

The Declaration of Countries as Sponsor of Terrorism Bill, 2016

SHRI RAJEEV CHANDRASEKHAR (Karnataka): Sir, I beg to move:

That the Bill to declare any country as State sponsor of terrorism and withdraw economic and trade relations with such country and to create legal, economic and travel sanctions for citizens of that country and for matters connected therewith or incidental thereto, be taken into consideration.

Sir, I thank you for allowing this Bill to be debated. On 18th September 2016, there was a terror attack in Uri and 19 lives were lost. This was one more incident in a series of incidents that this country had seen and those were lives in a series of lives that India had lost over many decades confronting terrorism.

But for me, it marked a turning point, at least, in my mind and I publicly promised that I would take on the important responsibility of calling Pakistan for what they are and what they have always been – a State sponsor of terrorism.

That is why, Sir, in the Winter Session of Parliament, I submitted a Resolution declaring Pakistan a terror State and I also moved a Private Member's Bill which is the Bill that has come up today for discussion and consideration. It is to call out countries like Pakistan that continue to associate, promote, patronise and sponsor terrorism against our nation. I also wrote to the leaders of all political parties to support this Resolution. Regrettably, the Resolution was not taken up. But the Bill was introduced in the Winter Session. Today, I am very happy to have this discussion commenced.

Sir, why this Bill? Many people told me that this is like another Private Member's Bill and that it will not see light of the day, etc. As I have seen from my colleague Shri Tiruchi Siva's Bills, Bills like this do have a purpose. They start a discussion and a conversation in this House that will perhaps not ebb and give the people of India a conversation or start a conversation on what should be really our relationship with Pakistan given that there is incontrovertible evidence that they support terrorism. Sir, for decades, India and other countries in the region have been victims of numerous terror attacks from organisations and individuals based in and with the support of elements in Pakistan. Yet, for decades, we have remained engaged with Pakistan in an attempt to draw it into the mainstream.

Sir, there is a basic tenet in criminality which you as a lawyer will recognise. Basic tenet of criminality and criminal conduct is that if criminals are not declared criminals and are not made to bear the consequences of their criminal actions, they will continue to be criminals. Sir, I am not a lawyer, but I extend this hypothesis or

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thesis that this is also true for countries that aid and abet terrorism and use terrorism as a misguided tool of their State policy. Sir, if they are not brought to account, they will continue to violate all established laws and conduct. Sir, therefore, this Bill is to finally put into motion the process of calling terror sponsors to account for years of terror sponsorship and for causing losses of innocent lives not just in India but in the region around us, in other parts of the region and the world.

Sir, there is another important reason. The world is getting tired and has lost patience with rogue nations, nations that don't conform to global standards of civilised conduct and compliance with law as State sponsors of terrorism. And as world opinion consolidates around the conduct of some countries like Pakistan, the focus will naturally come on what the approach of India and the Indian Parliament to this threat is. Sir, I humbly state that it cannot be our case, as Parliament and as a country, that the world declare and treat Pakistan as a terror-sponsor while all we have done is a 1994 Parliamentary Resolution. Sir, I state humbly that it is time that we stopped running to other countries to declare Pakistan a terror State and stood up and did this job ourselves.

Sir, what is Pakistan's record? There is not one man or woman in this country that does not recognise its direct role in fostering terrorism against India and not just for the last few years but for several decades. Not one man or woman of this country does not want Pakistan to be held to account. Pakistan's history and track record of fostering terrorism and terrorists is long and indeed distinguishable and incontrovertible. For example, Sir, the year 2016, the year that has just gone past, began with a terror attack in Pathankot on 2nd January in which seven people lost their lives. This was followed by a series of attacks in Gurdaspur, Machil, Pampore, Uri and Nagrota to name just a few. The year 2016 itself ended with an attack in Pampore. In all, we lost 87 lives and 165 militants were killed in 2016. How can we as Parliament forget 13th December, 2001 when this very Parliament, the temple of our democracy, was attacked by Pakistan-based terrorists killing as many as 15 people and injuring at least 20 people before our security forces gunned them down? How can we forget 26.11.2008, the Mumbai terror attacks? As the world watched in horror on television screens, Pakistan-based terrorists created a bloodbath in a series of 12 coordinated shooting and bombing attacks which lasted four days, killing 164 and wounding over 300 people. Sir, despite overwhelming evidence, including from captured terrorist Kasab and David Headley pointing to Pakistan, that country continues to do nothing about prosecuting those responsible, confirming and reconfirming its deep involvement as a State that supports these attacks.

Sir, the irony is, despite undeniable evidence, incontrovertible evidence and widespread desire of the people of India, we have continued to engage Pakistan diplomatically, culturally and economically in a meaningless engagement, which, in my opinion, serves only one purpose – for time to pass by and memories to fade about the last terror attack. These meaningless dialogues have exposed one fundamental reality that Pakistani State will not do anything unless they are coerced or pressured to do so. It is a fact, Sir, and we all can recognise it and we all must recognise it, that it is only after the Kargil bloody nose on Pakistan, the 97th bloody nose on Pakistan, that Pakistan turned responsive.

