilians which is the most needed thing and which has resulted in unnecessary events in the past. The Katchatheevu Agreement. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The whole House wants to participate. This is difficult.

SHRI TIRUCHI SIVA: Its articles 5 and 6 clearly say that vessels of Sri Lanka and India can enjoy rights in their respective waters. And so also, Indian fishermen have got rights for fishing.....

MR. DEPUTY CHAIRMAN: This can't go on.

SHRI TIRUCHI SIVA: Sir, I am concluding. Sir, again, the agony and misery which the fishermen are undergoing is well-known to each and every one. I would like to know from the hon. Minister: Would our Government say in clear terms to Sri Lanka to recognise and restore the rights and privileges of our fishermen to carry on their normal occupation of fishing?

MR. DEPUTY CHAIRMAN: Mr. Rangarajan. Please be brief. Only put the clarification. I would not allow any other thing.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, in para 13 on page 3, it is said, "I would also like to take this opportunity to mention that the Government continues to closely monitor incidents affecting the safety of our fishermen....." What is the use of monitoring? Daily something is happening. The Government should positively intervene. It knows our fishermen's problem and it should try to help our fishermen through talks with the Sri Lankan Government. There are some types of fishes which they don't use. They become very important for our fishermen. Why don't you try to help our fishermen?

प्रो. राम गोपाल यादव (उत्तर प्रदेश) : श्रीमन् श्रीलंका में कई बार हमारी टीम गई है। मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि जिस बात को लेकर तमिल मूल के लोगों के साथ discrimination हुआ, क्या उस संबंध में उनको सिंहली के बराबर अधिकार देने के बारे में कोई बात हुई है या इस लाइन पर बात करने का कोई इरादा है?

श्रीमन्, बिल्कुल इसी तरह से नेपाल में इंडियन मूल के जो लोग हैं, जिनको मधेशी कहते हैं, उनके साथ भी वही स्थिति होने जा रही है और हो भी रही है, जो तमिल मूल के लोगों के साथ श्रीलंका में हो रही थी। क्या गवर्नमेंट को इस बात की जानकारी है और क्या भारतीय सरकार इस संबंध में नेपाल की सरकार से कोई बात करेगी कि वे लोगों की रक्षा करें?

DR. K. MALAISAMY (Tamil Nadu): Sir, I have got a special thanks to the Chair.

MR. DEPUTY CHAIRMAN: Don't thank me. Just make your point.

DR. K. MALAISAMY: Sir, I am confining myself to Sri Lankan problem only. Sir, I will take a minute. My first point is that it has been said about the death of Mr. Prabhakaran. Most of the leaders in Tamil Nadu don't believe that he has been killed. On the other hand, you should have some basis. I would like to know: On what basis the Government of India has come to the conclusion that he is dead? Secondly, Sir, I hail from the area. I have got special qualification to speak on that. I come from Ramnathapuram Rameswaram. So, Sir, I have got a special qualification to speak on that. That's the point. Sir, I will take one minute. Sir, it has been said in the statement that the Government of India is very serious about the rehabilitation of the Sri Lankan Tamils. I am inclined to know as to whether they have got the same interest to rehabilitate the Sri Lankan Tamils who are living in refugee camps. Sir, the popular impression is that the Government of India is slow and slack in doing this. Lastly, Sir, about the fishermen.

MR. DEPUTY CHAIRMAN: You had said that you will conclude in one minute.

DR. K. MALAISAMY: Unless Katchatheevu problem is solved, fishermen problem will never end. I have got a strong case, I will speak later because you are not giving me time.

MR. DEPUTY CHAIRMAN: There are a number of occasions. Shri Bharatkumar Raut.

SHRI BHARATKUMAR RAUT (Maharashtra): Sir, I really thank and congratulate the hon. Minister of External Affairs for his comprehensive statement. My only question to him is that please make the Government's position clear on what does the Government think about the hanging of Sarabjit who is in Pakistan and whose mercy petition is pending with the President of Pakistan. Are you going to intervene and use your good office to save him? That is how we can really develop our relations with Pakistan.

