

RAJYA SABHA

***SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Friday, March 10, 2017/ Phalgun 19, 1938 (Saka)

Motion for Suspension of Rule 272

THE MINISTER OF STATE OF THE MINISTRY OF MINORITY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI): I move that the Rule 272 of the Rules of Procedure and Conduct of Business in the Council of States in its application for consideration of the Demands for Grants of the related Ministries/Departments for 2017-18 by Department-related Parliamentary Standing Committees and to make reports, without general discussion on the Budget having been concluded, be treated as suspended on the adjournment of Rajya Sabha for recess on 9th February, 2017.

The motion was adopted.

STATEMENT BY THE MINISTER

Incidents Occurred in Madhya Pradesh and Uttar Pradesh on 7th and 8th March, 2017

THE MINISTER OF HOME AFFAIRS (SHRI RAJ NATH SINGH): As per the available information, on 7th March, 2017 at 09.41 hours a blast took place in the general compartment of train no. 59320 Bhopal-Ujjain Passenger near railway station Jabdi, district Shajapur, Madhya Pradesh. 10 passengers got injuries in this blast and railway property was also damaged. The injured were immediately rushed to the hospital. All the injured are presently out of danger.

With regard to the above incident, a case crime number 47/17 u/s 3/4 Explosive Substances Act was registered against unknown accused in police station GRP, Ujjain for investigation on the report of train guard.

As soon as the information about the incident was received, DGP, Madhya Pradesh rushed to the spot along with other senior officers of Police and Administration and initiated necessary action with regard to the investigation of the incident. Initial inspection of the scene of crime indicated that the accused had used an IED prepared by using locally available explosives for the blast.

Madhya Pradesh Police coordinated with central agencies for the investigation of the incident. Subsequently, based on available intelligence, three suspects were taken into custody by Madhya Pradesh Police during vehicle checking at a place Pipariya in district Hoshangabad. Interrogation of these suspects indicated their involvement in the aforesaid incident and they were arrested. Further investigation of the case is being done in coordination with central agencies and information is being collected about other accomplices of the accused.

Based on the interrogation of the above suspects and other available information, Uttar Pradesh Police initiated action at different places in Lucknow, Etawah, Kanpur and Auraiya.

In Lucknow, Information was received about one Mohammad Saifullah alias Ali, resident of Kanpur, renting an accommodation in Haji Colony, Police Station Kakori. ATS Uttar Pradesh laid a siege of the house and made vigorous attempts to arrest the suspect Saifullah. However, he refused to surrender and started firing on ATS team. Ultimately, after 12 hours of efforts, the ATS team entered the room in which Saifullah was holed up and in the ensuing encounter, this suspected terrorist was killed. From the room of the deceased, 8 pistols, 630 live cartridges and other material which included cash of Rs. 1.5 lakh, about 45 grams gold, 3 mobile phones, 4 sim cards, 2 wireless sets and some foreign currency was recovered.

A case crime number 2/2017 u/s 307/121A/122/123/124-A IPC, 3/4/25/27 Arms Act and 16/18/23 UAPA has been registered at Police Station ATS, Lucknow with regard to the incident.

ATS Kanpur Unit has arrested one more suspect from Jajmau Police Station area against whom a case crime number 3/2017 u/s 121/121A/123/124A IPC and 16/18/23/38 of UAPA has been registered.

Apart from the above, two more accused, one from Etawah and one from Auraiya have been arrested by Uttar Pradesh Police on the charge of supplying weapons to the above gang of suspected terrorists.

Till 8th March, 6 accused were arrested in the above incidents. With the arrest of 2 more accused by U.P. A.T.S. on 9th March, total 8 arrests have been made in these incidents so far.

The above sequence of events presents an excellent example of coordination amongst the State Police and Central Agencies. Due to the prompt action taken by the police of both the States, a possible

threat to the national security was successfully averted. Further investigations will be handed over to NIA.

