

**LEAVE OF ABSENCE**

MR. CHAIRMAN: I have to inform Members that a letter has been received from Shri Arun Jaitley, Member stating that he is unable to attend the sittings of the current Budget Session of Parliament as he is currently under treatment for certain medical issues. He has, therefore, requested for grant of Leave of Absence for the current Session ..(*Interruptions*)...

श्री विशम्भर प्रसाद निषाद (उत्तर प्रदेश): सभापति महोदय, हमारा रूल 267 के तहत एक नोटिस है। ...(*व्यवधान*)...

श्री सभापति: राम गोपाल जी, प्लीज, बैठ जाइए। Does he have the permission of the House for remaining absent from 20th June, 2019 to 26th July, 2019 of the current Session of the Rajya Sabha or till the end of the current Session?

*(No Hon. Member dissented)*

MR. CHAIRMAN: Permission to remain absent is granted.

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**STATEMENTS BY MINISTERS**

**Status of the implementation of the recommendations/observations contained in the Two Hundred and Eighteenth Report of the Department-related Parliamentary Standing Committee on Home Affairs**

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION; THE MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE; THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS; THE MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY; AND THE MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH): Sir, I lay on the Table a statement regarding status of implementation of recommendations/observations contained in the Two Hundred and Eighteenth Report of the Department-related Parliamentary Standing Committee on Home Affairs on the Action Taken by the Government on the recommendations/observations contained in the Two Hundred and Tenth Report of the Committee on Demands for Grants (2018-19) pertaining to the Ministry of Development of North Eastern Region.

**Certain developments that have taken place pertaining to Shri Kulbhushan Jadhav, an Indian citizen in the illegal custody of Pakistan**

THE MINISTER OF EXTERNAL AFFAIRS (DR. SUBRAHMANYAM JAISHANKAR): Mr. Chairman, Sir, with your kind permission, I rise to apprise

the House of certain important developments that have taken place pertaining to Shri Kulbhushan Jadhav, an Indian citizen held in the illegal custody of Pakistan ...*(Interruptions)*...

**श्री सभापति:** कृपया शांत रहिए, यह एक गंभीर मामला है।

DR. SUBRAHMANYAM JAISHANKAR: The House will recall that Shri Jadhav was awarded a death sentence by a Pakistani military court on fabricated charges. This was done without providing Indian representatives consular access to him, as envisaged by international law and diplomatic practice. We made it clear even at that time that India would view very seriously the possibility that an innocent Indian citizen could face death sentence in Pakistan without due process and in violation of basic norms of law and justice. To ensure Shri Jadhav's well-being and safety and to secure his release, the House is aware that we approached the International Court of Justice to seek appropriate relief. That body stayed the execution of the death sentence as a provisional measure. The matter was thereafter taken up in the ICJ for more permanent relief.

The International Court of Justice delivered its judgment on the Jadhav case yesterday, on 17 July, 2019. Significantly, the Court unanimously found that it had jurisdiction on the matter and by a vote of 15-1, pronounced on the other key aspects of the case. The sole dissenting Judge was from Pakistan. The Court pronounced that Pakistan had breached relevant obligations under the Vienna Convention on Consular Relations. It did so by not notifying India, without delay, of the detention of Shri Jadhav, thereby depriving us of the right to render Consular assistance. Pakistan was also found to have deprived India of the right to communicate with Shri Jadhav, have access to him, visit him in detention and arrange for his legal representation. The Court declared that Pakistan is under an obligation to inform Shri Jadhav, without further delay, of his rights and to provide India Consular access to him. It stated that the appropriate reparation in this case was for Pakistan to provide, by means of its own choosing, review and reconsideration of the conviction and sentence of Shri Jadhav. It bears noting that the Court has re-emphasized that the review and reconsideration of the conviction and sentence must be effective. A continued stay of execution, in the judgement of the Court, constitutes an indispensable condition for the process of effective review and reconsideration.

Sir, in 2017, the Government made a commitment on the floor of the House to undertake all steps necessary to protect the interests and welfare of Shri Jadhav. The Government has made untiring efforts in seeking his release, including through legal means in the International Court of Justice. I am sure, the House will join

me in appreciating the efforts of all those involved, especially the legal team led by Shri Harish Salve. Yesterday's judgment is not only a vindication for India and Shri Jadhav, but for all those who believe in the rule of law and the sanctity of international treaties.

