

[13 May, 2005]

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time, they had to sell at a lesser price. So, they had bigger loss. So, this was exactly what the Spices Board was attempting to do, that is, to tell the farmers that international prices are going down. Sir, today, Kerala is the largest producer, Kerala is one of the most enlightened States. They all have access to everything on the Net. World prices, the movement of world prices, what is happening all over the world, what is the demand of the world, etc. all this is available on the net. And, I am sure, farmers are now alive to this situation of increased production and falling prices. The Government has taken some steps for enlightening farmers, for advising farmers, and which the Government of India will continue to do, I will be happy if there is any specific suggestion ...*(Interruptions)*..

SHRI A. VIJAYARAGHAVAN: Call a meeting ...*(Interruptions)*..

SHRI KAMAL NATH: Sir, I will be very happy to take a meeting myself, as per the hon. Members' convenience. We can have a meeting, whoever likes to participate, can come. We will also call some of the growers' representatives. I request the hon. Members, who would like to participate in this, to submit a mutually-settled date, and very shortly, we can have a meeting on this.

उपसभाध्यक्ष (श्री मती सरला माहेश्वरी) : धन्यवाद मंत्री जी। मैं समझती हूँ कि माननीय मंत्री जी के उत्तर के बाद हमारे सभी माननीय सदस्य संतुष्ट होंगे। मैं उनका धन्यवाद करती हूँ, और अब हम The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005, बिल लेते हैं। Shri Natwar Singhji to move a Motion for consideration of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005. Shri Natwar Singhji.

GOVERNMENT BILL

The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005

THE MINISTER OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH):
Madam, I beg to move:

"That the Bill to prohibit unlawful activities, in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

The question was proposed.

SHRI A. VIJAYARAGHAVAN (Kerala): Madam, the hon. Minister has moved a very important Bill related to the internal security of our country. The Weapons of Mass Destruction and their Delivery System (Prohibition of Unlawful Activities) Bill, 2005, is very important, in relation to the future security, ar. J at a time when there are threats from the terrorist organisations against the interests of this country. Moreover, India has achieved a very important place, as a nation, which has the technology relating to nuclear weapons. Also, there is a UN Resolution that the member countries will have to pass such a Bill. So, naturally, Madam, such a Bill is inevitable. The Government has to come with such a piece of enactment. While, we are discussing about the situation, we must have to be aware of the capacity and also the strength of such arms, especially, the nuclear weapons. Just a couple of modest 15-20 kilo ton weapons, dropped on Lahore and Karachi or New Delhi and Mumbai would kill half-a-million people. That means, nowadays, that much dangerous weapons are there in the arsenals of different countries. We in the sub-continent, India and Pakistan, have some nuclear weapons, but as regards the Western countries like America, they have thousands of nuclear weapons in their arsenal. So, naturally, there is scope for the use of these kinds of weapons by the extremist organizations. Not only is there a threat from weapons such as chemical weapons, biological weapons, or nuclear weapons, even trafficking in small arms and light weapons poses a danger to the safety of this country. Most insurgencies in the world are fuelled by small arms, which are a lucrative source of profit for the producers and traders of weapons. From small arms to nuclear, biological and chemical weapons, there is a danger to the safety and security of the different nations of the world and to humanity. We have to look at this issue from a humanitarian angle. No country should support any kind of terrorism. Unfortunately, some countries are supporting the activities of terrorists. I have records with me.

Madam, countries like USA have been promoting terrorist activities in different countries. There is a big list. There was the use of nuclear weapons on the civilian populations of Hiroshima and Nagasaki where the death toll was about two lakhs; destruction of every building in North Korea during 1950-53, where the death toll, including both North Korea and South Korea, was about nine lakhs; the massacre in Indonesia in 1865; the war unleashed against Vietnam from 1960 to 1975; the third oil was in 1990; the effect of

sanctions against Iraq and the sanctions against Cuba. There were umpteen number of activities by terrorists backed by the US and millions of people died whether it be in East Timor, whether it be the activities of US against Che Guevara, or the latest one against Hugo Chavez, or the NATO War against Yugoslavia; there were many.

Madam, if you look at the experiences of our country, it is the same situation here. Even countries like US are promoting terrorism. If we go into the history of September 9/11 incident, we have a bitter experience. The entire world condemned the incident. But, Madam, we must be aware as to who promoted terrorist organizations like Al Qaeda. Who trained terrorists like Osama bin Laden? We must be cautious. Even the so-called protectionist countries, which are exhibiting to be protective of other countries, to be promoting peace, which are trying to 'protect' democracy, which are providing 'protection' against terrorism, are supporting and abetting all kinds of terrorist activities throughout the world. Therefore, while discussing this question in this August House, while passing such a piece of legislation, I would like to request the hon. Minister for External Affairs that we should not create an impression that this Bill has been introduced only because of some pressure from outside, because of US pressure. That impression should not be created. We are a nuclear country. We are a democracy.

We have a great history of parliamentary democracy and this country was a promoter of the Non-Aligned Movement. You were a champion of the Non-Aligned Movement yourself. Therefore, that impression should not go. This country must get an assurance from the Government that we would take our own independent stand on external affairs. We would take our own stand and we would not be compelled by any kind of pressure from other governments, and no external pressure would prevail on our policy on external affairs.

Madam, with regard to the technical aspects of this Bill, I have only one or two suggestions. Madam, these things are of highly technical nature. While we are discussing about this problem, we have a thing about the proper enactment and emphasis. While we are discussing this kind of an issue, there is an urgent need of synergy between scientists and the law enforcement agencies. I don't know whether the Bill has given sufficient emphasis in this regard. Unfortunately, I had gone through the Bill but I

didn't see that part; it is missing in the Bill. For the proper implementation of such an important Bill, this synergy between scientists and enforcement agencies should be there. During the past few decades, we have the experience of several happenings which took place in the nuclear installations all over the world. So many issues have been leaking and some such incidents took place. But all these have been passed on as accidents. That is what is happening. So, this should not be held. Utmost care should be given so far as this is concerned. Moreover, severest possible access control and foolproof background check should be there for those people who have legitimate access to such material. These two aspects — one, synergy between scientists and the law enforcement agencies and second, severest possible access control and foolproof background check of those who have legitimate access to such material - have to be given utmost care while we are discussing about this kind of Bill which is a very important issue. We have to consider these aspects while passing such a Bill. Moreover, Madam, there are two issues with regard to clauses. Firstly, Clause 15(2) says that any person who, with intent to aid any non-State actor or terrorist, attempts to contravene or abets, or does any act preparatory to contravention of sub-section (I), shall be deemed to have contravened that provision and the provision of sub-section (I) shall apply subject to the modification, here, what I am saying is that there is the possibility of misusing it. What happened with regard to POTA? We have the experience that once this POTA was passed, it was misused, it was misused against political opponents; it was misused for political propaganda; and it was misused against minorities. We have the bitter experience of POTA. So, Madam, it should not be repeated. So far as this clause is concerned, there is the possibility of misusing it. So, I need an assurance from the Minister of External Affairs that whatever happened with POTA, it should not be repeated. It should not be repeated against workers also. It may be misused against workers if they are unaware as to what they are carrying and what is the product they are making. So, sometimes miscreants may misuse it. Hence, the poor worker will be a victim. It should not happen. Clause 20(1) says, "Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty..." There is the possibility of misusing it against the workers, but it should not happen. In these two issues,

utmost care should be taken by the Government. With regard to this Bill, these two issues have to be taken care of. With regard to the policy, our country has an independent policy on external affairs, especially on nuclear energy. This country has a legacy right from Independence. We have that legacy. There was a consensus on this not only at the time of Independence, but even before Independence in our struggle against imperialism. This country had a great tradition of anti-imperialist struggle. We were always against all kinds of terrorism and exploitation throughout the world. We were the champions of non-alignment. This tradition has to be kept by this Government. I hope, these are all connected with the Common Minimum Programme of the UPA Government. So far as external affairs issues are concerned, the Government has to be very careful, and they would get their own emphasis, and we would say in front of the global community that India is a different country; it has its own policy on nuclear weapons, on chemical weapons, and on biological weapons. We have our own safeguards. We don't want the certificate of any other country, especially from the U.S.A. Thank you.

