

**1532 hrs.**

**Title:** Discussion on the Chemical Weapons Convention Bill, 2000.

SHRI SURESH P. PRABHU: Madam, I beg to move:

"That the Bill to give effect to the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

Madam, the Indian Chemical Weapons Convention Bill, 2000 has already been passed by the Rajya Sabha. This Bill is, in fact, a part of the implementation process. We have already been signatory to the Convention. We have ratified the Convention and now this Bill which has been brought before the House would, in fact, give effect to the ratification process which has already been initiated in the past.

India has been one of the first countries to have signed the Convention alongwith some other countries and has been one of the strong supporters of the objectives for which this Convention has been effective. We have already taken certain steps. India is one of the few countries which has already made some disclosures, which were required. Now we have got this Bill before the House which will, in fact, help and enable us to complete our international obligations which we have already made to the international community.

**1534 hours** (Dr. Laxminarayan Pandeya *in the Chair*)

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Sir, I rise to support, without reservation, this important and historic Bill.

Sir, this Bill is of such great historic importance that I am astonished to see that it is being moved by the hon. Minister of Chemicals and Fertilizers rather than the hon. Prime Minister of India and that it is being moved in the absence of the hon. Minister of External Affairs.

We are not dealing with a technical matter here about how to disinvest fertilizer or invest our chemical factories with only peaceful significance. We are dealing with the very first step ever taken by the international community in all history since the beginning of warfare to completely ban and completely eliminate an entire category of weapons.

It was in the First World-War that chemical weapons were for the first time used on a large scale. They had a devastating effect. They were used largely by the Germans but they were also used by the allied powers. It was the League of Nations which, in the 1920s itself, attempted to take up the question of banning chemical weapons as a part of the overall general programme of general disarmament. While the League of Nations failed in all its attempts at disarmament and had to be replaced by the United Nations after the Second World War, even in the United Nations it has taken over half a century since its establishment for such a major step to be taken as to ban an entire category of weapons. Not only did the international community agree to do so but this became the precursor for a convention dealing with the elimination of biological weapons, and yet another convention, which is in an advanced stage of negotiation relating to the banning the elimination of radiological weapons, which leaves us, Sir, with only one really important category of weapons of mass destruction, which still awaits a convention, even a process of negotiation leading to a convention for their elimination, and that is of nuclear weapons. And thus, when we pass this Bill today, we are not merely limiting ourselves to a technical matter relating to the implementation of one of many conventions, which India has acceded to at the United Nations, we are dealing with a truly historic development in the development of the history of mankind. And, therefore, I am a little concerned that the Government appeared to be taking this matter as a technical matter, as a routine matter, as a piece of legislation which has no significance other than for itself and in itself.

By the same token, Mr. Chairman, I must confess that I also feel concerned that the Opposition Benches today wear as deserted a look as they do but unfazed by the fact that whether it is the emptiness in the Treasury Benches or the emptiness in the Opposition Benches, I believe it is my duty and certainly it is the intention of my Party that we should use this occasion to draw the attention of the Government to the close and integral link between this convention on the elimination of one category of weapons of mass destruction and a convention which is required by the international community for the elimination of nuclear weapons.

Sir, when one considers the immense damage that can be brought by the use of chemical weapons and then considers that this as nothing compared to the damage that could be brought by any use of nuclear weapons, it is clear that in itself this measure would not be of any significance were it not to prepare the ground for the elimination of that much more dangerous category of weapons of mass destruction, namely, nuclear weapons.

Sir, the argument that has been used hitherto by the countries possessing nuclear weapons--I am referring here to

all the countries which possessed nuclear weapons before May, 1998. I shall deal with the two countries that became nuclear weapons in May 1998 in a little while--those countries have been arguing that if nuclear weapons have been invented, they cannot be disinvented. But that argument applies as well to chemical weapons. They have been invented, they cannot be disinvented, and yet, the international community has concluded that they can nevertheless be destroyed and eliminated. And thus, the basic argument made by those who want the retention of the nuclear weapons is repudiated by the Chemical Weapons Convention.

The second important aspect of this convention to which attention needs to be drawn especially in the current international context, is that even as the United States negotiators had, with no very great difficulty, affixed their signatures to the Chemical Weapons Convention and they also did so with regard to the Comprehensive Test Ban Treaty; when the negotiators went back to Washington, they found resistance on the Capitol Hill, where under the United States system, unlike the Indian system, the Legislature has to ratify acts of the Executive. Whereas the Chemical Weapons Convention, after a fair amount of negotiation between the US Congress and the White House reached a point where the US Congress ratified the Chemical Weapons Convention, this has not happened with regard to the CTBT. Now, we have waited until the United States of America, which is a prime element in anything to do with weapons of mass destruction, undertook the definitive step of ratifying the Chemical Weapons Convention before coming to this House with this Bill. Yet rumour has it, and I trust it will be limited to rumour, that the Government in the context of the Prime Minister's forthcoming visit to the United States of America have under very, very serious consideration the possibility of India acceding to the CTBT before the Americans have ratified it.

Now that the existing US Congress has definitively rejected the CTBT and has not agreed to ratify it under American law it will not be until a new President is elected and possibly a new Congress comes into existence--there they renew their House of Representatives every two years--that the question of taking up the CTBT for any further consideration would arise if it were ever to arise. Now, in these circumstances, if for the Chemical Weapons Convention Bill you have waited close on seven-and-a-half years from the date of signing to come to this House with this Bill for the procedure for implementation, I think it shows that caution demands that merely in order to acquire yet another feather to put into our poet PM's cap, we do not rush into signing the CTBT.

There are very good reasons on the left and the right for not signing the CTBT. I am a dove. I believe in peace. I belong to a Party to which Mahatma Gandhi belonged. Therefore, I am not in favour of this CTBT.

SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): The whole country belongs to Mahatma Gandhi.

SHRI MANI SHANKAR AIYAR : Yes, fortunately, he did not found the TDP. He helped founding the Congress. So, the Indian National Congress has had a continuous history from 1885. But I would not expect the rebels to understand that...*(Interruptions)* I belong to a Party with which Mahatma Gandhi was associated. Therefore, my objection to the CTBT is not the objection of the hawks that it might prevent us from conducting further tests or from becoming an even greater nuclear weapon power. My objection to our getting involved with the CTBT is that unless and until an integral link is established between a specific measure of disarmament such as the CTBT and the time bound, if phased elimination of nuclear weapons, we should not be rushing in to assist a process in which some will remain nuclear weapon powers and some would not; where those who are will be favoured and those who have just become will be less favoured; and those who are not will be totally disfavoured. It is for these reasons that I have objected to the CTBT. But this is not the place to discuss that at any length. However, I am availing of this opportunity to mention this because it does not appear as if the Lok Sabha in the Monsoon Session is going to be taking up any issue of foreign policy. Thus, we would have passed through an entire year of the Thirteenth Lok Sabha without discussing the CTBT. Yet, the Government appears to be teetering on the brink of doing so in the context of the Prime Minister's forthcoming visit. That is why I need to draw attention to the link between two apparently disparate things. The Government deliberately withheld bringing this Bill for the implementation of the Chemical Weapons Convention until the United States had ratified the Convention and the Convention as such had come into force. The CTBT which has not yet come into force and which is not going to come into force until at least the United States ratifies the Convention and the required number of countries undertakes similar measures to deposit the required instruments with the authority concerned.