SHRI JESUDASU SEELAM (Andhra Pradesh): Sir, it is our experience that involvement of Parliamentarian's forums in India and Pakistan has yielded some positive results by visits of high level dignitaries. Is there any proposal before the Government to involve the people's representatives to ease out the tension in the neighbouring countries?

MR. DEPUTY CHAIRMAN: This forum is made by the Parliament and not by the External Affairs Minister.

SHRI JESUDASU SEELAM: Sir, they can structurally involve the Members of Parliament.

SHRI S.M. KRISHNA: Sir, I thank all the hon. Members who have provided me useful inputs into my understanding of further understanding in greater depth about the situation in the three countries to which I referred to. We will have to keep in mind that these are all three sovereign countries, independent countries with whom we have special relationships, and as a result of that, we sometimes take liberty to suggest to them that what would be the better course of option to them. But India does respect the autonomy of all these nations. We respect their views and we do not intend even remotely to interfere in their internal affairs which have been talked about in this discussion. A number of issues have been raised.

As regards Pakistan, I think, we have some kind of a confession from the highest authority in Pakistan. To that extent, India stands vindicated in the eye of the world. All through, India has maintained that Pakistani soil is being used to attack India repeatedly and we have brought to the notice of the Pakistan Government and we have tried to reason it out with them that they should not allow their territory to be used by terrorists or other forces to attack India, and today, the President of Pakistan has spoken about it and I am glad, and I hope at least, hereafter, Pakistan will make a determined bid to curb terrorism. Terrorism cannot be fought selectively. It has to be fought across the board. Today, the very forces which are encouraging terrorist activities against India might ultimately become the victim of those very forces which are aiming at us. So, this is some kind of a

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subtle caution that I would like to leave with our friends across the border in Pakistani entirely agree with the Leader of the Opposition that grudgingly, Pakistan has accepted today that terrorist attacks were unleashed against India from their soil, and I would not say that it was State-sponsored or State-engineered, but the fact remains that the attacks had emanated from the side of the terrorist elements, and that is the reason why we have been repeatedly impressing on Pakistan that the terror infrastructure which has been created in Pakistan, has to be dismantled. If peace has to be won in this region, if the region has to find peace, development and prosperity, I think, this terror infrastructure has to be dismantled so that all of us can live in peace with each other. My esteemed friend, Mr. Sitaram Yechury, asked me that I was passing a value judgment on Nepal. No.

I respect your views; I do not wish to pass a value judgment on why Prime Minister Prachanda had to resign, I was only recounting the facts as they emerged and, in that process, perhaps, that impression was gained by this House. I, certainly, would like to make this amendment.

My friend, Mr. Maitreya, asked me about the camps, and he suggested that I myself go to the camps in Sri Lanka.

DR. V. MAITREYAN: Visit the camps! ...*(Interruptions)*...

SHRI S.M. KRISHNA: Our High Commissioner, in Sri Lanka, has visited some of the camps, and he has given us his impressions of what he saw. So, based on that, the Government of India will be guided in its further deliberations. With Sri Lanka, we have been in continuous dialogue. Recently, a high-powered Delegation came and met me, and met the other leaders also, including the Home Minister and others. And they gave certain assurances with reference to the Tamil minorities. And we are very particular that the 13th Amendment, which means devolution of powers, is an article of faith with us, and they also say that they fully subscribe not only to the 13th Amendment but beyond 13th plus, you know. So, in our relationship between two countries, we will have to trust them and we hope that they will act in the days to come.

DR. K. KESHAVA RAO (Andhra Pradesh) : Sir, Mr. Yechury asked that question. I did not ask that question. Mr. Yechury raised a question about the autonomy of the Council, Sir. ...*(Interruptions)*... He has already answered about Sri Lanka. ...*(Interruptions)*...

SHRI S.M. KRISHNA: Yes, Mr. Yechury also pointed out about what next in Pakistan. Well, the Prime Minister and the President have met and they have given a mandate to their Foreign Secretaries, and the Foreign Secretaries are going to meet, perhaps, at a convenient date, which is to be fixed by them. When once the Foreign Secretaries meet and they come out with their assessment of the situation then, perhaps, the Prime Minister will be able to carry it forward at their next meeting whenever it is held.