SHRI ASHWANI KUMAR (Punjab): Thank you, Madam, for giving me this opportunity. I rise to support this important piece of legislation which I do believe is a logical sequel to the initiatives taken by late Shri Rajiv Gandhi when he committed India to total nuclear disarmament as early as in 1988 at the UN's Special Session on Disarmament.

Sir, this Bill is a direct result of our pre-eminence in the world now as a nuclear power, as a country with nuclear weapons capability, and, therefore, with power comes an increasing sense of responsibility, that the power that we have now in our hands is not abused, misused or leads to results unintended. It is in this context, and in the context of the U.N. Security Council's Resolution 1540 which imposes a mandatory obligation on India to comply with the spirit of the Resolution, that this important piece of legislation is now before this august House. Sir, the qualitative distinction that must underscore the passage of this Bill lies in the fact that although we are not signatories to the NPT, we still accept an implicit and inherent obligation upon ourselves as responsible Members of the international community to ensure that the spirit of international legislation, the spirit of the international community and the spirit of the U.N. Resolution is translated into action in the form of domestic legislation which will then make it obligatory on us to take such steps as are necessary to achieve

the purposes of the U.N. Resolution and to ensure that India is seen as a responsible nuclear power. In this connection, Madam, I can only state that there is a broad consensus in this country about prohibition on the export of weapons of mass destruction including nuclear weapons, biological weapons and such of the chemical weapons as are covered in the definition of WMD. In fact, the first statement made by the Prime Minister, Dr. Manmohan Singh, on June 24, 2004, when in his address to the nation, he spoke about India's responsibility as a nuclear power, provides the genesis for this Bill. He reiterated India's responsibility on this score on October 23, 2004, when he spoke at Kalpakkam on the occasion of the golden jubilee celebrations of the Department of Atomic Energy. With your permission, I would like to quote from the Prime Minister's address. On June 24, 2004, he stated, "India is a responsible nuclear power, and we will continue to work to prevent " proliferation of weapons of mass destruction. At the same time, we remain committed to the goal of universal nuclear disarmament." This was the spirit in which this Bill was conceived. Reiterating the resolve, he stated on October 23, 2004, "India is a responsible nuclear power. We are fully conscious of the immense responsibilities that come with the possession of advance technologies, both civilian and strategic. India will not be the source of proliferation of sensitive technologies and we will also ensure the safeguarding of those technologies that we already possess." The issue of preventing proliferation of nuclear weapons came into sharp focus after September 11.

In fact, if I may so, the terms of the debate on the question underwent a fundamental change when the spurious distinction between freedom fighters and terrorists was consigned to the dustbin of history as it were, and, it was recognised that terrorists are terrorists and terrorism will always be terrorism, in whatever mask it is sought to be conceived. Therefore, this issue continued to engage the attention of all countries including India.

Madam, I am indeed gratified that our Government, the UPA Government under Dr. Manmohan Singh, has brought forward this Bill to fulfil its international obligations. Madam, the classic distinction of this Bill is that it neither by necessary implication nor by express intent, seeks to dilute our resolve to use nuclear capability in defence of our security and as an instrument of our strategic positioning in the vastly altered global world. It

does not deflect our nuclear resolve; it does not dilute our policy in using our nuclear capabilities, both for civilian and defence purposes.

Madam, before I conclude, I would like to draw the attention of the House to two important provisions in the Bill which I think underscore the spirit of the legislation and prove the point that India continues to remain steadfast in its international obligations to the world community and to its own resolve to ensure that nuclear weapons or Weapons of Mass Destruction are not allowed to fall into the hands of terrorists.

Madam, through you, I draw the attention of the House to Clause 23 which is an important provision in this Bill. It states, "the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any other instrument having effect by virtue of any enactment other than this Act." Therefore, it truly is an overriding and overarching legislation, which the framers of this Bill intend to prevail in case of inconsistency between this Bill and provisions of any other existing legislation. To that extent, it would override anything inconsistent or contrary thereto.

The other provision to which I would like to draw the attention is Clause 20 which says, "where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly." It is seen very often, Madam, that in courts, companies who have been conscious participants in transgressing the discipline of law take refuge of 'non-knowledge' for what was happening in the company by stating that the company is not responsible for the conduct of the employees. Now, this particular provision seeks to bury that defence, and, in my view rightly so, otherwise, the beneficent object and the intended and the stated objectives of the Bill would have been lost.

With these words, Madam, I don't think I need to state any further except that this Bill is a right step in the right direction in accord with our own responsibility and in accord with international obligations. It is, if I may conclude by saying, the vindication of late Rajiv Gandhi's dreams of proceeding towards total nuclear disarmament in which our country, country devoted to peace and country rooted in peace, has committed itself.

With these words, I thank you for having given me an opportunity to speak on this Bill.

DR. K. KASTURIRANGAN (Nominated): Thank you, Madam, Vice-Chairman. I won't take much time of the House. First of all, I rise to support this Bill, which is both timely and appropriate, that we take up this legislation. Visionaries like Homi J. Bhabha and Dr. Sarabhai saw the importance of technology in the context of national development. They laid strong foundations in this country in several other related technologies which this Bill addresses. The strong indigenous base, in turn, has resulted in India's ability to build world-class systems, which has really put us in a very small club of nations, without any support from outside, in terms of technology know-how or other means. So, it is in this context that India has today built up these impressive capabilities. And, in the process, we never thought that we should commercialise these capabilities. Since these technologies have been under embargo, there are a handful of countries; there are very few countries who could really master these technologies; And, there were many countries which were willing to pay any price to get these technologies. But, India always resisted this temptation, in a sense, that we have practised the type of non-proliferation, as my earlier speaker has mentioned. We have an impeccable record, in spite of the commercial temptations that these kinds of capabilities could have posed to us in terms of resource generation, because we have invested quite a lot to develop these capabilities and, so, obviously, there could be temptations to commercialise them. But, we have resisted this. We have made sure that there is no proliferation of these capabilities in the context of the type of reasoning that this Bill addresses. So, against this context, it is really laudable that the Government has taken this very important step of legislating this, in a sense, we are putting in black and white what we have been practising, and, more than that, in terms of putting punitive steps on issues related to aiding the non-state actors as well as terrorists and also unauthorised exports.

Only one point I would like to make in this connection for the hon. Minister to see is, we are still not a signatory to the Missile Technology Control Regime. The provisions in this Bill, I am sure, have been seen in the context of not accepting the provisions of MTCR. We saw the MTCR as a discriminatory Regime. Therefore, we have still not signed it; maybe,

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a view has been taken in the future regarding the same. This is simply because of the fact that many of the signatories to the MTCR have found that that they have not been able to get the support for developing the capabilities they needed for their own requirements even in the civilians domain. Therefore, there has not been an experience which is something laudable. So, in this connection, it is important to ensure that in this Bill, willy-nilly we do not get into accepting some other provisions of the MTCR.