Here I would like to mention that Mohd. Sartaj, father of saifullah said that If a person is not faithful towards his country then how he can be faithful to him as well. He said that he had brought up him on his hard earned money but he brought shame to him. On behalf of the Government and this House we express our sympathy to family of Saifullah. It is my firm belief that in our culture no religion will ever endorse terrorism or such violent activities. The Government and this House is proud of people like Mohd. Sartaj.

MATTERS RAISED WITH THE PERMISSION OF THE CHAIR

1. Alleged Attack on Academic Freedom in Delhi University and Jawaharlal Nehru University

SHRI D. RAJA: I draw the attention of the entire House and the attention of the Government to what is happening in Delhi University, JNU, other universities and other institutions of higher learning in our country. There is an increasing attack on academic freedom and freedom of expression. There are some right wing forces working in the Universities which have taken the authority in their hands. It will definitely adversely impact the entry of students from Scheduled Castes, Scheduled Tribes, OBC and minority communities. Students are agitating. It is an issue concerning the future of the entire nation.

SHRI SITARAM YECHURY: These Universities have been established by law enacted by this august House. So, we have a direct bearing on what is happening in these Universities. Organisations are taking upon themselves the right to decide who is wrong and who is right.

SHRI T.K. RANGARAJAN: Can there be a restriction on our speech? I appeal to the House to condemn the attitude of the goondaism.

(Several hon'ble Members associated.)

2. Exploration of Hydrocarbons in Neduvasal Village, Pudukottai in Tamil Nadu despite Agitation by Native People

SHRI TIRUCHI SIVA: The Ministry of Petroleum and Natural Gas has recently proposed a project to explore and extract hydrocarbon in Neduvasal village in Pudukottai district in Tamil Nadu which is said to economically benefit the country but one should also consider the social and environmental impact of such projects. Because of this project, the total area would be deserted. The production process will also contribute to the greenhouse gases. The project will also use more volume of water. It would affect Tamil Nadu which is already having shortage of water. So, the Government has to seriously take this into consideration. People are very much agitated and we urge upon the Government to immediately revoke the project.

(Shri D. Raja, Shrimati Kanimozhi, Shri S.R. Balasubramoniyar, Shri T.K.S. Elangovan and Shrimati Vijila Satyananth associated.)

3. Need for a Central Probe into the Mystery Surrounding the Death of Dr. J. Jayalalitha

DR. V. MAITREYAN: I demand a Central probe into the circumstances leading to the death of my beloved leader Dr. Puratchi Thalaivi Amma. I want to bring to your notice that she was admitted to hospital on 22nd September, 2016 around 10.30 p.m. Two reports by the same hospital on different dates alone demand a

Central enquiry. We urge the Government to initiate a Central probe. We demand that this should be conducted immediately.

(Shri Kiranmay Nanda and Shri Tiruchi Siva associated.)

4. Killing of Indian Fishermen and Continuous Attack on them by Sri Lankan Navy

SHRIMATI KANIMOZHI: We want a discussion about the issue of an Indian citizen being shot dead by the Sri Lankan Navy. Is this the respect we have for our fishermen, who have been killed? A 21 year old young man lost his life. I would like everybody here to express their opinion about it. Their livelihood is affected. There are protests all over the State. The fishermen are worried. The Sri Lankan Government says that if our fishermen crossed their sea borders, they would be fired at. But why is Government not bothered about what is happening in Tamil Nadu? Are we not the citizens of this country? We expect a reply from the Minister.

SHRI S.R. BALASUBRAMONIYAN : Even if someone has entered the Sri Lankan waters, according to the International Law, they cannot shoot him down. They can take him into custody. But, this time, indiscriminate firing was there. The Indian Government should do well to send a strong message to the Sri Lankan Government

(Several hon'ble Members associated.)

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI M.J. AKBAR), responding to the matter, said: The Government has taken this matter and the welfare and concern of all fishermen most seriously. The Government of Sri Lanka has promised a full investigation.