According to data from 1988 to 29th January, 2017, 14,741 civilians have been killed in terror attacks in this country, 6,274 security force personnel lost their lives and we have killed 23,146 terrorists. On 22nd January, 1994, we, in this very House, unanimously adopted a Resolution condemning “strongly the continued support and encouragement Pakistan is extending to subversive and terrorist activities in the Indian State of Jammu and Kashmir”, stopping short of a stronger resolution to send a message to not only Pakistan but also the rest of the world that we will not take Pakistan sponsored terrorism as business as usual. We stopped short, Sir.

Until now, successive Governments, except for Shrimati Indira Gandhi’s 1971 defeat of Pakistan in Bangladesh and Shri Atal Bihari Vajpayee’s crushing of Pakistan in Kargil, have done very little and continued to have meaningless debates and kept running to major powers to pressure Pakistan. It is for first time with this Government that we have demonstrated military resolve and use of the Army with its surgical strikes. But there is more that we can do and must do by using our diplomatic, legal and economic strengths. Our basket of options to bring Pakistan to book must be expanded beyond military. Which is precisely why I have introduced this Bill to use economic trade, sports, cultural sanctions with Pakistan, to review and repeal the Most-Favoured Nation Status given by India to Pakistan and to review the Indus Water Treaty and to further punish those who aid and abet Pakistan.

Sir, let me just describe the Bill in a few sentences. The Bill is to declare any country, this is the format that will help India, and the Parliament and the Government can declare any Government, any State that sponsors terrorism against India. Whilst we recognise Pakistan as our principle aider and abettor of terrorism, this Bill can apply in future to other countries also that directly or indirectly aid terror attacks against India. I will not mention the names, Sir, but we have a fair understanding of which the other countries are.

This Bill, in Section 2(b), defines what a State sponsor of terrorism is. It is any country which, through its instrumentalities or retired officials or through deliberate

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negligence, provides support to terrorist acts directly or indirectly. Sir, this Bill defines terrorist act. It defines in 2(b) the State sponsor of terrorism and in 2(c) it defines terrorist act.

As one of the principal victims of terrorism for many, many decades, we can set the basis of defining what a terror act is even while the United Nations still struggles to define terrorism. It is one of the ironies of the contemporary age that the United Nations even today struggles for declaring Hafiz Saeed a terrorist because they are quibbling about the definition of terrorist act. So, this Act defines under 2(c) what a terrorist act is. Through the following clauses, it lays out in very clear form what the economic and other consequences are that would be applicable to a State sponsor of terrorism that aids, abets, directly or indirectly, the terrorist act.

Sir, take for example, it talks about Heads of States of State sponsor of terrorism being prohibited to travel to and from India. It talks about business entities that are linked to the State sponsor of terrorism being sanctioned against conducting trade, investment or any form of other economic and commercial activity with any entity or the State, the country of India. It talks about overflight restrictions for entities that are linked to the State sponsor of terrorism. It talks about coastal prohibitions for entities that are linked to the State sponsor of terrorism. Sir, I will conclude now. I can go on and on about this but I believe that the Government and Parliament must act now. The winds of change are blowing in the world against terrorism and terror sponsors. This is obvious and was obvious in the universal condemnation of Pakistan during the Uri terror attacks. In a sense it is a little ironical also that we, as a Parliament, have not done anything more than the 1994 Resolution because in September, 2016, the US Congress introduced a Bill. Senator Ted Poe and Congressman Dana Rohrabacher introduced a Bill titled, "Pakistan State Sponsor of Terrorism Designated Act". They were quite clear. They actually included the name "Pakistan" in the name of the Bill. I am actually trying to be much broader and saying this is not directed at Pakistan, but it is a declaration of State sponsor of terrorism. Senator Poe introducing the Bill stated and I quote, "Not only is Pakistan an untrustworthy ally, Islamabad has also aided and abetted enemies of the United States for years. From harbouring Osama Bin Laden to its cozy relationship with the Haqqani network, there is more than enough evidence to determine whose side Pakistan is on in the war of terror. And it is not America's." Sir, if you just take the word "America" out of that quote and insert "India", that quote holds good for us. Therefore, Sir, it is ironical and I repeat that while the US Congress, a nation that is miles away from Pakistan, has introduced a Bill and is debating a Bill or has debated a Bill, our Parliament has done very little since 1994. And I am going to cite one more