Finally, I would like once again to compliment the Government, the hon. Minister, for this important step. And, at the same time, we hope besides all that we have tried to legislate, what we have been practising, what we have been doing, what we have been preaching, this will also facilitate the inflow of technology in future, particularly in the area of nuclear energy where we have not very satisfactory situation currently; we need to build up. And, considering that by 2012, we need another 100,000 MW of energy, we need substantial component of nuclear energy. I hope this kind of steps will certainly help us to facilitate building up these capabilities in our collaboration with other countries like France, Russia and the United States. Thank you, Madam.

DR. K. MALAISAMY (Tamil Nadu): For the relief of the Chair and for the relief of the entire House, I will be short and brief, even shorter than Dr. K. Kasturirangan.

THE VICE-CHAIRMAN (SHRIMATI SARLA MAHESHWARI): Is it so?

DR. K. MALAISAMY: The reasons are two-fold. 1, I have made only a hop-stop-and-jump method of reading the Bill. 2, I have to rush to Airport. In the meanwhile, I will make my cursory remarks on the Bill.

Madam, at the outset, I would like to compliment the hon. Minister for having taken a right step to bring a Bill of this nature to prohibit unlawful activities relating to Weapons of Mass Destruction (WMD) in terms of biological, chemical and nuclear weapons. My only grievance is that it ought to have come a little earlier, I would like to know from the hon. Minister what is the immediate provocation to bring this Bill at this stage. Why has it not been brought earlier? Did the earlier legislations not able to meet the requirements? Or after having seen that the existing laws are inadequate or ineffective, you have come forward with a comprehensive legislation like this. This is my first inquisitiveness.

Secondly, the Bill is fairly comprehensive and wide enough to cover the areas like production, acquisition, possession, development, transfer, including technology export and brokering. Whatever the areas concerning Weapons of Mass Destruction, whether relating to production, export and brokering, you have almost covered all the areas. This is what I find from it. But the fact remains that the misusers, or the mafia, or the other people, who use these kinds of weapons, are much more clever, capable and are well-equipped. In such a situation as this, I would like to know whether your comprehensive Bill, as it appears, will meet the challenge of those areas also.

I would like to draw the attention of the hon. Minister to take note of the LTTE which was, and which has been a menace, in terms of so many things. I do not want to elaborate it because our colleagues from Tamil Nadu will always have some reactions on my observations.

SHRI B.S. GNANADESIKAN (Tamil Nadu): We will support you on this.

DR. K. MALAISAMY: I would like to know whether this kind of Bill will take care of the activities of the LTTE. This is my first and foremost point on this aspect.

(2), As far as the Bill is concerned, in my cursory look, I was able to see that under clause 14, you have given the penalty for the offences committed; it shall not be less than five years but may extend to imprisonment for life, and shall also be liable to fine. Under clause 14 you have indicated the penalty for contravention, or attempt to contravention, etc.

Now, I come to clause 15(1). You have imposed the very same punishment, namely, which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine. Both are different acts of offence, but you are giving the same punishment. I want to know whether it is fair enough to have same amount of punishment for different types of crime. This is my second point, which I would like to bring to your notice.

Finally, I would say that on several occasions, you have come out with nice legislations. And most of the time, they remain on paper only. I can cite umpteen numbers of illustrations as to how it is done on paper

and how it is not found in reality. I would like to ask whether this can be brought into reality. This is my submission. Thank you.

SHRIMATI N.P. DURGA(Andhra Pradesh): Thank you, Madam, for allowing me to speak on this Bill. The Bill before us is to comply with the Resolution 1540 of the Charter of United Nations. This Resolution mandates the respective countries to provide a national legal framework to fulfil the commitments under the Multilateral Non-Proliferation Treaty. So, I welcome this Bill wholeheartedly.

At present, there are an estimated 33,500 nuclear weapons in existence with over 50 countries, excluding weapons that are with terrorist and anti-national organisations in the world. During the last century, nearly 500 million people were killed due to the use of biological and chemical weapons. India always believed that greater proliferation could only bring greater instability. And, today we are sitting on a mountain of weapons of mass destruction. The Minister of External Affairs, many a times, pointed out India's principal stand on such issues and the use of nuclear energy for peaceful purposes. We all know that we also have imposed a moratorium on the use of nuclear weapons.

As the House is aware, a Pakistani nuclear scientist has stirred the issue of transfer of technology with regard to nuclear weapons by proliferating them to other countries. India has never made any technological transfer to any other country surreptitiously: This clearly shows our commitment to disarmament of nuclear, chemical, biological or other weapons of mass destruction. Our adherence to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention is evidence to our commitment to global disarmament regimes.

It is welcome that the proposed legislation under clause 2 says that it is in addition to all other relevant Acts in force. According to NPT, the non-nuclear States are obliged not to acquire nuclear weapons in return to an assurance by the nuclear weapons States that they would negotiate the elimination of all their nuclear weapons and the developing countries would get nuclear technologies for peaceful purpose. Unfortunately, they have not lived up to their assurance. At the same time, we are committed to safeguarding our national security as a nuclear weapon State. It is India's policy not to assist, encourage or induce any other country to manufacture such weapons which have the capability of mass destruction and nuclear explosive devices.

Madam, then, kindly look at clauses 14 and 15, where you are imposing imprisonment and penalties. It is good that you are awarding imprisonment not less than five years, which may be extended to life. I would only submit for consideration of the hon. Minister that this imprisonment be made as 'rigorous' and not 'ordinary' imprisonment. And, in both the clauses 14 and 15, you have said that you are imposing some fine, but you have not made it clear as to what amount of fine you want to impose for aiding a non-State actor or a terrorist. So, kindly clarify this. And, I also submit for consideration of the Minister that you increase the penalty under clause 16 because the aim of the Bill is to make it as stringent as possible.

With these remarks, I once again thank you for giving me an opportunity to speak on this Bill and I once again support this Bill. Thank you.

श्री मंगनी लाल मंडल (बिहार) : महोदया, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। सभी माननीय सदस्यों ने यह चर्चा की है कि राष्ट्र संध का जो प्रस्ताव 1540 है, उसके अंतर्गत इस विधेयक को लाना अनिवार्य था क्योंकि एक और हमारी दायेदारी सुरक्षा परिषद की सदस्यता के लिए हैं, दूसरी ओर हम परमाणु के मामले में बहुत ही जवाबदेह देश रहे हैं और हमने इसे साबित भी किया है।

महोदया, मैं समाजवादी आंदोलन की पृष्ठभूमि से आया हूँ। अपना भाषण शुरू करने से पहले मैं डा. राम मनोहर लोहिया की एक उक्ति का उल्लेख करना चाहूंगा, जब उन्होंने कहा था कि- "20वीं शताब्दी के उत्तरार्द्ध में और 21वीं शताब्दी के प्रारंभ में विश्व ने अगर ऐहतिआत के तौर पर परमाणु जैविक हथियार और रासायनिक हथियार की रोकथाम के लिए कोई कार्यवाही नहीं की, तो या तो विश्व में महात्मा गांधी रहेंगे या विश्व में हथियार रहेंगे।"