If you look at the Schedule attached to this Bill which is the text of the International Convention, and see only Article 1 which is at page 18 of the document which has been circulated to us, you will see, that in the "General Obligations" under Article I, if in the first four Clauses we were merely to substitute the word 'chemical weapons' with the word 'nuclear weapons' you have the beginning of a Treaty on the elimination of nuclear weapons. Here itself it becomes :

"1. Each State Party to this Convention undertakes never under any circumstances:

- a. To develop, produce, otherwise acquire, stockpile or retain Nuclear Weapons, or transfer, directly or indirectly, Nuclear Weapons to anyone;

- b. To use Nuclear Weapons;
- c. To engage in any military preparations to use Nuclear Weapons;
- d. To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a state Party under this Convention ."

Similarly –

2. Each State Party undertakes to destroy Nuclear Weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.
3. Each State party undertakes to destroy all Nuclear Weapons it abandoned on the territory of another State Party, in accordance with the provisions of this Convention.
4. Each State Party undertakes to destroy any Nuclear Weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention."

You can see that simply by changing the word "chemical" to "nuclear" we have already got a draft Convention, there is no logical reason that countries which possess chemical weapons and agree to their elimination in terms of this Convention cannot also negotiate an agreement under which they will agree to the elimination of the nuclear weapons.

The Government of India have before them a document which dates back to 1988, The Action Plan relating to the elimination of Nuclear Weapons in a time-bound framework. To a question that I posed to the Minister of External Affairs a little earlier in the last Budget Session, I got a reply which startled me -- startled me but pleased me – that the Government of India were aware of this 1988 Action Plan and further that they subscribed to the Action Plan. If they subscribed to the Action Plan, then one expects them to do something about it.

Yet, in answer to a letter that I had addressed to the Minister of External Affairs asking him to give me a single instance of any official of the Government of India having stated outside this House that they knew of the existence of the Rajiv Gandhi Action Plan and had done something about supporting it, I am still to receive a reply. I think it would be embarrassing to the Minister to reply to me that apart from the answer to my Unstarred Question, they have not stated this anywhere else and this is, perhaps why I have not received a reply. But I am really unconcerned with whether the Government of India mean it or do not mean it, but I am concerned with fact that in this House they had stated in black and white that they too were aware of the Rajiv Gandhi Action Plan and that they do subscribe to it. In the light of that we are having from now in a few weeks from now, a golden opportunity, the Millennium Summit of the United Nations, and this Millennium Summit is going to be attended not only by our Prime Minister, but a delegation comprising party leaders drawn from the entire spectrum of this House.

This is the occasion for India to retrieve its traditional position in the vanguard of the disarmament movement. What has happened since March 1998 is that our former companions in the disarmament movement have disowned us. They just do not trust us. They say that "You were a non-nuclear power. You deliberately became a nuclear weapon power and when you protest that your policy of global nuclear disarmament policy as a nuclear weapon power is the same as it was when you were a non-nuclear weapon power, we simply do not trust you.

This is the attitude of the international community, the consequences of which has been that both in 1998 and in 1999, in the United Nations General Assembly, where resolutions have been moved with respect to the elimination of nuclear weapons, the co-sponsoring powers have not even invited India to join them. Where we were a world leader in the disarmament movement, we are today one of the usual suspects and all the protestations of the Government of India with regard to its fidelity to the objective of the elimination of nuclear weapons is not being taken seriously by the international community. We have now an opportunity to retrieve our reputation. The Government of India have stated on the floor of the House and elsewhere that they continue, notwithstanding our having crossed the nuclear weapons threshold, for the elimination of nuclear weapons in a time-bound and phased manner. They have further stated implicitly that this will be in accordance with the Action Plan of 1988.

Now, all of us know that over a period of 12 years, there are bound to be significant changes in the international community, particularly relating to weapons of mass destruction, and, therefore, an element of updating of the Action Plan of 1988 is called for. But, as of now, the document that is before the international community is an Action Plan and not a draft Convention. As I attempted to indicate by reading out the first four clauses of the Chemical Weapons Convention, merely by substituting the words 'Chemical Weapons' with 'nuclear weapons', you have got a framework within which a draft convention can be submitted by India to the international community for purposes of negotiation. We have been long enough in the international community to know that you do not present

draft conventions or any kind of draft in a take it or leave it manner. There is always a scope for negotiations. Fortunately, in Geneva, we have had been for a very long time, thanks to the efforts of people like Pandit Jawaharlal Nehru and Shri Krishna Menon, India being a member of the Conference on Disarmament. It is a permanent body which sits in Geneva and is the body which has negotiated this Chemical Weapons Convention. It is also a body that negotiated in the CTBT.

Sir, in these circumstances, while supporting whole-heartedly and without reservation the Bill that has been brought forward before this House, I would urge upon the hon. Minister of Chemicals and Fertilisers to carry to the Minister of External Affairs and to the hon. Prime Minister a very special plea from this side of the House that we should use this as a launching pad to make the Millennium Summit at New York an Indian Summit and which can be made an Indian Summit, if the hon. Prime Minister of India, in accordance with the Action Plan of 1988, which it has been confirmed to this House, is known to the Government of India and is subscribed to by the Government of India were to update and render into treaty language, into the language of international convention and presented at the millennium Summit, I think, we may be making a major advance towards ensuring that by the time the next centenary comes, humanity and this planet will still be in existence.

If we fail in our duty, if we fail as a neo-nuclear weapon power to do what we have been doing for 50 years as a non-nuclear weapons power, I do not think humanity will forgive us. Perhaps humanity will not be there to forgive us. Nuclear weapons can spell holocaust for all of us. Therefore, please do not take this as a routine Bill and please do not take this as a routine step. I would plead with this House to be aware of the extreme historic importance of what we are about to do and, in accordance with that to ensure that the Millennium Summit becomes an Indian Summit, by being the summit at which India presents a draft Convention on a time-bound programme for a phased nuclear weapons elimination programme, with a verificatory procedure that draws upon the principles and procedure for verification embodied in this convention.

Sir, with that earnest request to the Government of India, I reiterate my and my Party's support to this Bill.

Sir, I congratulate the hon. Minister for having brought this Bill.

SHRI G.M. BANATWALLA (PONNANI): Mr. Chairman, Sir, I rise to support the Bill and to congratulate the hon. Minister for having come forward with this historic legislation.

