

SHRI NIREN GHOSH: We are in the majority. They are in a minority. . .

MR. CHAIRMAN: Please sit down. Let us go through the Question Hour.

SHRI NIREN GHOSH: I would humbly submit to you to direct the Home Minister to make a statement.

MR. CHAIRMAN: I will not listen to you. During Question Hour you cannot raise it.

SHRI NIREN GHOSH: It is too serious a thing.

MR. CHAIRMAN: I cannot interrupt the Question Hour—may be serious or not.

SHRI NIREN GHOSH: I will ask you whether you will direct the Home Minister to make a statement. That is the only point.

MR. CHAIRMAN: I would not interrupt the Question Hour. Please sit down.

SHRI NIREN GHOSH: I cannot accept this position. In protest, I walk out.

(At this stage Shri Niren Ghosh left the Chamber).

ORAL ANSWERS TO QUESTIONS

United Nations Conference on the Law of Sea

♦239. SHRI J. S. TILAK:

SHRI GURMUKH SINGH MUSA-FIR[†] DR. Z. A. AHMAD: SHRI A. G. KULKARNI: SHRI KALI MUKHERJEE: SHRI KRISHAN KANT: SHRI V. B. RAJU: SHRI CHANDRA SHEKHAR:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) what subjects were discussed at the first session of the Third United Nations

[†]The question was actually asked on the floor of the House by Shri Gurmikh Singh Musafir,

Conference on the Law of Sea held in New York from 3rd to 14th December, 1973;

(b) what decisions were taken thereat; and

(c) whether Government of India have formulated some approach to the forthcoming session of the Conference to be held in Caracas (Venezuela) in June 1974?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) to (c) A statement is laid on the Table of the House.

Statement

The first session of the Third United Nations Conference on the Law of the Sea was held in New York from December 3 to 15, 1973 and dealt with matters relating to the organisation of the Conference, including the constitution of committees, election of officers and adoption of the rules of procedure. No substantive questions were discussed during the session.

The following decisions were taken at the first session of the Conference:

(i) Committees.—The Conference will be organised into three main Committees of the whole. Committee I will deal with the international regime for the seabed including an international machinery for the exploitation of the seabed resources. Committee II will deal with the subjects relating to the law of the sea, including those concerning the regime of territorial waters, the continental shelf, fisheries, navigation through international straits, archipelagos etc. Committee III will deal with the preservation of the marine environment and scientific research.

In addition, a General Committee composed of 48 members, a Credentials Committee composed of 9 members and a Drafting Committee composed of 23 members were established.

(ii) Officers.—H.E. Hamilton Shirley Amersinghe, Permanent Representative of Sri Lanka to the United Nations, was elected President of the Conference. The Conference also elected other members of the bureau, including 31 Vice-Presidents, Chairmen of Main Committees, Rapporteurs and members of other Committees. India was elected member of the Drafting Committee.

(iii) Rules of Procedure.—The Conference was not able to adopt its rules of procedure. A number of proposals were made and it was decided to consider them during the first week of the second session of the Conference which will be held at Caracas (Venezuela) from June 20 to August 29, 1974.

The preparatory work for the forthcoming Conference has been done in the U.N. Seabed Committee from 1971 to 1973. India took active part in the deliberations of the U.N. Seabed Committee. The approach to the forthcoming Conference is now under consideration of the Government of India and the Indian delegation to the Conference will be suitably briefed.

SHRI SURENDRA PAL SINGH: Yes, Sir.

श्री गुरुमुख सिंह मुसाफिर : स्टेटमेंट में काफी दिया हुआ है लेकिन मैं जानना चाहता हूँ कि जो तीन मेन कमेटीज बनाने का है उन कमेटीज का कुछ ढाँचा बन गया है।

The Conference has been divided into three Committees. Committee No. 1 will deal with the international regime for the seabed including an international machinery for the exploitation of the sea bed resources. Committee No. 2 will deal with the subjects relating to the Law of the Sea including those concerning the regime of territorial waters, continental shelf, fisheries, navigation through international straits, archipelagos, etc. Committee No. 3 will deal with the preservation of the marine environment and scientific research.

श्री गुरुमुख सिंह मुसाफिर : मैं जानना चाहता हूँ कि क्या 20 जून से अगस्त 29, 1974 तक होने वाली कांग्रेस में जो इंडियन डेलिगेशन जाएगा वह मुटेवली वीफूड होगा ?