5. Capturing of 94 Fishermen by Pakistan Maritime Security Agency

SHRI MADHUSUDAN MISTRY: Pakistan's marine has captured 94 fishermen from the Gujarat Sea Coast during last two days. I want to know that why it is happening time and again. Why Government are not reacting?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI M.J. AKBAR), responding to the matter, said: The issue of fishermen has a long history. This matter is being investigated and a full statement on this will made.

PRIVATE MEMBERS' BILLS

The following Bills were introduced:

1. The Compulsory Health Insurance for Senior Citizens, Mentally Retarded Children and Disabled Persons Bill, 2016
2. The Youth (Eradication of Unemployment and Miscellaneous Provisions) Bill, 2016
3. The Water Conservation Authority of India Bill, 2016
4. The High Courts (Use of Official Languages) Bill, 2016
5. The Constitution (Amendment) Bill, 2016 (Amendment of Article 324)
6. The National Waterways (Amendment) Bill, 2016
7. The Constitution (Amendment) Bill, 2016 (Amendment of Article 51a)
8. The Central Himalayan States Development Council Bill, 2016
9. The Voluntary Organisation (Regulation) Bill, 2016

10. The Abolition of Capital Punishment Bill, 2016
11. The Indian Penal Code (Amendment) Bill, 2016
12. The Code of Criminal Procedure (Amendment) Bill, 2016
13. The Indian Evidence (Amendment) Bill, 2016
14. The Surrogate Advertisements (Prohibition) Bill, 2016
15. The Right of Children to Free and Compulsory Education (Amendment) Bill, 2016
16. The Constitution (Amendment) Bill, 2017 (Insertion of New Articles 121a and 211a)

**The Declaration of Countries as Sponsor of Terrorism
Bill, 2016 - *Contd.***

SHRI ANANDA BHASKAR RAPOLU, continuing his unfinished speech dated 03.02.2017, said: I pay homage to the Indian martyr, Srinivas Kuchibhotla, who shed his blood on the American soil. It has sensated whole of the world. I take another important mention and salute Insha Mushtaq, the 15 year old girl who got blinded with the pellet guns about eight months ago in July, 2016. Though she got completely blinded, yet she is ready to continue her studies and is becoming another Malala. On this occasion, there is a submission from the Indian side for announcing the neighbourhood as the terror sponsorer. How are we moving towards that? The increasing hatred is leading to terror. Where exactly do we stand? How attentive are we on our diplomatic mission? How are we having our bilateral relations? Until and unless we focus on trade and economic sanctions between the countries, the yield of any effort will be very meagre. My friend, Shri Rajeev Chandrasekhar is asking for declaration of the neighbouring country, Pakistan as a terrorist State. Announcing a neighbouring State as a terrorist State is going to pose a bigger challenge in the Indian sub-continent. Pakistan is being promoted by several other countries. It will, therefore, be a futile exercise to

announce Pakistan as a terrorist State and is not going to yield any result.

SHRI K.T.S. TULSI: I am not opposed to the Bill. But I am a bit uncertain of its practical utility. I do not know whether this Bill by itself can achieve anything. The states always have the power to impose legal, economic or travel sanctions. Even without this Bill, if they think that it is in the national interest, it can always be done. The spy agency of Pakistan, ISI, has actively supported various militant groups in Kashmir. The United States has already declared these to be terrorist organisations. Yet, Pakistan continues with its activities. If this Bill is capable of doing anything in the direction of increasing the international pressure and to unite in the fight against terror, I would welcome it. But, we have seen that various countries have taken action against Pakistan, suspended economic and military aid to Pakistan and, yet, terrorism continues to be sponsored by them. So, I don't know whether a mere declaration of a particular state as a terrorist state would make any difference.

SHRI JAVED ALI KHAN: I am on my legs to place before the House the opinion of my party. This is true that most of the terrorist activities in India are being carried out from the soil of Pakistan, but when we frame any law in Parliament, pass any act, the foremost objective is to see that whether we would be able to achieve any success from that. We all are aware of the fact that most of the terrorist incidents in India are being carried out with the support of Pakistan. If we declare Pakistan as a terrorism sponsor nation on the line of this Bill, it is of no use till it is declared so at the world level. There is a nexus between Pakistan and China and America is also supporting Pakistan. The legislation similar to this Bill exists in America but is it not going to solve any purpose in India. I would suggest that if this Bill is passed, name of Israel should also be incorporated with Pakistan in its schedule as it is also supporting terrorism in central Asia. If Pakistan is declared as a terrorist state, it would also affect the people who are facing exploitation on the basis of religion and intend to take Indian Citizenship.