आज दोनों के बीच लड़ाई है। हमारा मुल्क महात्मा गांधी का मुल्क है, हमारे देश में महात्मा बुद्ध हुए हैं, हमारे देश में भगवान महावीर हुए हैं और हमने देश में भगवान महावीर हुए हैं और हमने सारे विश्व में पंचशील के सिद्धान्त को प्रतिपादित किया है, प्रचारित किया है। इसलिए हमारी जो गुटनिरपेक्षता की राजनीति रही है, विदेश नीति रही है, इसमें हम अव्वल साबित हुए हैं। इसलिए हमें विश्व में एक रिसपांसिबल नेशन माना जाता है। इसलिए जो विधेयक लाया गया है कि राष्ट्र के हाथ हमें, स्टेट के हाथ में सारी शक्ति रहे और किसी आतंकवादी के हाथ में हथियारों की होड़ न जाए, शक्ति न जाए, तकनीक न जाए, व्यवसाय न हो, जिसके बारे में डा. कस्तूरी रमन ने चर्चा की है कि इसकी रोकथाम के लिए, इसके प्रतिरोध के लिए यह विधेयक लाया गया है, इसके लिए मैं विदेश मंत्री को धन्यवाद देता हूँ। वैसे भी हमारे विदेश मंत्री

2.00 P.M.

काफी दक्ष है, काफी काबिल है और कम समय में इन्होंने यूपीए सरकार की साख बढ़ाई है। विश्व में जो हमारी विदेश नीति है, उसमें हमारी काफी उपलब्धि रही है।

महोदय, जब संयुक्त राज्य अमेरिका के साथ-साथ सोवियत संघ था, तो शक्ति का संतुलन था। हथियारों की होड़ रुक जाती थी और हिन्दुस्तान भी कभी-कभी अपने सुरक्षित महसूस था, जब हम परमाणु शक्ति सम्पन्न राष्ट्र नहीं बने थे। लेकिन अब सोवियत संघ नहीं हैं। अमेरिका बार-बार दूसरे देशों को कहता है कि निःशस्त्रीकरण करो, हथियारों पर पाबन्दी लगाओ और अपने यहां हथियारों पर पाबन्दी नहीं लगाता है। इराक के बारे में उन्होंने कहा कि वहां सामूहिक नरसंहार का हथियार हैं, आज इराक गुलाम हैं। उसी तरह से उनकी दादागिरी चलती रहती है, लेकिन इस दादागिरी में भी भारत ने अपनी नीति को बहुत मजबूती के साथ अंगद के पांव की तरह खड़े रखा है और इसे ख्याति मिली है।

इन्हीं बातों के साथ, इसमें जो प्रोविजंस किए गए हैं, माननीय सदस्य ने चर्चा की है, हमारी भी आशंका थी, कई सदस्यों ने पोटो का उल्लेख किया है, कुछ सदस्यों ने जो 9वां सेक्शन है, फिर 15 का 1 है, 15 का 2 है, फिर 3 है और 21 के बारे में और 20वीं धारा के 2 के बारे में आशंका व्यक्त की है कि जैसे पोटो का, टाडा का दुरुपयोग हुआ था, तो इस विधेयक के कानून बन जाने के बाद जो धाराएं हैं, उनका सरकार कहीं गलत इस्तेमाल न करें। यह तो सरकार की जिम्मेदारी है कि इसका गलत इस्तेमाल न हो। जैसे आईपीएस है और आईपीएस का भी इस्तेमाल होता है, लेकिन कानून और व्यवस्था के लिए हमारे लिए आईपीएस आवश्यक है, उसी तरह हमारी जो शंका है, इसके बारे में मेरी शंका नहीं है। मैं इस प्रावधान का समर्थन करता हूं, इस विधेयक का भी समर्थन करता हूं और माननीय विदेश मंत्री को भी धन्यवाद देता हूं। इसी के साथ, मैं अपनी बात समाप्त करता हूं।

SHRI JAIRAM RAMESH (Andhra Pradesh): Thank you, Madam Vice-Chairman. Friday afternoon, at 2 p.m., on the last day of this Parliament Session, we are seeing WMD, Weapons of Mass Desertion. But, nevertheless, I think, the lack of quantity is made up by the quality that we have, and I am grateful that the hon. External Affairs Minister, the Deputy Leader of the Congress Party, Dr. Karan Singh, the Minister of State and other leaders of other parties are also here. Madam, right through this Session, because of the orders of the Chief Whip, it happened to be that I had to speak every time the Finance Minister introduced the Bill, and it appeared as if there was a "Punch and Judy" show between the Finance Minister and myself. I am so glad, therefore, that I am now speaking on a Bill introduced by somebody, other than the Finance Minister. *(Interruptions)*

SHRI V. NARAYANASAMY (Pondicherry): In the next Session, we will distribute it to other Members also. *(Interruptions)*

SHRI JAIRAM RAMESH: Thank you, Mr. Chief Whip.

SHRI ANAND SHARMA (Himachal Pradesh): Madam, Mr. Jairam Ramesh has said something very significant when he was referring to the Friday and the presence in the House. This is a very important Bill which has been introduced by the External Affairs Minister, and India is making a statement to the international community of being a very responsive and mature nuclear power, which is conscious of its obligations; at the same time, preserving and safeguarding our own international interest. So, it is very sad when we see the entire opposition absent, and even those who are supposed to be present, we see the trend that many Members who ask questions from the Minister or intervene in the debate, they also go away after putting questions. There has to be a rule that when the Minister replies, those Members who raise questions or intervene in the debate, should be present. At least, that should be there. *(Interruptions)*

SHRI V. NARAYANASAMY: No, no. The Members are bound to be present in the House. That is the convention. *(Interruptions)*

SHRI ANAND SHARMA: I am not referring to you. *(Interruptions)*

SHRI V. NARAYANASAMY: They are supposed to be here. They should hear the response of the Minister because they put several questions. When the Minister replies, they are bound to be present in the house. *(Interruptions)*

SHRI JAIRAM RAMESH: He is not referring to our seniors. *(Intervptions)*

SHRI ANAND SHARMA: I am not referring to any particular party. *(Intervptions)*

उपसभाध्यक्ष (श्रीमती सरला माहेश्वरी) : नारायणसामी जी, आपने बहुत अच्छा मुद्दा उठाया है। यह विषय हमारे लिए हमेशा चिंता का विषय रहा है। वैसे तो सभी विषय महत्वपूर्ण होते हैं और यह विषय भी महत्वपूर्ण हैं। सभी सदस्यों को सदन में उपस्थिति रहना चाहिए। यह हमारे लिए सिर्फ अभी चिंता का विषय नहीं हैं, यह हमेशा से चिंता का विषय रहा है। सत्तारूढ़ पार्टी को भी मैं कहना चाहूंगी कि वह ज्यादा सतर्क रहे और अपने सदस्यों से कहे कि वे ज्यादा-से-ज्यादा संख्या में सदन में उपस्थित रहें व सदन की गरिमा बनाए रखें।

SHRI JAIRAM RAMESH: Madam, as I was saying, it is a particular privilege to speak and listen to a response from a very erudite and a very learned Foreign Minister, a Foreign Minister who has had years of experience in the foreign affairs bureaucracy, who has been very kind and good to me in the last decade and who is endowed with a great sense of self-irony and wit, which is usually directed at himself. I recall some months ago when I went to him and drew his attention to Harold McMillan's famous description of the job of a Foreign Minister, as "being poised perennially between a cliché and indiscretion", he immediately said, "That is me, that is me!" And very few Foreign Ministers would actually have had the self-confidence to direct that joke at themselves.