SHRI SURENDRA PAL SINGH: Sir, the delegation has not yet been finalised nor has it been briefed so far. This matter is being discussed by an Inter-Ministerial Committee at the Secretaries' level and they have not yet formulated our stand and our position on these issues.

MR. CHAIRMAN: Yes, Mr. Kulkarni.

SHRI A. G. KULKARNI: Sir, is it not a fact that when the first meeting took place and when the discussions were held to form some Committees, some nations, particularly the developed nations, objected to the seabed being exploited by all the nations together or under the auspices of the UN and, if so, what are the names of those countries which objected to this or, if not, will the honourable Minister assure us that the interests of this country and also the developing countries in sharing the common heritage in the seabed will be protected by the Government?

SHRI SURENDRA PAL SINGH: Sir, the first Conference which took place in New York in December dealt with only some matters relating to the organisation of the conference, constitution of the committees, election of officers and adoption of rules of procedure and so on and it did not discuss any substantive matter as such. But, Sir, it is true that the desire to hold the conference has been motivated by the fact that there is a lurking fear in the minds of many developing and poorer countries that perhaps there is increasing activity on the part of the developed countries to exploit the sea resources and those countries feel that this exploitation should be done on a rational and equitable basis and that is why this conference has been called by the U.N.

SHRI A. G. KULKARNI: Will you at least assure that our countries' interests will be protected?

SHRI SURENDRA PAL SINGH: We will do our best to protect our country's interests, not only our country's interests, but also the interests of the other developing countries.

SHRI KRISHAN KANT: Sir, may I know from the Government what their

approach is regarding the question of economic zone of India and other countries? Sir, we have recently struck oil in the continental shelf here and the Sagar Samrat is operating there now. In this context, will the Government also, like Canada and Argentina who want the economic zone to be 200 miles, take the stand that our economic zone should be 200 miles alongside the sea border? I ask this because if this is not there, then the other countries are bound to interfere with our economic development. I would like to know what steps have been taken up till now to propagate this view in co-ordination with Canada and Argentina and some other South American countries. Sir, about the rules of procedure, it has been mentioned in the statement that it has not been possible to adopt them. I would like to know what difficulties there are in adopting them. Is it a fact that the big powers are trying to frame the rules in such a manner that they alone can have jurisdiction over this and not the developing countries? what modus operandi are you thinking of so that not only the developed countries but also the developing countries which cannot invest much money, also get the benefits from the exploitation of the common heritage of the seabed resources?

SHRI SURENDRA PAL SINGH: Sir, all these very important points which the honourable Member has raised are still being discussed by the Committees which I referred to earlier. Sir, there are two schools of thought at the present moment in the international community: There is one group of countries which thinks that the outer limit of the economic zone over which they would have jurisdiction should be extended up to 200 miles.

There are other countries who feel that they should retain the title to the entire shelf, irrespective of whether it is 200 miles or beyond that. This is a matter which shall be taken up in the coming conference. I cannot say what exactly will be the outcome. But as far as we are concerned, we have not yet made up our mind as to what our stand should be. As regards the question of 'Sagar Samrat' the criterion under

existing law for determining the limit is depth, and not the distance.

MR. CHAIRMAN: He also asked what are the reasons for. . .

SHRI SURENDRA PAL SINGH: I am not aware what difficulties were faced by the first conference. But this will be taken up again when the conference takes place in Caracas.

SHRI V. B. RAJU: Sir, it has been reported that India has suggested in the U.N. Seabed Committee that the territorial sea limit should be up to 12 miles, i.e. 19 kilometres, and the distance criterion should be 200 miles for the exclusive economic zone. Is it a fact that India took this stand? If so, what is the support that India got from other coastal countries?

SHRI SURENDRA PAL SINGH: Sir, India is in favour of extending the limit of our economic zone up to 200 miles. But nothing definite has been decided about that. It is still an open question. It is now being decided by an inter-ministerial committee. But I cannot exactly say what will be the actual form . .

SHRI V. B. RAJU: What is the support that this suggestion gets from other coastal countries?

SHRI SURENDRA PAL SINGH: As I said earlier, there are some countries who support this; there are others who oppose it.

SHRIMATI LEELA DAMODARA MENON: Has any decision been taken in the Lusaka Conference, and does it have any bearing on the Indian Ocean?