SHRI V. VIJAYASAI REDDY: I am of the opinion that if this Bill is going to violate the UN Charter or UN Conventions, probably, it will be ultra vires of the Constitution. On behalf of my Party I support this Bill. Since 1994, till now so many civilians and security personnel have been killed because of the Pak-sponsored terrorism in India. Former National Security Advisor of Pakistan, himself has admitted that 26/11 terror attack in Mumbai had been orchestrated by Pakistan. The Pakistan Government has itself accepted that it is sponsoring terrorism in India. The terrorists who operate against India are good terrorists in the eyes of Pakistan. As per the article of Vienna Convention, it is very much justified that we can withdraw economic and trade relations with Pakistan. The U.S. itself has recognized that Pakistan is sponsoring terrorism. The President of Afghanistan has also accused Pakistan of waging an “undeclared war” against Afghanistan. The lenient attitude of India towards Pakistan is not yielding any positive result. According to me, India should enhance people-to-people contact with Pakistan. Even today, 68 per cent of the people of Pakistan want good relationship with India. In the light of this fact, I support the Bill and want that Pakistan has to be taught a lesson.

DR. ABHISHEK MANU SINGHVI: First of all I must commend the propounder of this Bill, Mr. Rajeev Chandrasekhar. The whole of this House fully support the fact that Pakistan deserves to be treated as a terror exporting State. In my opinion this Bill adds no value. We have already had Parliamentary resolutions and declarations in this regard. But, there is a difference between a resolution or declaration and an Act or a Bill of Parliament. A Bill must have some teeth. In my view several restrictions which have been mentioned in the Bill could be imposed by a simple notification by the Government of India requiring no Parliamentary enactment. Hence, I would suggest that Mr. Rajeev Chandrasekhar, needs to come up with a better and improved Bill which should say that the moment the Government of India comes to a finding that there have been events of this kind of terrorism, then the first of a calibrated list of consequences 'must' follow. For example for first two

or three offence the Government may issue a warning after that it must curtail travel or visas and further fishing restriction etc. may come. I am sure, that the hon. member would come with a better and more effective Bill in the near future.

DR. SUBRAMANIAN SWAMY: First of all, I would like to compliment Mr. Chandrasekhar for articulating and producing this Bill. We had tried many things during the regime of the UPA but, all we have got is more terrorist attacks. Though, some relief has come after the surgical strike by our Government, but that is not enough. We need much more steps like this strike. The biggest patron of Pakistan today thinks so. We are the ones who are the affected people. There is no use of reiterating peace every time, we must act in retaliation. Keeping in view the prevailing situation in Pakistan even the daughter of founder of that country made a public statement disowning Pakistan and chose to settle in India. Today, there is a vast influx of ISIS people into Pakistan, and that is spilling over to India today as is evident from the recent incidents happened in some parts of the country. We may, again, be forced to intervene in Pakistan's structure, like we did at the time of Bangladesh. There are some States within Pakistan which do not want to remain any more with Pakistan. Many countries have been helping us in our fight against terrorism. I would very strongly recommend our Government that on the basis of the facts assembled by Mr. Chandrasekhar, let us move forward, declare Pakistan as a terror-sponsoring State, and remove the Most Favoured Nation status that we have given them for trading. There are so many trades where they are benefitting. This money, then, ultimately, gets funnelled into the military, and, from there into terrorism. So, the first step will be declaring it as a terror-sponsoring state.