I need not try to be eloquent on the disaster consequent to the use of any chemical weapons. Chemical weapons are the most inhuman of all the weapons of warfare. It is a matter of pride that India, true to its ethos, took the lead and was one of the first signatories to the Chemical Weapons Treaty. Even as far back as the Second World War, Winston Churchill once gave the warning to its own forces to be ready to use chemical weapons against Germany. This was when Britain was facing the V-I and the V-II missiles of the Nazis and was helpless against them. I do not go into the detail now but, fortunately, the war ended and these chemical weapons were not then used. Today, we have a Treaty. India, as I said, true to its ethos, came forward wholeheartedly and was one of the foremost nations to sign this particular Chemical Weapons Convention. I would like to emphasise on one particular aspect of the Chemical Weapons Convention. It holds great importance, specially in our policy towards securing world peace, with our democratic ideals. This Chemical Weapons Convention is certainly non-discriminatory in character. All are almost dealt with equally. This is an important step because that is the policy of having non-discriminatory international treaties, which is of great importance, and that is our attitude towards CTBT also, the attitude that we have with respect to the Chemical Weapons Convention. With its non-discriminatory clauses, we also want that CTBT should also be non-discriminatory and the so-called powers in the Nuclear Club cannot hold any better position, discriminatory position. The CTBT has also to be similarly discriminatory, in clearly declaring that the nuclear weapons are outlawed and have to be eliminated by one and all, without any discrimination and in a given time schedule.

Today, this is of great importance because India has, in fact, entered the Nuclear Club.

### **1600 hrs.**

Having, in fact, entered the nuclear club and thereby having certain position, it still stands by the other countries that are factually not members of this nuclear club. India wants non-discrimination for all and in spite of the fact that we are nuclear power, we still say that the CTBT should be non-discriminatory in character for one and all. I, therefore, say that this Bill that we are adopting today with this particular glorious provision of being non-discriminatory in character, considered in the context even the CTBT and other international treaties, is a matter of great pride for us.

I heartily congratulate the hon. Minister. There are, however, certain aspects of the Bill that need to be considered. In the first place, the provisions of the Convention form part of the Schedule. This Schedule will also be adopted by

us. Therefore, the Schedule, being exactly the provisions of the Convention, is a substantive law. It will have the force of law. And here we have a peculiar situation in clause 3. According to clause 3, the Government, without consulting even this House, without taking this House into confidence, can make any amendment in the Schedule, in the substantive law, in the provisions in order to bring it in conformity with any amendment that may have been made to the Convention there.

Yes, the amendments may be made there. But still, we will have to consider whether those amendments are in consonance with our own national interest and national security. Today this Parliament tries to give the force of law to all the provisions of the Convention. Tomorrow, if any provision of the Convention is amended there, then before our Government comes forward, without consulting the Parliament, to amend our law itself, this Parliament or this House must have the right to consider those amendments as to whether those amendments are acceptable to our country, to this House and whether they are in our interest, in the interest of national security and whether they are just and fair or not. Therefore, I have given an amendment to that particular effect also.

Sir, you look at the position. The United States of America reserves the right of the Senate, under the Constitution, to add to any amendments or reservations in the provisions of the Convention. The U.S.A. is so zealous in protecting the authority of its Senate that if there are any additions on reservations, any additions to the provisions of the Convention, then the Senate will consider it. But, here, I am afraid a cavalier attitude is taken. ...*(Interruptions)* Sir, kindly do not be impatient. I have nearly seven amendments to move and, therefore, I would like to have a little more time to explain them also.

MR. CHAIRMAN : Kindly be brief.

SHRI G.M. BANATWALLA : Sir, I will try to be as brief as possible.

Therefore, I say that let us not have a casual attitude towards the entire question of chemical weapons.

We have just been told of the importance of the Bill, but the very substantive provisions of the Convention may be amended by the Government without taking the House into confidence. That does not speak well of the entire attitude towards the Parliament and towards this question of chemical weapons. Indeed, the Bill and the Convention augurs well for peace, but that does not mean that the democratic procedure be given a go-by.

Sir, the Bill seeks to create a National Authority, but then, this National Authority must also be given specific right to create a Technical Secretariat, of course, with the approval of the Government because the entire subject is highly technical and the Chairperson and the Directors appointed by the Government in the National Authority will need to be assisted and aided by the Technical Secretariat. The second amendment that I wish to propose deals with that particular aspect.

Sir, look at the functions that are to be performed by the National Authority which is going to be created as per the provisions of the Bill. Certain important functions have been simply omitted. We must see that the National Authority created under the Bill has the power and the function to review the general operation of the Convention. It must not only be able to review the general operation of the Convention – that is with respect to all the countries and the overall world view – but also, at the same time, that Authority must present an Annual Report to this House so that the House is alert to the developments on such a major front. There is no provision whatsoever under the Bill for the National Authority to submit an Annual Report to the Government which should be laid on the Table of the House. This omission is a glaring omission and must be removed. Of course, the National Authority must also have the function of advising the Government on all matters relating to the Convention.

Mr. Chairman Sir, by an Order made under clause 11 of the Bill, the Government may constitute a Committee to oversee the functioning of the National Authority. That is well and good. But why should this Order be simply notified in the Gazette but be not required to be laid on the Table of the House? The National Authority will be constituted under the provisions of the Bill which we may adopt. In addition to this, if the Government wants to have any other Committee to oversee the National Authority created under the law, then at least, there must be the courtesy of that Order being laid on the Table of this House. This House will permit, so to say, the Government to create the National Authority, but when the Government is constituting an additional Committee to oversee the functioning of the National Authority, then at least, the Government must have the courtesy of placing that Order on the Table of the House. This Committee which is appointed to oversee the functioning of the National Authority must also present its Annual Report to the Government and that Annual Report should also be laid on the Table of the House.

It seems that at every step this House is being over-looked. Today, this is a necessity that after the ratification of the treaty, a law should come into force. Therefore, because of the necessity, under compulsion, under this pressure, a Bill has come. But in future, the Parliament is to be shut out. The functioning and the operation of this

important Chemical Weapons Convention is to be shut out, the activities of the National Authority are to be shut out. This House is to be shut out from the activities of the Committee that the Government may impose for over-seeing the functioning of the National Authority. I therefore, say that this rather casual attitude, not befitting the democratic framework and democratic ethos, has been taken with respect to such a Treaty, namely the Chemical Weapons' Convention.

Sir, I would like to make one technical point and then I would conclude. When did this Treaty come into operation? It was on 29<sup>th</sup> April, 1997. This Bill in respect of punishing any person for non-registration etc. is retrospective in nature. I can understand that a person who tries to manufacture etc. of these kinds of things without registration should be punishable and should be punishable if he had done so before the commencement of this Bill. But he cannot be made punishable for an act done even before the commencement of the international Treaty. That is, before 29<sup>th</sup> April, 1997. So, the Act could be retrospective. Its retrospective nature has to be restricted by the date as 29<sup>th</sup> April, 1997. It is because the world adopted this Treaty or the Treaty came into force on the 29<sup>th</sup> of April, 1997.

Sir, these are the few remarks offered to help the democratic framework under which the whole thing has to be viewed. I hope, these would meet with due consideration of the House and the Government.

Sir, finally I thank you profusely for your indulgence, patience and for your bearing with me.

SHRI M.V.V.S. MURTHI (VISAKHAPATNAM): Mr. Chairman, Sir, thank you. It is an important piece of legislation. I rise to whole-heartedly support anything that is meant for peace and global harmony. Our country should be the pioneer in such matters since it is the land of the Gandhi. We cherish Gandhian ideals. Pandit Jawahar Lal Nehru had said about peace and neutrality. We have always stood for these ideals.