Madam, everything that is to be said about the Bill has been said. The Bill is going to be passed. But I want to raise four larger issues arising from the Bill. If he has the time to respond to them today, he can do so today; otherwise, he can respond to them in subsequent debates in later Sessions of Parliament.

It is true, Madam, that this Bill has come in response to the Security Council Resolution 1540, of last year, April, 2004, but there were some of us who had been arguing that this legislation should have been done immediately following the time in which India abandoned its posture of nuclear *brahmacharya* seven years ago. Now, it is unfortunate that, time and time again, India passes legislation in response to international obligations. Four days ago, this House passed the Money Laundering Legislation, and even that the Money-Laundering Legislation had been languishing in this House for almost a decade, and, finally, it required a United Nations Resolution, Madam, for us to enact this legislation. It is unfortunate that instead of having done this five years ago, six years ago, we are now taking recourse to the Security Council Resolution 1540. I would argue that much more than the international obligation, India's own track record is impeccable. There is nothing to be squeamish about. We have resisted overtures from various countries, for offers of help in nuclear technology from India for the examples Libya and Iraq are well known-and I do not want to quote these examples. Therefore, while it is true that it is better late than never, I do feel, we would have gained brownie points, we would have gained plaudits internationally had we done this much earlier on our own. Today every country is to doing this. Even A.Q. Khan's country is to do it or has presumably done this already. There is no great feather in our

cap that we are doing this. Had we done this five years ago, six years ago, we could have told the world, "Look, our track record is impeccable, and this is now reflected in legislation". Today, they are doing it, and we are just one of the many. I think there is a lesson in this, for us, generally, that in international affairs, in international politics, timing is of the essence. And India, very often, loses out not in doing the right thing; we always end up doing the right thing. But it is equally important to do the right thing in a right way. And very often, in my view, we lose out internationally, in the game of international optics, particularly by the extraordinary delay with which we take these actions which should have been done to begin with. So, I would request the Foreign Minister, while congratulating him for this legislation, to look at further initiatives in this regard, not as exogenously imposed by international covenants and international resolutions, but something that we do on our own accord, which is in our own interest, and in order to enhance our own leverage in international negotiations.

The only point that I have, as far as this Bill is concerned, before I raised the other issues, is on the enforcement and the audit of the provisions of this Bill. I would request the foreign Minister to clarify this point about enforcement. Having a legislation is one thing, but how exactly this is to be enforced is another because there have been reports, which may or may not be true, of Indian companies involved in the transfer of chemical technology to Iraq and India has not a good press in this regard in previous months. So, on this Bill, the only specific issue that I have is on the enforcement.

Madam, the three issues that I want to raise in the context of this Bill are the following: (1) I want to talk about the nuclear energy cooperation; (2) I want to talk about the CBMs with Pakistan and China in the nuclear field; and (3) I want to talk about the NPT Review Conference which is right now taking place in New York.

Madam, on the nuclear energy cooperation, we have been reading statements. Of course, we have now an ongoing cooperation in nuclear power in nuclear energy, with Russia. Today, nuclear power contributes less than three per cent of the total electricity generated and in order to reach a ten per cent target by 2020, India has decided that it needs the active collaboration with other partners and Russia certainly is helping to put up some light water reactors in India. Of late, we have heard about

windows of engagement being opened up with the United States, with the visit of the US Secretary of State and the visit of our hon. Foreign Minister himself. There is a lot of talk about India actually emerging as a partner of the United States, as far as civilian nuclear energy cooperation is concerned, in the nuclear field which, as everybody knows, was exemplified in Tarapur-I and Tarapur-II, and subsequently it got discontinued for a variety of reasons which I don't need to go into. The pointed question that I have for the hon. Foreign Affairs Minister is whether there are any changes that are going to be necessitated in our stand on other control regimes, if one has to qualify as a "most trusted partner of the US" for cooperation in this area. Specifically, I have the Nuclear Supply Group guidelines in question.

Madam, Dr. Kasturirangan has already raised the other issue which I wanted to raise, which I won't, which relates to the Missile Technology Control Regime (MTCR) guidelines. Now, traditionally the Indian position has been that these are discriminatory, perpetuating apartheid in the international architect picture and India must be out of these regimes. But today, with the passage of this Bill and with the statements that have been made by the successive Prime Ministers, India appears to be in conformity with all these guidelines. What I want to know from the Foreign Affairs Minister is whether there are going to be additional safeguards that are going to be required on our part, whether there is going to be any review required of our traditional stand on these regimes, particularly, as far as the Nuclear Supply Group and the MTCR regimes are concerned, in order, for us, to qualify as the major partner of the US. I would like to draw the attention of the Foreign Affairs Minister to a paper that was published yesterday by Ashley J. Tellis of the Carnegie Endowment for International Peace on South Asia, where he says and I quote:

'The latest U.S. pronouncements about the desire to boost Indian power remain—at least at the moment—innovations at the level of intention rather than at the level of policy. Cynics within the Indian Cabinet have privately expressed the opinion that, while the new U.S. approach actually provides Islamabad with airplanes, all that New Delhi has received thus far are eloquent words'.

This is the widely held perception in this country. I would like to know from the Foreign Affairs Minister whether, for the talk about civil nuclear energy cooperation to fructify, there are other milestones that are going to be met and whether any of these milestones involve legislative action.

Secondly, I want to talk about the Confidence Building Measures with Pakistan and China which are very important in the context of our policy on WMD. Now, the Foreign Affairs Minister knows perfectly well that in the Lahore Declaration and in the MoU signed between the former Prime Minister, Shri Atal Bihari Vajpayee and Shri Nawaz Sharief, there is a commitment on both sides and I quote:

"That the two sides will engage in bilateral consultations on security concepts and nuclear doctrines with a view to developing measures for confidence building in the nuclear and conventional fields aimed at avoiding the conflict."

It is well known that the subsequent events, particularly, the Kargil war, put paid to these hopes of negotiating a confidence building agreement or treaty on transparency, at least, in nuclear field between India and Pakistan. The question that I have to put to the hon. Minister is this. Now that there is an atmosphere of bonhomie on both sides and this is a relatively "low hanging fruit" to be plucked in bilateral relations between the two countries, in fact, whether it is the policy of this Government to convert the statement of intent in the Lahore MoU of six years' vintage into an actual treaty, a confidence building treaty on management of nuclear and missile risk between India and Pakistan. There is no dearth of ideas in this field. I have with me a large number of proposals—these are all available in the public domain—that have been put forward by Indian and Pakistani physicists—some of whom are known to Dr. Kasturirangan—Dr. Ramana, Dr. Rajaraman of JNU, Dr. Zia Mian and Prof. Pervez Hoodbhoy of Quaid-E-Azam University. They have, actually, jointly come up with actual treaty language on what a confidence building treaty would look like between India and Pakistan both in the nuclear field as well as in the missile field'. My question to the hon. Minister is this, I would like to know whether he would invest his time and energy in actually having such a treaty arrived at because this, white bill in my view, would be a very major accomplishment for the Government. Why not be much more proactive in this approach! Even if we do not meet with success down the road, at least, the signal would have been sent that this Government means business, this Government actually is interested in converting this MoU into reality reflected in a confidence building treaty. Of course, transparency is only the first element. There are many things. We have to go beyond transparency. There are arms control issues as well. But all the point I am

making is in relation to Pakistan, a window was opened as a result of the Lahore MoU. For whatever reasons, we do not seem to have conveyed the impression that we are proactive in this. My request to the Minister of Foreign Affairs is whether he would consider some aggressive posture in this regard. Similarly, with respect to China, while the Chinese have been reluctant, generally, to discuss security and strategic issues with us, but last January, if my information is correct, and if not, I stand corrected, a window of dialogue on security and strategic issues has, in fact, opened up even with China. Whether we could, a few years from now, conceive of—we have two border agreements with China signed some years ago— a confidence building treaty on missile and nuclear issues in relation to China as well. Both in relation to Pakistan and China, which are two most immediate nuclear neighbours, whether the Minister of Foreign Affairs would lay out a roadmap of this Government to arrive at something concrete in terms of confidence building agreement which will signal to the people of India, the people of Pakistan, the people of China and more importantly signal internationally what we have always been saying that we are a responsible nuclear power; we believe in the development of nuclear capabilities for peace and for avoiding a conflict.