The House, I am sure, joins me in welcoming this landmark judgment. I know that the sentiments I express in this matter are those of the entire House, indeed, of the entire nation.

Sir, Shri Kulbhushan Jadhav is innocent of the charges levelled against him. No forced confession, that too without legal representation and due process, will change this fact. We once again call upon Pakistan to release and repatriate him forthwith.

I am confident that the House will join me in expressing its strongest solidarity with Shri Jadhav's family. They have shown exemplary courage in difficult circumstances. I can assure that the Government will vigorously continue its efforts to ensure Shri Jadhav's safety and well-being as well as his early return to India.

MR. CHAIRMAN: I am very happy that the entire House has joined together in welcoming the judgment of the International Court of Justice. All the concerned people have been complimented. I am happy that the Minister has particularly mentioned about the services rendered by Shri Harish Salve, that too without any charge, who has been appearing on a nominal fee to serve the cause of the countrymen. We are all very happy about it and hope that he will pursue it till Shri Kulbhushan is totally discharged and released.

SHRI ANAND SHARMA (Himachal Pradesh): Sir, I have a point of order. My point of order is under Articles 102 and 191 (2) of the Constitution of India and the Tenth Schedule. Sir, the Parliament or the Legislatures make the law. The Tenth Schedule makes it absolutely clear about the disqualification of Members and the rights of the political parties, that the Members belong to the political party on whose ticket they are elected and as such notified by the Election Commission of India. Sir, I am specifically drawing your kind attention to the Tenth Schedule, Article 2B. It has been made absolutely clear, "If a Member votes or abstains from voting in such House, contrary to any direction issued by his political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining in either case the prior permission of such political party, person or authority, such voting or abstention has not been condoned by such political party, person or authority, within 15 days from the date of such voting or abstention." Sir, Parliament is sovereign because the sovereignty of the people of India is vested

in the Parliament. Now, there is a constitutional framework about the separation of powers between the Executive, the Legislative and the Judiciary. I, as a Member of Parliament, find yesterday's Supreme Court judgment a clear violation of the Constitution and transgression...

MR. CHAIRMAN: I am not allowing it. The matter is not before the House.

SHRI ANAND SHARMA: It is transgression. I find that.

MR. CHAIRMAN: You go through the rules.

SHRI ANAND SHARMA: Sir, I need your ruling on that.

MR. CHAIRMAN: Yes, I will give a ruling. The matter is not before the House. The matter rests with the Karnataka Assembly.

SHRI ANAND SHARMA: Sir, you have to give a ruling on the Tenth Schedule. Sir, a ruling is required.

MR. CHAIRMAN: I will give a ruling.

SHRI ANAND SHARMA: Sir, you have to give a ruling and this ruling, in fact, will be on a point of order...

MR. CHAIRMAN: I will give a ruling. What ruling I have to give, leave it to me.

SHRI ANAND SHARMA: I am only urging you to uphold the Constitution and the Tenth Schedule and that ruling, in fact, will be a landmark ruling.

MR. CHAIRMAN: I can only say initially that this matter is not for consideration before the House. So, I cannot allow this point of order, but I will give a detailed order. Now that you have raised the issue, I will give a detailed order.

SHRI ANAND SHARMA: Sir, this is an important matter.

MR. CHAIRMAN: I will give a detailed order.

SHRI ANAND SHARMA: No, Sir, this issue needs to be settled whether the Parliament of India is sovereign...

MR. CHAIRMAN: You have made your point of order. I have taken note of it. I will give a ruling. Please sit down.

SHRI ANAND SHARMA: Sir, you kindly assure us that you will give a ruling.

MR. CHAIRMAN: I will give a ruling. I told you, Anandji, please sit down.

**प्रो. राम गोपाल यादव** (उत्तर प्रदेश): सभापति महोदय, उत्तर प्रदेश के सोनभद्र जिले में 10 आदिवासियों की हत्या कर दी गई। ...**(व्यवधान)**...