Sir, this international Convention of Chemical Weapons has come into force on the 29<sup>th</sup> of April, 1997 after much deliberations and due diligence. We are now, through a Bill in the year 2000, accepting this Convention Resolutions. Any weapon of chemical nature has harmful effects and have caused great disasters.

Even in the absence of chemical weapons we have had grave chemical disasters in the country. We cannot forget the havoc caused by the Bhopal incident. Many innocent people have been killed in that incident. The after-effects of that incident are still affecting the people there. The disaster caused by Chernobyl incident in Russia is known to everybody. The effects of radiation on the humanity can be seen in Nagasaki even today. Therefore, India should always be in the forefront of being a party to such treaties and conventions.

In fact, as Shri Mani Shankar Aiyar has stated, we should go a step further in achieving an understanding and signing a treaty on nuclear disarmament. India has time and again assured that it is not going to be the first-user of nuclear weapons. While that position of ours is clear, we should take every opportunity to talk to other countries in regard to nuclear disarmament. We should take it up at every platform including the forthcoming Millennium Summit Session of the United Nations.

Prime Minister Vajpayee is the apostle of Gandhian principles in the country. He should take lead in the global effort to ban nuclear weapons. The neighbouring countries are living in great tension. There is a tremendous race for possession of nuclear weapons. Nuclear weapons have taken the place of chemical weapons now. That could be one of the reasons why the developed countries have tilted towards signing the convention on chemical weapons. Since more sophisticated weapons are kept in store by the advanced countries they chose to sign this treaty. They do not seem to have done it on moral ground.

We should enter into any pact that seeks to ban the weapons that can cause mass destruction. India should, as always, stand in the forefront in this endeavour. With these words, I once again support the Chemical Weapons Convention Bill, 2000 to be passed.

SHRI RUPCHAND PAL (HOOGLY): Mr. Chairman, Sir, while I welcome the Bill, I cannot but make one observation. As my esteemed colleague Shri Mani Shankar Aiyar has stated, such a Bill should have come from the Prime Minister's side and the hon. Minister of External Affairs should have been present in the House while such a Bill is taken up for discussion.

After seven long years, the Bill has come for the concurrence of this august House. This has been done at such a time when there is every reason to think that there is some correlation between the hectic preparation to get it passed and the Prime Minister's visit abroad of next month. This is in line with the great heritage of this country which this nation derived from the days of our great freedom struggle.

Even immediately after we attained freedom, Pandit Jawaharlal Nehru along with a good number of stalwarts of

Asia, Africa and Latin America had pronounced some policy initiatives which could have changed the world from what it is today. They were to have a better place to live in with less tension, with no scope for arms race, which has been built up and being built up again.

So, with the latest measures of national missile defence, the paradoxical situation is that those very people, countries and power who had been pressurising others to adhere to certain provisions -- be it CTBT, NPT or many other such conventions and measures -- have initiated again such programme and a series of measures involving several hundred of crores of rupees. They will be spending this huge amount in it in spite of their initial failure.

Although more than 1,500 noble laurels and a good number of eminent people of the world have come out openly declaring that this should not be pursued by America but still they are doing it.

Sir, as you know, the chemical weapons have been in use with certain measures and certain degree from the days of the First World War. In the Second World War also, at some places, they were used. But the most glaring example of the use of these chemical, technological weapons, such other lethal weapons is Vietnam. In Vietnam, America had used all sorts of these weapons. Similarly, in Iran also such weapons have been used and are being used still now. About a fortnight back, while reading a newspaper, I came to know that it is still continuing still now.

Now, the Bill has come. We are ratifying it at such a crucial time. We need to remember that India has lost its old prestigious position in the comity of nations. Earlier, the very country and the leadership had been occupying the place of honour as a leader, be it from the days of Bandung to the New Delhi Declaration. Even subsequently, as rightly mentioned by Shri Mani Shankar Aiyar, we followed the philosophy of a total disarmament within a time frame, emphasised by Rajiv Gandhi during his small tenure of leadership. Be it in the United Nations, be it any international for a, we had been in the leadership.

But now, because of our lack of political will which they are amply demonstrating for the last several months, we have failed in providing the leadership and our prestige has been lowered.

But now, there is one more opportunity before us. In the Millennium Summit, we can say that 'this is India, we have ratified the Chemical Weapons Bill.' Of course, there was an aberration with the Pokhran-II. It should not have been taken with a sort of chauvinism as it is being tried to be done. We have the capability for nuclear weapons with its dual use. We can particularly use it for peaceful purposes.

This is a known fact to the whole world that our nuclear scientists, in no way, are inferior to anyone. Taking into account, the global situation, our relationship and our position of honour, we had amply made it clear that in spite of all our capabilities, we should use it for peaceful purposes only.

Even in 1974, Shrimati Indira Gandhi had, after the experiment, made it categorically clear to the world with regard to nuclear weapons that there was a consensus. I am not saying that I have everything in agreement with Shrimati Gandhi. My party, many others and myself had a lot of differences. But Foreign Policy was an area where we had an agreement, we had a national consensus. When the Prime Minister does not consult us, there is a break of the consensus and there is a destruction of the consensus. These aberrations are contributing to the destruction of this national consensus, which we have built up from the days of our freedom struggle.

There is a reference in page 5 and page 7 to toxic chemical elements like phosphorous and sulphur. I cannot but help making a reference to what has already been mentioned by my esteemed friend from the TDP. We know what happened in the Bhopal gas tragedy. They have been indulging in the production of toxic materials and certain other things without the permission of the Government. We know what sort of a disaster had taken place in 1984. We are now in the year 2000. Sixteen years apart, till now, the offenders are yet to be booked. The Government is sitting callously without taking any action. There is no attempt by this Government to bring them back to this country and punish them according to the law of our land although there are ample legal provisions for that.

Hundreds of thousands of people have been permanently injured -- psychologically, physically and emotionally. Hundreds of thousands of them have lost everything -- life and property. There is no compensation for them though some NGOs have been struggling on their behalf and going to the court. They have gone to the international fora also, demanding justice. The Government of India is here making a reference to toxic materials and chemicals, their inspection, production, maintenance, use, etc. This Government owes it to tell the nation what steps it has taken to ensure justice to these poor victims of this ghastly Bhopal gas disaster. This is the worst tragedy that might have ever taken place in any nation during the last century.

I am not going into the details of the several provisions of the Bill. There are certain issues involving inspection as it happens in the case of the atomic weapons. It is being said that if it attracts something in relation to our national security, the Government would not be in a position to allow them. But we find that there are reports that sometimes it is done without the permission of the Government.

I am concluding with a remark that the Government is ignoring this Parliament. As far as CTBT is concerned, we gather that they have already agreed to sign the CTBT. Some very important people in the American Administration have publicly made their observations and comments that the Government of India, through its representative, in the twelfth round of negotiations with the American counterpart, has agreed to it. It is being said that the Government of India has already agreed.