Madam, my final point is on the NPT Review Conference which is going on right now. If you look at the draft of the NPT which, of course, is an anathema in this country and rightly so, Article 1 of the NPT says, "Each nuclear weapon State Party to the Treaty undertakes not to transfer to any recipient, whatsoever, nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly and not in any way to assist encourage or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices". The point I want to make is this. As I said, while the objective and the rationale which govern the introduction of the NPT are quite different and quite divergent the statements that have emanated from India by the former Prime Minister and by the current Prime Minister and by the legislation we seem to be following, which we adopt today, seem to be in consonance with Article 1 of the NPT. If this be the case, why not the Government come out with a clear, categorical, ringing statement which would convince the world that while we may not exactly be a signatory to the NPT for a variety of historical reasons, we conform to the spirit of the NPT?

Again it may not add up too much, but what it would, certainly, do would be a further proof of what India has always been saying. And, there is no substitute for a formal statement. There is no substitute for a Parliament resolution. So, the point I want to make here is this. While we have kept saying many of these things over and over again, maybe, while inaugurating nuclear reactors or in Press Conferences, a formal statement to this effect would convey to the world our intention in this area and give world the impression that we are in consonance with Article 1 of the NPT which, certainly, would be of great value.

Let me end by quoting from the Common Minimum Programme of the UPA Government, and the Foreign Minister is perfectly aware of this paragraph which says, and I quote: "The UPA Government is committed to maintaining a credible nuclear weapons programme, while at the same time, it will evolve demonstrable and verifiable confidence building measures with its nuclear neighbours. I have spoken about that, and that is in keeping with the spirit of the CMP. And, it goes on to say, "It will take a leadership role in promoting universal nuclear disarmament and working for a nuclear weapons free world." So, this is a very substantial commitment in the Common Minimum Programme. The legislation, which we are passing today, of course, is one small step in this long journey. But I would like the External Affairs Minister to take us into confidence, and, perhaps, at a later stage when the attendance is much more, we could even have a debate on these issues because for too long in this country this debate has taken place in arcane scientific circles or in circles of foreign policy monks and mandarins, and this does not really become a political issue in the political domain in which political parties articulate, in their positions, in consonance with the larger national objectives.

PROF. SAIFUDDIN SOZ (Jammu and Kashmir): Madam Vice-Chairman, I will speak as a layman, not as an expert, and I must congratulate the hon. Minister for having placed this measure before this august House. And, I do not agree with Mr. Jairam Ramesh when he says that this does not bring a feather in our cap. If you take five to six years' period, then, you would say that we had lost the opportunity from that. But, for this Government, it didn't take much time. I think the reasonable 'time in which the hon. Minister came here with this measure is a feather in his cap; it is a feather in the cap of the UPA Government. I must also thank the hon. Foreign Minister that he reminded the other House and, through

that the House, the whole nation, that India is committed towards peace and total disarmament. He also reminded the nation that Shri Rajiv Gandhi, at the United Nations in 1988, committed India once again for world peace and presented India's case for total disarmament. That is going to be our policy, and that is explained in this Bill, that we are for world peace; we are for total disarmament. But this defensive mechanism is necessary. Sir, while supporting this Bill, our friend, the scientist Parliamentarian, Dr. Kasturirangan, whom I have known, certainly, for nearly two decades, said that we should not commercialise our capabilities. India has the capacity to do many things, but we are for peace. We are not for armament. We shall not promote arms race in the world. Despite having the capability, we shall never commercialise it. So, it is a feather in our cap, in general terms. I feel happy that the hon. Foreign Minister has placed this measure before us. Naturally, I felt one with Shri Anand Sharma who pointed towards the empty Benches. Now, these are very important measures. We wish all the hon. Members of this august House were present here. *{Interruptions}* He was speaking in general terms; he was not referring to political parties here. We must imbibe that culture and be present when important issues are raised here.

Now, Madam, I have cursorily gone through this Bill. I shall not repeat anything. I find some very good features in this bill, for example, transfer of nuclear weapons, or, nuclear explosive devices, etc. This is our commitment. India is committed to prevent a 'non-state actor' and a terrorist from acquiring weapons of mass destruction and their delivery systems. We are committed to the objective of global nuclear disarmament. And, this Act is going to be in addition to other laws that are available to us. That shows that this Government is concerned about safety in a comprehensive manner. It is comprehensive in several other details. For instance, the provisions of this Bill shall also apply to citizens of India outside India, companies or corporate bodies registered, or, incorporated in India. So far as the 'definitions' are concerned, I find them very comprehensive. Biological weapons are included; as also microbial and other biological agents and toxins, of whichever origin they are, or, whatever the method of production, or types or quantity, that have no jurisdiction for prophylactic, protective or other peaceful purposes, etc. So, 'Definitions' are very comprehensive. And later, the fissile material and radioactive material shall have meanings assigned to these expressions in the Atomic

Energy Act. These are very good features of this bill. And it is comprehensive in detail. And I welcome it and I congratulate the hon. Minister for having presented this Bill here. Lastly, I would say that we shall always have a comprehensive look after this Bill becomes an Act, and is implemented. When it is implemented, we shall become wiser through our experience. At that stage, we can propose amendments in due course of time. Finally, I have certain misgivings in my mind; I am representing the wider class in India which have some misgivings about the USA, about its double standards, about the US policy in Gulf, its proximity to Israel, about the US proximity to Pakistan and so on. Often, this is the debate going on at tailors' shops or barbers' shops, and in legislatures in India. We are a full-fledged democracy. Well, Shri Jairam Ramesh is an expert on this. He has spoken in detail. So, while the hon. Minister replies to the debate, he may kindly remove these misgivings in the minds of many of us.

SHRIMATI PREMACARIAPPA(Karnataka): Madam, I rise to support the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005. The most important point about this Bill is that it has been framed with a view to safeguard and strengthen our national security. In this Bill, an effort has been made to maintain the balance without compromising our security considerations and our sovereign right to pursue the national goals for development by our scientists and other experts.

Madam, ours is a declared peace-loving country and our stand on nuclear weapons has not only been enshrined in our Constitution but also reinforced by our action at every international forum. We have been a strong votary of disarmament throughout and headed or participated in every convention and conference connected therewith.

Madam, it is an established fact that we have had to take recourse to nuclear weapons due to our national security, though very late and reluctantly as well. But being a highly responsible democratic polity, we are committed as a national policy not to assist, aid or abet any other country to manufacture weapons of mass destruction. We have been fulfilling all our international obligations with responsibility, particularly in respect of the Chemical Weapons Convention and the biological and Toxin Weapons Convention to which India had been a State party.