SHRI SITARAM YECHURY : When did the Foreign Secretaries' meeting take place?

SHRI S.M. KRISHNA: So far, it has not taken place because, I think, everybody is busy with some conference or the other. But I am hoping that before or around the time when we meet in

Sharm-el-Sheikh, I think, the Foreign Secretaries would have been able to exchange their views and they would be able to provide their reports to the respective Prime Ministers, you know.

As regards fishermen – I think, Mr. Raja, hon. Member, mentioned about the fishermen, and others also have mentioned about the fishermen – we are committed to the welfare and safety of our fishermen as it has always received high priority with the Government of India. The Government has always taken up matters relating to their safety with Sri Lanka, including at the highest levels. We also have come to an understanding with them in October, 2008. That has had a salutary impact. There are certain violations on either side. Sometimes, the Sri Lankan fishermen come over to our side and sometimes, our fishermen cross over to their side. This overlapping is bound to be there. When they are arrested. ...*(Interruptions)*...

SHRI D. RAJA: What is “that side”? Is it Kachatheevu or beyond that? This is exactly the issue. ...*(Interruptions)*...

SHRI S. M. KRISHNA: We, the Government of India, have already taken a position on Kachatheevu. ...*(Interruptions)*...

DR. V. MAITREYAN: We want that to be renegotiated. ...*(Interruptions)*...

SHRI S. M. KRISHNA: So, Kachatheevu belongs to Sri Lanka. That is the position, as far as Government of India is concerned. ...*(Interruptions)*...

DR. V. MAITREYAN: That is what we want to renegotiate. ...*(Interruptions)*... It has not got the approval of the Parliament. ...*(Interruptions)*...

SHRI D. RAJA: We have got your points, Sir. Sri Lanka claims Kachatheevu is their part and we have conceded that, Sir Lanka says that Indian fishermen have no right to go near Kachatheevu Island and fish. That is their position. But the promise given to the Tamil Nadu fishermen or the Indian fishermen was that they would enjoy the traditional rights including fishing.

That is what we are trying to understand.

SHRI TIRUCHI SIVA: Indian fishermen are not allowed to fish five nautical miles which was already agreed upon. ...*(Interruptions)*...

DR. K. MALAISAMY: The real problem is that if at all the fishermen want to fish, they have to go near Kachatheevu, and in and around Kachatheevu is the potential area where they can get fish. So, whether you like it or not, if they want to earn their livelihood, they have to necessarily go near there. That is the point.

DR. E. M. SUDARSANA NATCHIAPPAN: Kachatheevu was part of Ramanathapuram district. It was conceded only for diplomacy. We should not allow it to be occupied by the Sri Lankans.

SHRI S. M. KRISHNA: If the fishermen of Tamil Nadu would like to fish, then, naturally, we have to come to some understanding with Sri Lanka.

SHRI T. K. RANGARAJAN: That is what we want.

SHRI S. M. KRISHNA: That is exactly what we are trying to arrive at. Even though the position with regard to Kachatheevu is what I have already stated, we have also an assurance from the Sri Lankan Government that they will not build in Kachatheevu any military installations or any such thing. I am sure that, as far as fishermen's right to fish in that area is concerned, we can certainly work out an understanding with the Sri Lankan Government and the Government of India will certainly look into that.

Dr. (Shrimati) Najma Heptulla drew my attention to the unlawful activities across the border. Well, wherever there are open borders such unlawful activities are a natural phenomenon. So, we will have to continuously keep a vigil on the unlawful activities and those who carry on such unlawful activities should be brought to book. It has to be done.

Sir, by and large, I think, I have given the clarifications sought by the hon. Members. Thank you.

MR. DEPUTY CHAIRMAN: The House stands adjourned to meet at 11.00 A.M. tomorrow.

The House then adjourned at eight minutes past seven of the
clock till eleven of the clock on Friday, 10th July, 2009.