But the Parliament is kept in the dark. The Government should come out categorically and not in a vague way; or it should not circumvent. There is ample scope for the Government of India to publicly say that India will not sign it, particularly after the Senate has rejected it. Differing views are being made – that we may sign or that there may be negotiation about marriage, but the marriage may not take place; the ratification may not take place, as it happened in the case of America, etc.

But this Parliament is being deprived of knowing what is going on. There is every reason to suspect that this Government is surrendering in the name of strategic alliance, in the name of opening up of Indian market and subjugating itself to pressures from various fronts.

I can give you one example. In 1985, when Shri Rajiv Gandhi was the Prime Minister, India has given recognition to a very small country, that is, SADR. Morocco has been putting pressure saying that the Government of India should withdraw the recognition, although there was a reference that the United Nations will arrange a referendum, but only after the issue of SADR is considered by the Government of India. There is American pressure and the Prime Minister is also going to America. Recognition to SADR is given by this country; it was given by Shri Rajiv Gandhi Government, under his leadership. We are engaged in an anti-colonial struggle and we are trying to protect the small country, for its independence.

India has always stood by the side of any freedom struggle or independence struggle. But this is for the first time that this Government – under pressure from the imperialist forces, the American forces and such other pressures – is just breaking the national consensus that was there. They are dismantling the great heritage that has been built up from the days of freedom struggle.

The Government have brought forward the Chemical Weapons Convention Bill. The Government should have waited for a little more time. There are certain developments taking place very fast in the world and so, we could have taken a better decision. The Government has brought forward this Bill, with a very narrow interest to satisfy the American Government before the visit of the Prime Minister, but still, I welcome this Bill. There are many areas where this Bill could be enriched and forcefully presented. We are in India and Pokhran-II is an aberration. We do not believe in arms race, we believe in friendly relations, we believe in non-alignment and we believe in anti-imperialist struggle. We are not ready to subjugate ourselves to any pressure – be it in respect of NPT, be it in respect of CTBT, be it in respect of any other WTO provisions or any such pressures to open up economic market and any other thing.

With these words, I support the Chemical Weapons Convention Bill. I believe that the Government will retrace its steps and try to uphold the great anti-imperialist heritage, in the matter of its foreign policy. Thank you.

SHRI BIKRAM KESHARI DEO (KALAHANDI): Mr. Chairman, Sir, the Chemical Weapons Convention Bill is piloted by the hon. Minister. I wholeheartedly support it because it is a step towards non-violence and it projects India as a propounder of Gandhian principles and peace.

Mr. Chairman, Sir, as you know and as the House knows, a Convention was held in Paris on the 14<sup>th</sup> of January 1993, to which India was a signatory.

So, it becomes mandatory that this type of legislation should be brought in the House and passed. I thank the hon. Members belonging to the opposition benches. If you see the sense of the House, everybody has supported this Bill because it is a Bill for peace. It is about the destruction of chemical weapons which is very harmful way of warfare in the time of battle and in the time of conflict.

Sir, I would like to go back to the time of World War I, Battle of Ypres and Battle of Somme. Deadly poisonous gas was used when the world war was on. In World War I it was found that the after-effects of these poisonous gas on the soldiers were such that the gas had impaired them for life. The after-effects of the chemical weapons were so horrifying that in the World War II, neither the Germany nor the Allies nor the Warsaw Pact countries dared to use these chemical weapons. After that, only in 1945, atom bombs were dropped on Hiroshima and Nagasaki. People never used these chemical weapons because the after-effects it had on the human body and on the human being were terribly disastrous.

You will see that till date, the people, who fought in the Iran-Iraq war where mustard and sarin gases were used by

Iraqi forces and retaliated by Iran also, are not able to lead normal life even now. They are still suffering from that dastardly warfare.

Therefore, this Bill is an eye-opener for those people who are suspecting India to be in the weapons race after the Pokhran blast and after the five nuclear test which were held recently. When we entered the nuclear club, people thought that we are also in for the nuclear arms race. This piece of legislation clearly proves that the destruction of chemical weapons is a step towards non-violence.

A lot of hon. Members suggested that this Bill should have been piloted either by the Defence Minister or by the Prime Minister himself. But I see the justification why this Bill is being piloted by the Minister of Chemicals and Fertilisers. It is because, in the chemical factories, even after production, shelf life for certain chemicals exist and they can be used for making chemical weapons. For example, improvised bombs can be made immediately and they can be completely used for sabotage. Russia and America which were possessing the biggest nuclear arsenals, after the competition between them was over and after the end of bipolar world and after it became the unipolar world because of America, have come together and in collaboration spending billions of dollars for destroying the massive chemical stockpile which they have.

Sir, I would like to quote Mr. Kenneth Waltz. He says:

"Uncertainty about outcomes does not work decisively against fighting wars in conventional worlds. Countries armed with conventional weapons go to war knowing that their suffering will be limited. Calculations about nuclear war are made differently. If countries armed with nuclear weapons go to war, they do so knowing that their suffering may be unlimited. In a conventional world one is uncertain about winning or losing. In a nuclear world, one is uncertain about surviving or being annihilated."

In the case of chemical weapon war, one thing is certain, that is, the future generation will get annihilated to the maximum because the after-effects of chemical weaponry is supposed to be devastating on the society and on the future of the nations which are involved in this war.

Sir, you will see that the aftermath of chemical and biological war is terrible. That is why, neither Germany nor Soviet Russia used chemical weapons in the Second World War. Therefore, this piece of legislation which the hon. Minister has brought, will encourage those nations who possess chemical weapons to destroy them.

Sir, I would like to cite an example of Ural Mountains where the Americans and the Russians are working jointly to cut down the effects of chemical leak and the destruction of chemical weapons. Sir, in this piece of legislation a National Authority will be constituted and an Enforcement Officer will be appointed to look into the chemical weaponry and the chemical factories.

Sir, today, chemicals are produced by the factories. They might be for medicines or for research or for agriculture. But they could also be used as weapons during warfare. Therefore, I suggest that legislation should be enacted to form a laboratory, which could assess the degree of those chemicals which are manufactured by different factories.

Sir, now destruction of chemical weapons is becoming a big problem in the world. Now, America requires 500 billion dollars to destroy its chemical weapon stockpile and Russia requires 380 billion dollars to destroy its stockpile. Sir, I would like to just quote from the strategic analysis which is given in strategic digest. Sir, the Director of Russian's Munitions agency, Mr. Zinovi Pak said that Moscow would not be able to destroy the four hundred tonnes of weapons by the end of this month as laid out in the International Chemical Weapon Ban. So, you could know from here that once the chemical weapons are produced, destroying them is the bigger problem like disposal of nuclear waste. Sir, the big problem facing America and Russia today is how to dispose of nuclear waste and the chemical waste which will later on be flooding their armaments.

Sir, I support the Bill brought by the hon. Minister. It is a historic piece of legislation. Sir, it will show the way to other countries to stop production of chemical weapons. If you read the history of Iraq-Iran war, you will be surprised to see that mustard gas was used, sarin was used, and nerve gas was used. With these words, I support the Bill.