[13 May, 2005]

RAJYA SABHA

Although, various laws have been enacted by us to prevent any misuse of weapons of mass destruction by any one, India's status as a Nuclear Weapon State has cast more responsibility on her shoulders. I feel that this comprehensive legislation would reinforce and further strengthen our commitment to prevent weapons of mass destruction. This Bill would also enable us to fulfil our mandatory obligations in pursuance of the U.N. Security Council Resolution for putting control over the export of weapons of mass destruction, usable materials, equipment and technologies.

Madam, before I conclude, I would like to say that I am happy that this draft prohibits any person, other than the Government, to deal with the weapons of mass destruction and bans any transfer of nuclear technology to wrong hands, particularly to terrorists. The law imposes ban on export of materials, equipment or technology relating to manufacturing of biological, chemical or nuclear weapons. Any person who is found with an intention to aid a terrorist or possessed a nuclear device will be punished for not less than life imprisonment. Madam, with these few words, I conclude and thank you very much for being given me an opportunity to say a few words on this Bill.

SHRI K. NATWAR SINGH: Madam, at the beginning, I would like to thank all the hon. Members who participated in this important discussion— Shri Vijayaraghavan, Shri Ashwani Kumar, Dr. Kasturirangan, Dr. Malaisamy, Shrimati Durga, Shri Mandalji, Shri Jairam Ramesh, Soz Saheb and Shrimati Prema Cariappa. I had hoped that I would have been asked to make a statement at the beginning of this discussion and debate, but that did not happen.

(MR. CHAIRMAN in the Chair)

So, before answering the various issues raised by the hon. Members, I would like to make a statement that I should have made at the beginning.

First of all, I just want to say that I am delighted with the interest that jairam Ramesh has taken in this particular matter. With regard to his accusation about the [Max Mueller] joke, I don't remember it, but I can assure him that I am guilty of many things but never of any whishes. I also want to tell him that our lives and policies are not probably unalloyed bliss, that includes him and me.

Madam, as the House is aware, a basic tenet of India's Foreign Policy since Independence has been the pursuit of global nuclear disarmament. India has been a consistent proponent of general and complete disarmament and has advocated that the highest priority be given to nuclear disarmament as the first step towards this objective. We were among those who advocated an international non-proliferation agreement under which nuclear weapon states would agree to stop the production of fissile material for weapons purposes and move towards reducing and eliminating their nuclear weapons while other countries would refrain from developing or acquiring such weapons. Unfortunately, the nuclear weapon powers were not willing to accept even this limited commitment and the Non-Proliferation Treaty as it eventually emerged was an unbalanced instrument which India did not join. In 1973, India proposed negotiations for an international convention to prohibit the use or threat of use of nuclear weapons. In 1988 at the Special Session of the UN General Assembly on Disarmament, in New York, Prime Minister Rajiv Gandhi put forward a comprehensive action plan based on the principles of universality, non-discrimination and a balance of obligations for the phased elimination of all nuclear weapons within a time-bound framework.

India's status as a nuclear weapon state does not diminish its commitment to the objective of a nuclear weapon free world. It was a matter of some satisfaction when Mr. Gorbachev came to India. He put the signature on a document which mentioned non-violence. We aspire for a non-violent world order, through global, verifiable, and non-discriminatory nuclear disarmament. This is and continues to be an important plank of our nuclear policy. Our adherence to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention is evidence of our commitment to global disarmament regimes which are universal and non-discriminatory in character.

India is fully committed to safeguard its security as a Nuclear Weapon State. I want to reiterate this because several hon. Members who participated in the discussion said whether our security was safe or not. I can assure them this is so not only on any other issue but on the nuclear issue. We simply cannot allow any relaxation or any complacency because we do not want in our neighbourhood another A.Q. Khan.

Our nuclear policy is characterised by responsibility, transparency, predictability and a defensive orientation. We are committed to building

and maintaining a credible minimum deterrent. We have declared a posture of no first use. We have not got the response from our neighbour, Pakistan on this issue. We continue to observe a voluntary moratorium on nuclear explosive testing.

At the same time, India's policy has always been not to assist, encourage or induce any other country to manufacture nuclear weapons. As a responsible nation, India has never passed on its proven technological capabilities to any one. India will not be a source of proliferation of indigenously developed sensitive technologies. We will remain faithful to this approach, as we have been for the last several decades.

Sir, India will continue to ensure that WMD-usable materials, equipment and technologies do not fall into the wrong hands whether of States or non-State actors and, in particular, of terrorists. Our system of export controls is under continuous review; we continue to update these controls where necessary.

Mr. Chairperson, Sir, over the years, India has enacted a corpus of legislation dealing with activities of direct or indirect relevance to weapons of mass destruction, their means of delivery and related materials, equipment and technologies. It has institutionalised administrative mechanisms to prevent unlawful access to such weapons and their delivery systems. Conscious of its responsibilities, India has been exercising controls over the export of WMD usable materials, equipment and technology. It is now considered desirable to introduce an over-arching and integrated legislation to prohibit unlawful activities in relation to weapons of mass destruction and their means of delivery and build upon the regulatory framework related to the controls over the export of WMD usable materials, equipment and technologies, specially in view of India's status as a nuclear weapons State.

Mr. Chairman Sir, the rationale of the proposed Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005 is based on the same policy tenets that have guided the country over the past several decades which are reflective of the nation's commitment to safeguard its national security, to deepen its autonomous scientific, technological capability for meeting our security imperatives and development goals and to the objective of global peace and security. These tenets are based on continuity and are underpinned by a national consensus, cutting across party lines.

Now, Sir, I would like to briefly give a background of the various issues raised. The first issue raised was why this Bill was not brought to Praltament earlier than it has. Now, the Resolution 1540 of the Security Council was passed on 18th April, 2004. Now, we submit *..(Interruptions)..* This Resolution is mandatory on all member States because it comes under Chapter VII of the United Nations Charter which makes it obligatory for all States to take and enforce effective measures to establish domestic control, prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate control over related materials and to this end shall - then a list is given here. Now, every member State has to give a report. So, our report was sent in October, 2004 to the Security Council. The next report will be sent to the Security Council very soon because this is obligatory under Chapter VII. The Resolution further says, 'to adopt national rules and regulations where it has not yet been done to ensure compliance with their commitments under the key multilateral non-proliferation treaties. Further, to counter that threat, it calls upon all States, in accordance with their national legal authorities and legislation consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons and their means of delivery and related maters. Sir, here I want to mention that we had to consult a very large number of Departments. There was an inter-Ministerial Task Force chaired by the officials of the External Affairs Ministry on the implementation of this Resolution. This Task Force included the Ministry of Home Affairs, the Department of Atomic Energy, the Department of Space, the Defence Research and Development Organisation, (DRDO), the Department of Chemicals and Petrochemicals, the Department of Biotechnology, the Diretor-General of Foreign Trade, (DGFT), the Department of Revenue, and the Ministry of Law and Justice, apart from the Ministry of External Affairs. Now, Sir, there was an important point made by Dr. Kasturirangan. Who is a great scientist, particularly on the issue of the Missile Technology Control Regime. This Bill does not constrain us in anyway in pursuing our missile or space programmes. It is essentially to prevent the leakage of sensitive technologies to other countries of to non-State actors. As hon. Members would be aware, we have always rejected restrictive regimes which seek to limit our autonomy in developing our nuclear missile or Space programmes. Or position in this regard remains unchanged.