quote from the same gentleman. He states, "Pakistan's reckless behavior in this regard is a serious security risk to its neighbours and India, unfortunately, pays the price all too often. Not only is Pakistan an untrustworthy ally, Islamabad has also aided and abetted enemies for years." So, Sir, let me end by saying, the terror attacks on India has not just caused loss to lives, it has caused significant economic loss to us. On one hand our businesses bleed due to Pakistan-sponsored terror, yet on the other hand we have continued to grant Pakistan the Most Favoured Nation status without the same being granted to us reciprocally. Pakistan poses a continual risk to the peace, security and stability of the region, harbouring terrorists and funding terror outfits that have orchestrated terrorism the world over. In addition to its diplomatic and military options, India can and should use its economic and trade strengths to send out a strong and firm message that we intend to change the relationship with Pakistan into one where Pakistan is a more responsible and accountable neighbour. There is no justification in the world that allows a nation or group to perpetrate violent crime against innocent people. With this Bill, Sir, we in Parliament can reflect the will of our people because there is not a man or woman — as I said earlier — in this country who does not want that Pakistan be declared a State that sponsors terrorism. Sir, it is time that we should define what national interest means because we are seeing what the rest of the world is doing to protect their nations and their own people. I appeal to the House and all my colleagues here to start a discussion around this Bill to signal, internally and externally, the depth of our national resolve that there will be no more half measures when it comes to protecting India and its people from terrorism. Thank you, Sir. *Jai Hind*.

The question was proposed.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY): Now, Shri Ananda Bhaskar Rapolu. Your time will be up to 5 o' clock only.

श्री आनंद भास्कर रापोलू (तेलंगाना): माननीय उपसभाध्यक्ष महोदय, सम्माननीय स्वतंत्र सदस्य दिखने के लिए तो स्वतंत्र दिखता है, मगर सत्ताधारी सदस्यों से बहुत जुड़ा होता है। मेरे भाई राजीव चंद्रशेखर द्वारा प्राइवेट रूप में लाए गए बिल के ऊपर चर्चा के दौरान, मैं सोच रहा हूँ कि कहां गए वे दिन? हम सोचते थे कि चाय पर चर्चा के लिए कराची तक जा सकते हैं, पाया पाने के लिए पेशावर तक जा सकते हैं, 2014 के बाद आप माहौल इतना बदलने वाले हैं कि अगल-बगल में हमेशा शरीफ और मोदी बैठने वाले हैं। What has happened exactly in between? With this, I am looking at the initiative of my esteemed friend, Shri Rajeev Chandrasekhar. Our people, particularly the younger generation, are expressing their views during the sport and cultural events; and making us to follow what to do and what not to do, how to behave with a neighbour, how to stand, put forth our view, how to stand up. Since the present Government could not withstand and

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stand up to the exigencies of bilateral relations and cross border terrorism. They have very closely allied with the ruling dispensation. The hon. Member, Shri Rajeev Chandrasekhar had to go for a resolution first, and now to come with a Private Member Bill to debate on this sensitive issue. We know that how we have invited the investigators across the border. They have come over here to have the luxury of the VIP movement in the classified and restricted areas.

I belong to a party which is known for its sacrifices. We all know how Indira Gandhi had sacrificed her life; and how she stood for and what she had achieved. What was the achievement of my leader, late Rajiv Gandhi? We all know how we used to have India as a great idea of the sub-continent. Where exactly are we standing now? These are all the things that are coming to my mind while discussing about my friend, Shri Rajeev Chandrasekhar's Bill. ...(*Interruptions*)... Yes, your concern. I appreciate your effort to make a detailed study and come up with 10 clauses. It is a great detailed Bill. This can be taken up by the Government for further consideration. But why has this occurred? Why is this happening? This is unnecessarily a futile exercise. It is not at all diplomatic. It is just a novice. It won't take the expert view and guidance from the right people. This type of decline has happened in our bilateral relations. What is happening in the Pakistan-occupied Kashmir? How are we looking at that problem? What are the concerns of the people living there? What is happening in Balochistan? How are we responding to those people? But just a lip sympathy is not going to serve in any way. The son of Gujarat used to speak about those sensitive issues. He knows how sensitive the Rann of Kutch is. We know how he used to provoke the then UPA Government and challenge the Government with 56 inches chest. 56 इंच का वह सीना कहाँ गया? ...(*व्यवधान*)... वह सीना कहाँ गया? हम सोच-सोच कर गिर पड़ रहे हैं और साधना में, दिखाने में, करने में, हर चीज में आप गिरते-गिरते आ रहे हैं, इसीलिए यह बिल लाए हैं। Respected Vice-Chairman, this is a point of highlight. This is an occasion for the Union Government to take note of.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY): Mr. Rapolu, as the Deputy Chairman has already informed, this Bill could be discussed till 5 o'clock; and the House should adjourn after that. But we have a certain other Business to take up. This Bill will be carried forward to the next day of Private Members' Bill as and when the House decides. Now the statement by the hon. Minister of State in the Ministry of Shipping, Shri Mansukh L. Mandaviya.