SHRI MAHESH PODDAR: Sir, a new thinking has developed today in India which is arousing a feeling against Pakistan and terrorism. Both the countries were one nation before independence and were divided on the basis of religion. There are lakhs of aggrieved people in the country who have not forgot the

agony of the partition till date. But our relation have not improved yet. They have been unable to keep united their country and blaming on us. Many of our security personnels have scarified their lives in this process and a lot of money have also spent by the government. Even civilians have also suffered due to such terrorist activities. We have made many initiatives, but all failed. Having regard to the present circumstances, our government have to asked our forces to act in retaliation. The terrorism is expanding its wings in the country. Sir, this bill reflects sentiments of the citizens of the country. I hope the government will take into consideration the provisions of this bill and will act appropriately.

SHRI SWAPAN DASGUPTA: I think by now everybody has come to know what Pakistan is. Unfortunately, we seem to be under a degree of squeamishness about how we can approach this problem. There are people who believe that every bomb blast, every act of terrorism and every attack on our Army camp should be responded by various peace processes. A Bill of this nature puts a natural safeguard to say that terrorism directed against India will not be tolerated. If today it is Pakistan, tomorrow it could be some other country. But I think once a mechanism is in place, then we know the limits where the Foreign Policy Establishment can go and cannot go. The United States is a big country and they can have legislations against terrorism. It is high time India as a rising economic power must have an appropriate foreign policy. There should be a level of parity in the world and India's natural sovereignty be protected within that. Pakistan has gone one step further and I think it is the subversion – whether it is in the form of fake currency notes, or in other ways. So, Sir, it is to first create the environment whereby foreign policy is not based on individual flights of whimsy and is more based on certain institutional checks. So, I would like to support this Bill.

SHRI AMAR SINGH: Undoubtedly, we can change our friends but can't change our neighbours. But, when there is no chance of improving in the attitude of neighbour, it is also a bitter fact that we have to act in retaliation. There may be some legal hurdles, as

pointed by one member but I think that this bill must be implemented at the earliest. This issue is no longer limited to Kashmir only, rather no place can be called safe in the country today. The terrorism has no face. What we call terrorism, is nationalism for the military regime of Pakistan. So, for fighting their so called nationalism, we should declare Pakistan as a terrorist country. Therefore, I support this bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HANSRAJ GANGARAM AHIR), intervening in the debate, said: Many Hon'ble members have respected the thoughts and feelings of the proposer of this bill. We all know that we are facing cross-border terrorism since long. We have been successful in facing these challenges due to the continuous efforts by the Centre and the State Governments. The Government of India has raised this issue and condemned the various forms of terrorism on many international forums. The Government has been regularly taking many steps for dealing with terrorist activities in the country. I would like to mention that there may be far reaching effects in declaring any country as state sponsor of terrorism. As far as having economic sanctions against a state sponsor of terrorism and travel sanctions for its citizens are concerned, there are provisions in various existing Acts. There are many thing to be assessed and many preparations are to be made before taking such a decision in respect of another country. So, this bill can't be supported and hence I would request the member to withdraw this bill.

SHRI RAJEEV CHANDRASEKHAR, replying to the debate, said: I am grateful to the Members for their support. I think, the objective of this Bill was to start a debate in this House because since 1994 this House has said very little about Pakistan's role in sponsoring terrorism and in claiming of thousands of innocent lives in India. Sir, our neighbour has managed to leverage their sponsorship of terror. It is now time for us, as a nation and as Parliament, to say, 'Enough is enough'. Over the last seven decades, successive Executives have abrogated their responsibility in declaring and calling out Pakistan for being a state sponsor of terrorism. So, if the Executive

does not want to do it then the Parliament can't just sit silently. So, Sir, this Parliament has a role to talk about Pakistan's role in terrorism regardless of what the Executive does or does not do. The whole contention of this Bill is to argue that we have a broad space between doing nothing and doing military options. This Bill is about exploring the options that have to do with economy, trade and other forms of sanctions and other forms of pressures on Pakistan. Cuba and Israel don't harm us. If some other country and people are affected by Cuba and Israel, they would declare them as terrorist States. If we are the victims of terrorism, we have to take the first move.

The Bill was, by leave of the House, withdrawn.