**श्री रामदास आठवले (पंढरपुर) :** स्थापति महोदय, रासायनिक आयुध अभिसम्य विधेयक, 2000 जो महाराष्ट्र के मिनिस्टर श्री सुरेश प्रभु द्वारा लाया गया है, यह बहुत महत्वपूर्ण विधेयक है। मैं समझता हूँ कि जो अपने देश की परम्परा है वह अहिंसा पर आधारित है। हमारा देश हमेशा शांति का आचरण करने वाला रहा है। हमारे देश में गौतम बुद्ध ने जो फिलासफी दी, वह शांति और अहिंसा पर आधारित है। मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। यह बिल आज नहीं बल्कि इससे पहले आना चाहिए था।

स्थापति महोदय, ढाई हजार साल पहले जब गौतम बुद्ध का जन्म हुआ था और उन्होंने जो फिलासफी दी थी, तब हमारा पूरा देश बुद्धिस्ट था। तब 80 प्रतिशत से ज्यादा लोगों ने बुद्धिज्म को स्वीकार किया था। हम सब जानते हैं कि उड़ीसा में कलिंग में सम्राट अशोक का जो युद्ध हुआ था, उसमें भारी नुकसान और खून-खराबा

हुआ था। उसके बाद सम्राट अशोक ने बुद्धिज्म को स्वीकार किया था।

सभापति महोदय, यह बुद्धिज्म और बौद्ध धर्म पूरी दुनिया में गया। अगर अपने देश के लोग बौद्ध होते, तो इस प्रकार के बिल को लाने की आवश्यकता नहीं थी, मगर देश के सब लोग हिन्दू बन गए। इसीलिए इस बिल को लाने की आवश्यकता पड़ी। यह बिल बहुत अच्छा है, लेकिन यह बिल अभी क्यों लाया गया है? प्रधान मंत्री महोदय की अमरीका यात्रा होने वाली है। इसलिए मुझे लगता है कि यह बिल अभी इसीलिए लाया गया है ताकि अमरीका को खुश किया जा सके। यदि ऐसा है, तो इसका विरोध करने की आवश्यकता है, लेकिन आज मैं इस बिल का विरोध नहीं करूंगा, बल्कि समर्थन करूंगा क्योंकि प्रधान मंत्री महोदय ने इस सदन के माध्यम से इस देश और दुनिया के लोगों को यह आश्वासन देने का प्रयत्न किया है कि वे सी.टी.बी.टी. पर हस्ताक्षर नहीं करेंगे।

सभापति महोदय, जैसा मैंने पहले कहा, यह कानून तो अच्छा है, लेकिन आप इस कानून को बनाने के बहाने पाकिस्तान को जगाने की कोशिश कर रहे हैं। इसके माध्यम से आप रासायनिक हथियारों पर पाबन्दी लगा रहे हैं, यह ठीक है कि सुरक्षा की दृष्टि से रासायनिक हथियारों पर पाबन्दी लग रही है, लेकिन आप ऐसा कर के पाकिस्तान को जगाने का काम कर रहे हैं। जिस प्रकार का बिल आप इस सदन में लाए हैं, उस प्रकार का बिल कितने देशों ने अपने-अपने देशों में पास किया है, क्या पाकिस्तान ने पास किया है, यदि नहीं किया है, तो भारत को इस प्रकार का बिल पास करने की जल्दबाजी क्यों है? मुझे प्रतीत होता है कि इस बिल को आप अमरीका को खुश करने के लिए पास कर रहे हैं।

सभापति महोदय, मैं समझता हूँ कि इस बिल के पास होने के बाद रासायनिक हथियारों, वीले अस्त्रों पर कानूनन पाबन्दी लग जाएगी, लेकिन महोदय यह पार्लियामेंट कानून बनाने के लिए है और यहां रोजाना नए-नए कानून बनाए और पास किए जाते हैं, लेकिन उनका इम्प्लीमेंटेशन नहीं होता। इसलिए मुझे ऐसा प्रतीत होता है कि इस बिल का हथ्र भी वैसा ही होगा जैसा अन्य बिलों का होता है। यहां से बिल पास करके कानून बना दिए जाते हैं, लेकिन उनकी इम्प्लीमेंटेशन ठीक प्रकार से नहीं होती और वे कानून ठीक प्रकार से सख्ती के साथ लागू नहीं किए जाते।

सभापति महोदय, इस बिल में एक राष्ट्रीय प्राधिकरण की स्थापना की बात लिखी है, लेकिन इसमें यह स्पष्ट नहीं है कि इसमें अध्यक्ष के अतिरिक्त कितने सदस्य होंगे और वे कौन-कौन होंगे, यानी सरकारी अधिकारी होंगे या गैर-सरकारी सदस्य भी होंगे? मैं चाहता हूँ कि यह राष्ट्रीय प्राधिकरण शक्तिशाली और अच्छा हो, उसका इम्पैक्ट अच्छा हो।

सभापति महोदय, मेरा आपके माध्यम से मंत्री महोदय से निवेदन है कि हथियार बनाने वाली जो फैक्ट्रियां हैं या जो प्रोडक्शन करने वाली इंडस्ट्रीज हैं, उन पर तो इस कानून के पास होने के बाद पाबन्दी लगेगी और इस प्रकार से अधिकृत हथियार बनने बन्द हो जाएंगे, लेकिन अनधिकृत हथियार बनाने के कारखाने बढ़ जाएंगे। इसलिए अनधिकृत रूप से बनने वाले हथियारों के बनाने पर भी रोक लगाने की आवश्यकता है, वरना इसका कोई फायदा नहीं होगा। अगर इस कानून के पास होने के बाद भी इल्लीगल हथियार बनते हैं, तो कानून का क्या फायदा?

सभापति महोदय, यदि प्रधान मंत्री जी की अमरीका यात्रा के बाद यह विधेयक सदन में प्रस्तुत किया जाता, तो ठीक होता। अभी जो पाकिस्तान के साथ कारगिल में युद्ध हुआ और अब जम्मू-कश्मीर में आतंकवादियों की जो मूवमेंट बढ़ रही है और वह जिस प्रकार से कश्मीर को छीनने की कोशिश कर रहा है, उसके लिए पाकिस्तान को चेतावनी देने की आवश्यकता है। इसके साथ-साथ यह भी जरूरी है कि पाकिस्तान के साथ बातचीत की जाए। बातचीत भी हो और यदि वह बातचीत से नहीं मानता है, तो इस देश को सख्ती से पेश आना चाहिए क्योंकि वह हमारे साथ बातचीत करने के लिए तैयार नहीं है बल्कि वह कश्मीर में आतंकवादी मूवमेंट बढ़ा रहा है। इसलिए मेरा आग्रह यह था कि इस बिल को बाद में लाया जाना चाहिए था।

सभापति महोदय, यह देश महात्मा गांधी, बाबा साहब अम्बेडकर का शान्तिप्रिय देश है। इसलिए मैं इस बिल का समर्थन करता हूँ।

SHRI V.P. SINGH BADNORE (BHILWARA): Sir, I rise to support the Bill. I think, we are making history this evening by ratifying the International Convention on Chemical Weapons because it took 120 countries over 25 years to get together to pass this Chemical Weapons Convention. It is a very important ratification that we are doing today because it is a dastardly and very ugly form of warfare, which has been proved. My friend, Shri Bikram Deo described how in the First World War and Second World War, even in the Vietnam War and Gulf War, it was being used. Now, the only non-signatories to this Convention are Egypt, Libya and a few other countries. I think, India should take a lead to convince them also to come along with the other 120 countries. My scepticism is only to the area of terrorists. Suppose these chemical weapons fall into the hands of terrorists, how and what are we going to do about it? I think this Bill that is coming here has to be strengthened in such a way that the chemical weapons should not fall into the hands of the terrorists and we are very worried about it. This has not been mentioned in the Bill. I think it is a novel Bill and it was a novel Convention. It was not a restrictive Convention because in the NPT which was being mentioned had restrictions but this does not have restrictions on any of the countries. Everybody has signed meaning that they want to do away and eliminate the chemical weapons.