MR. CHAIRMAN: No, no; you have to take my permission. I am only seeing your notice.

**प्रो. राम गोपाल यादव:** महोदय, नोटिस दिया हुआ है। ...**(व्यवधान)**...

SHRI SURENDRA SINGH NAGAR (Uttar Pradesh): Sir, ..

MR. CHAIRMAN: Your leader is on his legs. He is capable of arguing. ...**(Interruptions)**... If you don't want to hear, then, I will leave.

**प्रो. राम गोपाल यादव:** महोदय, यह बहुत गंभीर मामला है। ...**(व्यवधान)**...

MR. CHAIRMAN: I will not allow anybody to speak if ten Members are standing. Please ask your party Members to sit down, Prof. Ram Gopal Yadav. Notice has been given. I have not admitted it under Rule 267. I have called Ram Gopalji, as the leader of a party, just to say in one line what he wants to say.

PROF RAM GOPAL YADAV: This is not a question of one line, Sir. उत्तर प्रदेश में पूरी तरह से \* ...**(व्यवधान)**...

**श्री सभापति:** नहीं-नहीं। ...**(व्यवधान)**... Ram Gopalji, you know the rules. That is a State matter. No, no; this will not go on record. यह रिकॉर्ड पर नहीं जाएगा। ...**(व्यवधान)**... Telecast भी नहीं होगा। ...**(व्यवधान)**... You made your point. Please sit down. ...**(Interruptions)**... You wanted to raise that issue. नहीं-नहीं। Please sit down. This is not done. Zero Hour submissions. Kumari Selja.

KUMARI SELJA (Haryana): Sir, how can I speak when there is so much noise?

PROF. RAM GOPAL YADAV: Sir,...

MR. CHAIRMAN: That is a State matter. You are aware of it. ...**(Interruptions)**...

SHRI RIPUN BORA (Assam): Sir, I have a point of order. ...**(Interruptions)**...

MR. CHAIRMAN: This is not the way to behave. ...**(Interruptions)**... Nothing will go on record. No telecast will be there. ...**(Interruptions)**... Nothing will go on record from this side, that side, whatever side it is. I have already said that I have not admitted, but I allowed Prof. Ram Gopal Yadav to have his say. He has said it. No further discussion will be there. I have called Kumari Selja. If you don't want to do Business.... ...**(Interruptions)**... You go to your seat, Shri Ripun Bora. This is

not the way. You please go to your seat. ...*(Interruptions)*... Nothing is being telecast. Why are you wasting your energy?

*The House is adjourned to meet at 12.00 o' clock,*

*The House then adjourned at fifteen minutes past eleven of the clock.*

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*The House reassembled at twelve of the clock,*

MR. DEPUTY CHAIRMAN *in the Chair.*

### ORAL ANSWERS TO QUESTIONS

#### High unemployment rate

\*271. SHRI AMAR SINGH: Will the Minister of STATISTICS AND PROGRAMME IMPLEMENTATION be pleased to state:

(a) whether Government is aware that unemployment rate has touched a 45 year high as per data released by Government which shows that joblessness had indeed touched 6.1 per cent from July, 2017 to June, 2018; and

(b) if so, the details of measures Government proposes to take to tackle this problem?

THE MINISTER OF STATE OF THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION (RAO INDERJIT SINGH): (a) and (b): A statement is laid on the table of the House.

#### *Statements*

(a) This Ministry has launched a new regular Employment-Unemployment survey, namely, Periodic Labour Force Survey (PLFS) during 2017-18 with certain changes in survey methodology, data collection mechanism and sampling design *vis-à-vis* the earlier quinquennial (once in every five years) Employment and Unemployment surveys of NSSO. Besides, the PLFS was launched with an objective of measuring quarterly changes of various labour market statistical indicators in urban areas and generating the annual estimates of these indicators for both rural and urban areas. These differences in methodology put certain limitations in respect of the comparability of results of PLFS with the results of the earlier quinquennial surveys on Employment – Unemployment conducted by NSS.

Based on the first estimates, available from the Periodic Labour Force Survey (PLFS), released on 31st May, 2019, unemployment rate in usual status is 6.1 per cent.