SHRI SURENDRA PAL SINGH: The Lusaka Conference merely stated that the Indian Ocean should be an area of peace.

SHRI N. G. GORAY: In view of the fact that sea beds are becoming more and more valuable, because it is there that people expect that oil will be found, I would like to ask a very concrete question. We are drilling for oil on the Bombay High and it is about one hundred miles from our sea-coast. Supposing any other country also starts digging there, will it be possible for India to prevent that?

SARDAR SWARAN SINGH: I would appeal to the hon. Members to keep in mind that the question of the Law of the Sea is a very complicated matter, and it is the general expectation in the U.N. circles that 1970s' are going to be a decade of sea-bed, when complicated questions relating to the utilization of the economic wealth, territorial limits, continental shelf and other questions will be discussed. There appear to be a general, strong support for exclusive economic zones extending up to 200 miles. This is the general consensus, although substantively this matter has not yet been discussed. So, I would say that according to the general expectation, 200 miles is likely to be the minimum, exclusive economic zone which will be available for exploitation by coastal countries—200 miles deep into the sea. So based on that consensus. I would say with confidence that we have got the exclusive right to drill on the Bombay High and, in fact, another 100 miles deep into the sea. The type of question which has been rightly mentioned by the hon. Member is very much before us. And I have no doubt that no other country has got the right to come and drill within 200 miles of our coast. Though there is no protocol in this regard, but this is the general consensus. . .

SHRI N. G. GORAY: Supposing any other country comes in that area, will it be considered as an encroachment?

SARDAR SWARAN SINGH: No other country can come, everybody knows, within an area of 200 miles; nor near the Sagar Samrat under the existing international law.

श्री श्रीम प्रकाश त्यागी : अध्यक्ष महोदय, जो यह समुद्र सम्बन्धी कानून बन रहा है उस सम्बन्ध में मैं यह जानना चाहता हूँ कि समुद्र के तल में जो मिनरल पदार्थ हैं उनका लाभ उठाने का अधिकार उन्हीं देशों को है जो समुद्र के तट पर स्थित हैं या समुद्र के गर्भ में जितनी भी सम्पत्ति छिपी हुई है उसका लाभ उठाने का अधिकार संसार के सभी देशों को है, चाहे वे समुद्र के तट पर स्थित हों या समुद्र के तट से बाहर हों ? इसमें क्या स्थिति है संसार के देशों की ?

SARDAR SWARAN SINGH: I thought I was replying to this when I answered the last question. The coastal countries, will, according to the general consensus, be entitled to exploit up to 200 miles into the sea exclusively. This means that other countries will be excluded. This is about exploitation of seabed.

श्री श्रीम प्रकाश त्यागी : अध्यक्ष महोदय, इन्होंने बताया कि 200 मील तक समुद्र के किनारे पर स्थित देशों का अधिकार होगा लेकिन 200 मील से बाहर समुद्र के गर्भ से जो सम्पत्ति निकलेगी उस पर किसका अधिकार होगा ?

MR. CHAIRMAN: He is asking about the position beyond 200 miles.

SARDAR SWARAN SINGH: It is an important matter and this will also be one of the important subjects to be discussed in the Conference of Sea-beds.

युद्धों के दौरान मारे गये सैनिक

* 240. श्री जगदीश प्रसाद माथुर† :

सरदार कुमार सं० चं० आंध्रे :

श्री सुब्रह्मण्यन् स्वामी :

क्या रक्षा मंत्री 15 मार्च, 1974 को राज्य सभा में तारांकित प्रश्न संख्या 469 के दिये गये उत्तर को देखेंगे और यह बताने की कृपा करेंगे कि :

(क) 1962 के भारत-चीन संघर्ष और 1965 और 1971 के भारत और पाकिस्तान के बीच हुए युद्धों में जो सैनिक मारे गये या अपंग हुए उनके आश्रितों से रोजगार और पुनर्वास के लिये कितने आवेदन प्राप्त हुए हैं ;

(ख) अब तक कितने मामलों को निपटाया जा चुका है ;

(ग) ऐसे कितने आवेदन हैं जो अभी भी सरकार के विचाराधीन हैं ; और

(घ) उनके कब तक निपटाये जाने की संभावना है ?

†The question was actually asked on the floor of the House by Shri Jagdish Prasad Mathur.