I. STATUTORY RESOLUTION

Disapproving the Enemy Property (Amendment and Validation) Fifth Ordinance, 2016 (No.8 of 2016)

II. GOVERNMENT BILL

The Enemy Property (Amendment and Validation) Bill, 2016

DR. T. SUBBARAMI REDDY, moving the Statutory Resolution, said: The Bill was under the consideration of the Select Committee and its given report. It is a well-established Constitutional position that the Ordinance under Article 123 can be promulgated only in extraordinary circumstances. I want to know from the Government what were the compelling circumstances.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HANSRAJ GANGARAM AHIR): I move that the Bill further to amend the Enemy Property Act, 1968 and the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,

as passed by Lok Sabha and as reported by the Select Committee of Rajya Sabha, be taken into consideration.

THE MINISTER OF FINANCE AND THE MINISTER OF CORPORATE AFFAIRS AND THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY): As far as an Ordinance is concerned, there is a life of an Ordinance, after which the Ordinance lapses. On the 14th, the Ordinance would lapse. People have voluntarily abstained. I explain the rationale behind this Bill. The object behind this is that the enemy must not hold property in my territory. In 1962, Defence of India Act was in operation. During those periods, the property enemy or a citizen of an enemy country, get vested in the Government of India. But, one solitary case came up. A large amount of land was owned by the ruler of the State of Mehmudabad. He became one of the most ardent supporters of the creation of Pakistan. Once India was partitioned, the Raja decided to leave his properties behind and move out of India and settled in Pakistan. But, the properties continued to be in his name in India. In 1965, by virtue of the Defence of India Rules, the properties vested in the Government of India. After a long period, his son received citizenship of India and claimed for his property. When a citizen of an enemy State loses properties in 1965, how could in 1973 his son inherit the property through him? We cannot accept this principle that any person who is now a citizen of Pakistan send one family member to India and say that he or she is a citizen of India and hence, must be given his or her properties back. The present Government has done is to bring about a law which says that once the original citizen of Pakistan's properties were acquired by the Government and were vested in the Government of India, after 1965, when it became an enemy State, his successor cannot get that property. The Bill has been cleared by Lok Sabha. Some amendments have been suggested by the Select Committee which the Hon. Minister has accepted. Whatever political signals people want to send, this is a security issue. It is an issue of principle. Any country with which India has gone to war, its citizens cannot have property in India. This Bill has its urgency and therefore should be cleared.

SHRI JAVED ALI KHAN: I want to say that since this Bill has been contradictory one, that is why it was sent to the Select Committee. I want that when there is suitable attendance in the House, then only I will speak.

SHRI SUKHENDU SEKHAR ROY: On the one hand, the Government is saying that after 1965 there is no title to property for enemy and, now, in the Bill, it seeks to amend that if legal heir is an Indian then also he is not entitled for title of property. There is no title, how come this has come? So, this is contradictory in my view and this should be removed. There are so many things which have not been included in this Bill. A few districts of Punjab and Bengal partitioned. Nothing has been said in the Bill about it. An enabling provision that Custodian can sell or dispose of property and after that where the sale proceeds would go and how they are utilized are not mentioned in the Bill. These issues should also have been addressed in a proper manner and for which a comprehensive Bill is required from the Government, not in a piecemeal manner. It is a serious Bill which could not be discussed in a proper manner. In protest against the indifferent attitude of the Government not responding to the request of the Opposition, I stage a walkout.

SHRI T.K. RANGARAJAN: We can pass the Bill after full discussion on the next working day. If the Government is not agreeing to this proposal, we cannot support the Bill and I walk out from the House in protest.

SHRI RAJEEV SHUKLA: This is a very serious Bill Many people will be rendered homeless by this. It would be better if it is taken on the next working day. If government do not agree on and want to pass it like this, we are not in its favour and we are walking out.

I. The Statutory Resolution was negated.

II. The motion for consideration of the Bill was adopted.

Clauses etc., as amended, were adopted.

The Bill, as amended, was passed.

SHUMSHER K. SHERIFF,
Secretary-General.

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