I support the Bill wholeheartedly.

SHRI SURESH PRABHU: Sir, first of all, I wish to thank all the hon. Members for their interventions and also for unanimously supporting the Bill. It is true that it is a very historical development in which a ratification had already taken place and is now given effect in the form of legislation. What had already been done at the executive level is now getting approval at the legislative level also. Therefore, I really wish to thank all the hon. Members of the House for this support and I consider myself to be very fortunate in participating in this historical development.

It is true that this Bill could have been legislated upon or this ratification could have been converted into a legislation quite sometime back but for some reason or the other, it was delayed. But it is wrong to infer that it is taking place at a time when our hon. Prime Minister is supposed to be visiting the US. In fact, this Bill was introduced in Rajya Sabha during the Budget Session. It could not be passed by the Rajya Sabha then and therefore, it could not be brought here in the Lok Sabha. This Bill was passed by the Rajya Sabha in the current Session and as soon as it was passed by that House, I have brought forward it in the Lok Sabha. So, I would like to

assure the House that there is no other reason to move this Bill at this particular time than the legislative precedence which has decided at what time the Bill should be considered in this House.

I am, of course, thankful to Shri Mani Shankar Aiyar for really raising the level of this discussion to a level in which we are now legislating this Bill for a reason which is really amply clear that India believes in a process which has been followed by successive Governments for a long period of time. This Bill is yet another step in the same direction. It is, of course, not only Shri Mani Shankar Aiyar but also the other hon. Members who wanted me to convey to our hon. Prime Minister the feelings of this House about the CTBT or the NPT or the issues related to nuclear weapons. I can assure the House that I would certainly do that. I am sure the Prime Minister is already aware of your views. Maybe, he is watching this debate. He need not be present in the House but he would definitely be watching this debate. I would definitely take note of that.

Shri Banatwalla has, of course, raised certain issues. He has also moved some amendments. I will come to them in a few minutes. I thank him for that. So also, I thank Shri Murthy and Shri Rupchand Pal for their contribution. I am going to answer a Question tomorrow which is numbered fourth in the List of Questions about the Bhopal Gas Tragedy. I can assure the hon. Members that not only this Government is monitoring it in the Department of Chemicals and Petro-Chemicals but also a Group of Ministers, which acts like a Standing Group. Of course, this does not obviate the ordeal that so many of the victims of the Gas Tragedy have to undergo. But this is only to illustrate the point that we are also watching this as closely as possible. But, of course, the sentiments and the views that you have expressed would now help me probably in disposing of it expeditiously. I can assure the hon. Members that we will also take some immediate steps to ensure that we take some quick action on that.

Shri Bikram Deo and Shri V.P. Singh also have supported this Bill, so is my friend from Maharashtra Shri Ramdas Athawale. Probably the only reason why he is also supporting this Bill besides the other hon. Members is that I happen to be his fellow colleague from the State of Maharashtra. I think it is a fortunate fact that he happens to be from a State which also has supported the Peace Movement from time to time. This is another step to prove the point that we join the national mainstream in welcoming all the initiatives of this type.

Shri Banatwalla has moved some amendments. In fact, that is only to prove the point that his watchful, alert and vigilant eyes always look through what is written between the lines. But I can assure him that all his concerns have been expressed in this Bill itself. I will try to explain it to him.

Shri Banatwalla, your first amendment pertains to line 14 of the Bill.  
The amendment says:

"Provided that all amendments shall first be submitted to the Parliament for its advice and consent."

Your apprehension is that probably the Government of India would agree to something outside the Parliament and Parliament may not be knowing about it. Article 15 of the Convention is so clear and precise and modification or amendment to this is so complicated that unless it is approved unanimously by all the parties to the Convention, it is not possible to bring in any amendment. Unless we really amend that Convention, it is not possible for a Schedule, which is forming part of this Bill, to amend this. The Bill can never be amended in that fashion. Therefore, I can assure you that there is no reason to feel that the Government of India can ever do something outside the Parliament surreptitiously without the knowledge of Parliament. Even then, I can assure the House and give an assurance very explicitly that whenever such amendments are made to the Convention, the Government will come before the Parliament at the earliest opportunity and place it before the House....(*Interruptions*)

SHRI G.M. BANATWALLA : Why do you not incorporate that assurance here itself?...(*Interruptions*)

SHRI SURESH PRABHU: It is because there is enough provision. In fact, the Convention itself had been negotiated for a long period of time. Basically, it is not really likely to have any effect. But I can assure that if at all there is something, we will bring the matter forward before you.

Shri Banatwalla, your second amendment is pertaining to the National Authority. You say that it should have a Technical Secretariat. In fact, the Authority itself is going to be consisting of such persons. It is a point which was also raised by Shri Ramdas Athawale that the Authority should consist of technical people. In fact, the whole Committee itself is going to be consisting of technical people. So, I do not think there is really any reason to have a Technical Secretariat because, as I said just now, the Committee itself is going to be a technical one and it would consist of technical personnel. Therefore, to have another Secretariat would probably mean that we are only creating additional bureaucracy which can be avoidable.

Shri Banatwalla's third point is this. He has moved amendments 4 (a) and (b). He has proposed some amendments after line 19. Amendment 4(a) says: "review the general operation of the Convention."

17.00 hrs.

I would draw the attention of the hon. Member to clause 7(1) and (2)(a) and (b). These are very elaborate. In fact, in that one of the functions of the National Authority *inter alia* we are also going to include the review of the Convention itself, which is the intention of the hon. Member in proposing this amendment. Therefore, if you read clause 7(1)(a), it says:

"7(1)(a). It shall be the general duty of the National Authority to fulfil, on behalf of the Government of India, the obligations under the Convention;"

That itself means that you are actually reviewing the Convention. If you go further, it says:

"7(1)(b). It shall be incumbent on the National Authority to act as the national focal point for effective liaison with the Organisation and other States Parties on matters relating to the Convention."

Clause 7(2)(a) says:

"Interact with the Organisation"

Clause 7(2)(b) also says specifically – "monitor compliance with the provisions of the Convention" itself. Therefore, I think this particular clause captures the point that the hon. Member wanted to insert as an amendment. Therefore, I truly feel that a measure is available within the proposed legislation itself.