Now a point was raised about what steps we have taken with regard to Pakistan. We have already offered to conclude an agreement on the pre-notification of missile test, and this could be followed by an agreement on measures to reduce the nuclear risk. There are other initiatives and we are not reactive in our responses. It was also mentioned whether we have any interaction with the Chinese. We are ready to explore CBMs in the nuclear field with China as well. In view of the dramatic improvement in our relations with both Pakistan and with China, I think, we should take the initiative, if necessary, to discuss all the matters raised in today's debate. NPT was mentioned. Now, I heard with very great care what my younger colleague and friend, Mr. Jairam Ramesh has said. He provides spontaneous entertainment to the House whenever he speaks.

MR. CHAIRMAN: Only entertainment.

SHRI K. NATWAR SINGH: No, Sir, he is a younger friend of mine.

SHRI DIPANKAR MUKHERJEE (West Bengal): I am sorry, he is not very young, he pretends to be.

SHRI K. NATWAR SINGH: When you look at my age..

SHRI DIPANKAR MUKHERJEE: He looks very young.

SHRI K. NATWAR SINGH: Yes, yes. Let me assure you that I am entering my 75th year in three days time. Now, Sir, I am very grateful to Ashwani Kumarji for the support that he has given. The NPT is being discussed in the United Nations right now. We are not a Member. Neither is Israel nor is Pakistan. But if the NPT were to be enforced, *vis-a-vis* its members we are not going to come in the way of its being implemented but we have serious reservations about the treaty because of the circumstances under which it was adopted. Now, Dr. malaisamy warned us that could it be possible, if we were not careful enough, some information, some technology might get into the hands of the LTTE. I would assure the house and the hon. Member that this will not happen. Now, Sir, it was also mentioned that between 1988 and 2004, Such a legislation could have been put before both Houses of Parliament. I think, this point was made by Mr. Jairam Ramesh. I wish we had done so, then we would not have been present today because this is not a party issue, this is not a divisive issue. It is a national issue of high Priority and we attach importance because of the role, because of our profound interest in having a nuclear

free world. It would be better to get their inputs on this. What has happened is the P-5 have been interested in Preventing the spread of horizontal proliferation not of vertical because it affects them. With due respect I would like to say that countries like India which obeyed all the laws are kept out and the five who have broken all the laws are still going to decide the fate of 187 countries. This is the situation which is unsatisfactory and that is why it is important that we go to the 60th Session of the UN and make sure that the UN, the General Assembly and the Security Council reflects the world of 2005 and not the world of 1945.

With regard to enforcement, I can assure the House that the Bill will be enforced. I would propose to the hon. Prime Minister that the ministry of External Affairs would very closely associate with aspects of Policy and coordination

With regard to the nuclear supplies group...

SHRI JAIRAM RAMESH: Sir, I asked about a single point authority for enforcement. Is there any Ombudsman-type of a structure?

SHRI K. NATWAR SINGH: No, no. existing mechanism will Continue. When the Bill went before the Cabinet, it was discussed that the Cabinet Secretariat would monitor it. But, the Ministry of External Affairs would continue to have responsibility for Policy and Coordination.

Now, I come to the Nuclear Suppliers Group. This is, again, another exclusive group. Mr. Jairam spoke about the elegant words of Mr. Tellis. I have not read the item which he has referred to. But, all I can say is that much more is being done. When it is possible for me as a responsible Minister, I go beyond what I have said. It is so sensitive a matter. If Pakistan agrees with us that the MoU on CBMs can be converted into a treaty with Pakistan, we can certainly take it up with them. As I said earlier, Mr. Chairman, we had unilaterally announced 'No first use of nuclear weapons.'¹ They have not responded to it. Because one of the consequences of the May 1998 Pokhran-II was that the superiority that India had in conventional arms over Pakistan over fifty years, disappeared and on the 28th and 30th May, 1998, when Pakistan exploded their bombs, I don't think this was the intention. But the result was this and, it could have been anticipated.

We have not done anything new. There has been continuity and I don't want to take the time of the House. But, two or three hon. Members have

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RAJYA SABHA

quoted the hon. Prime Minister. I can also quote what Shri Atal Bihari Vajpayee said in May 1998, or, what he said at the 58th Session of the UN General Assembly on 24th September, 1998. Or, what Shri Jaswant Singh told to *The Hindu* in 1999. India's nuclear doctrine, as summarised in the Press Statement of January 4, 2003, issued subsequent to a meeting of the Cabinet Committee on Security to review the progress in operationalising India's nuclear doctrine, also includes, 'continuance of strict controls on export of nuclear and missile-related material technology. We have only taken this forward. This is the 60th Anniversary of the UN, where we are hoping that there will be a positive response to the realities of the 21st Century so that the Security Council can be expanded and we go as a Permanent Member.

In conclusion, I want to reiterate India's commitment to safeguard its security as a nuclear weapon State and to deepen its autonomous scientific and technological ability for meeting our security imperatives as well as our developmental goals. India is and will remain a responsible nuclear power. We have adopted the most responsible policy on sensitive and dual-use nuclear missiles related technology. Hon. Members referred to articles 9, 15(1), 20, and 17 of the Bill. All these have been taken care of. If you read the Bill, as a whole, you will find that there are really no loopholes and it is a balanced instrument. Therefore, I would request the hon. Members to pass this Bill, so that it can become a law right away. We have dealt with the objections raised about paragraph 14, which says, "Any person who contravenes, or attempts to contravene or abets....etc., etc.". if you read the following paragraph it takes care of it. Similarly, paragraphs 21 and 23 have been minutely discussed, examined and re-examined, and, then, the Bill has been placed before the two Houses of Parliament. We are committed to ensure that these weapons of mass destruction do not fall in the wrong hands ~ whether of non-State actors, or, terrorists. India has an impeccable record in this regard; and, India will continue to work to prevent proliferation of weapons of mass destruction. And, I share the views expressed by Shri Anand Sharma and others. It would have been better if the attendance here were better, as it is an issue of such an importance and such immediacy. All I can say is, when I was the Deputy High Commissioner of India at the United Kingdom, a British correspondent asked me, "Mr. Deputy High Commissioner, how many people work in the India House?" And, I said, "My friend, as far as I know, about half.

Now, I request the Members that the Bill be passed.

MR. CHAIRMAN: Now, the question is:

"That the Bill to prohibit unlawful activities, in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

The Motion was adopted.

MR. CHAIRMAN: We shall, now, take up clause-by-clause consideration of the Bill.

Clauses 2 to 27 were added to the Bill.

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

SHRI K. NATWAR SINGH: Sir, I move:

That the Bill be passed.

The question was put and the motion was adopted.

STATEMENTS BY MINISTER

Status of implementation of the recommendations contained in the First, Third and Fourth Reports of the Department-related Parliamentary Standing Committee on Railways

MR. CHAIRMAN: Statements by Ministers. Shri Velu. *(Interruptions)*

SHRI DIPANKAR MUKHERJEE (West Bengal) Where is the Finance Minister? क्या हुआ, सर ...(व्यवधान)... एश्योरेस पहले आएगा कि स्टैण्डिंग कमेटी की रिकमेंडेशन आएगी ...(व्यवधान)... रिकमेंडेशन का फायदा ही क्या है ...(व्यवधान)... जब उसकी एश्योरेस नहीं होती ...(व्यवधान)... ऐक्शन नहीं होता ...(व्यवधान)...

MR. CHAIRMAN: Let the Ministers, who are present here ...*(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: He has to be present here ...*(Interruptions)*... He had to give a statement on the sale of Centaur Hotel