The other point is well taken. In fact, I remember the days when I used to sit in the Opposition benches and also used warn that Parliament should not be taken for granted. I can assure you that I have not forgotten the days and even now, though I am a Minister, I continue to be a Member of Parliament, and, therefore, Parliament cannot be taken for granted.

I can assure the House about clause 56 which confers the right on the Government to make rules that we would make it incumbent on the part of the Government to place the Report before the Parliament. As requested by the hon. Member it would be placed before the Parliament. I am giving an assurance in the House that as soon the Government receives the Report, the same would be placed on the Table of the House.

In fact, the other point had already mentioned about amendment Nos. 2 and 3 that the hon. Member had proposed. I can assure the House that under clause 56, the rule-making powers of the Government would be exercised to ensure the Report would be placed before the Parliament as soon as it is possible.

The hon. Member had also proposed an amendment, the last amendment, which in fact talks about why the 'dates' are not mentioned - whether it is 29<sup>th</sup> April, 1997. If you read, probably, one gets a feeling about it. When you read the first part, if you go on and you make a complete reading of clause 39(a) which would show in line 32 that along with words "before the commencement of this Act", there is also line 37, which refers to, "and continues to be after such commencement, so engaged;". So, if you read it together, it definitely means that there is really no need to bring the amendment proposed by the hon. Member.

However, I really thank Shri Banatwalla, for being, as he is, so vigilant to keep tab on the Government to make sure that we draw salaries for which we really work. Thank you very much.

SHRI SHIVRAJ V. PATIL (LATUR): I have one explanation to ask from the hon. Minister. ...(*Interruptions*)

Clause 5 of the Bill reads as follows:

"The Central Government may, by notification in the Official Gazette, declare that this Act shall cease to be in force in case the Government of India withdraws from the Convention in accordance with the provisions of Article XVI"

Now, there are two portions. One is about the notification declaring that this law ceases to be effective, that is –

"The Central Government may, by notification in the Official Gazette, declare that this Act shall cease to be in force"

And the second is the withdrawal from the Convention. These are the two things. As far as the first part is concerned, why should we have a provision of this kind in the law?

Supposing the Government has withdrawn from the Convention and the Government wants that this law should not remain on the Statute Book, they can do it by issuing an Ordinance. If Parliament is in Session, they can come

before Parliament and get the law passed. Why should this legislative authority be given to the Executive?

Secondly, the Government has very rightly kept the right to withdraw from the Convention. There would be situations in which it may be required, in the interest of the sovereignty and the interest of the country, to withdraw from the Convention. I think, almost all the countries in the world, which have acceded to the Convention and which have passed laws of this nature, have this kind of a clause. But we would like to know from the Government as to what are the circumstances in which the Government would think that this country should withdraw from the Convention.

These are the two points that I wanted to make and I would feel obliged if the hon. Minister gives an explanation to both the points.

SHRI SHIVRAJ V. PATIL : I was trying to understand as to why this kind of a provision should be there. Supposing you withdraw from the Convention and supposing you want that this law should not be enforced, you can do it by issuing an Ordinance if Parliament is not in Session and if Parliament is in Session you can come before Parliament and can get this law nullified. Why should you have a provision of this kind? The Legislature is saying that the Executive has the law-making power and that law-making power includes making the law and removing the law from the Statute Book. So, why should you have a provision of this kind? Why should the Legislature give this right to the Executive?

SHRI SURESH PRABHU: Sir, first of all, I really cannot spell out the circumstances in which the Government will be withdrawing from the Convention. It is only an enabling provision. It is a provision which is there in the proposed Bill only because, in the event that, in the national interests, the Government really feels that it should withdraw from this Convention, it should be able to do it. At the same time, in case we withdraw from the Convention, what it really means is, we withdraw from the Convention through a Notification. But even under Article XVI of the Convention, there are certain actions which have already been initiated and taken and those actions will be protected. Here, I would like to quote clause 5 of the Bill which says:

"The Central Government may, by notification in the Official Gazette, declare that this Act shall cease to be in force in case the Government of India withdraws from the Convention in accordance with the provisions of Article XVI, and on such declaration this Act shall cease to be in force, but its expiry under the operation of this Section shall not affect-

SHRI SURESH PRABHU: As you know, as per the Constitution of India, for any Treaty that the Government of India signs, it requires an authority to sign from the Cabinet. Then, the ratification is also done by the Cabinet, unlike the system in the United States of America where the Senate has to actually ratify any Treaty signed by their Government. Here, what we are saying is that the Act would still remain. The Ordinance can repeal the Act. What we are really trying to say here is about withdrawing from the Convention which can be done by the Cabinet by a Notification. But what this clause means is that despite whenever that happens, what is going to be protected are the actions taken under clause 5 (a), (b), (c) and (d), because these are the actions which have already been initiated. So, if you really look at it, it says:

"but its expiry under the operation of this Section shall not affect-

(a) the previous operation of, or anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule, or

So, these actions have already been taken because this Bill is giving effect to the Convention and when we are withdrawing from the Convention, certain actions could have been taken under the Act because this Act has already been passed by Parliament. The following acts could have been taken, as stated in Clause 5 (a), (b) and (c):

(a) the previous operation of, or anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule, or

(b) any right privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under this Act, or

In the absence of such a provision, what could happen is that we would be withdrawing from the Convention and then, probably, the actions we have taken for giving effect to this particular Convention, could be questioned and this is only to protect that.

SHRI SHIVRAJ V. PATIL : Sir, I would like to ask one more question and this will be the last question. We need not

have a discussion of this kind here. We can discuss it outside also. Clause 5 of the Bill says:

"The Central Government may, by notification in the Official Gazette, declare that this Act shall cease to be in force"

SHRI SURESH PRABHU: The convention is a precursor. I take your point. I will consult the lawyers in the Legal Department. If there is anything, we will definitely do that.

MR. CHAIRMAN : The question is:

"That the Bill to give effect to the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and to provide for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration. "

*The motion was adopted.*

MR. CHAIRMAN: The House shall now take up clause-by-clause consideration of the Bill.

### **Clause 2 Definitions**

The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

### **Clause 3 Application of the convention**

MR. CHAIRMAN: Shri G.M. Banatwalla, are you moving your amendment?

SHRI SURESH PRABHU: Sir, first of all, I really cannot spell out the circumstances in which the Government will be withdrawing from the Convention. It is only an enabling provision. It is a provision which is there in the proposed Bill only because, in the event that, in the national interests, the Government really feels that it should withdraw from this Convention, it should be able to do it. At the same time, in case we withdraw from the Convention, what it really means is, we withdraw from the Convention through a Notification. But even under Article XVI of the Convention, there are certain actions which have already been initiated and taken and those actions will be protected. Here, I would like to quote clause 5 of the Bill which says:

"The Central Government may, by notification in the Official Gazette, declare that this Act shall cease to be in force in case the Government of India withdraws from the Convention in accordance with the provisions of Article XVI, and on such declaration this Act shall cease to be in force, but its expiry under the operation of this Section shall not affect-"

SHRI G.M. BANATWALLA : I am moving my amendment.

I beg to move:

Page 3, -

*after line 14, insert -*

"Provided that all amendments shall first be submitted to the Parliament for its advice and consent." (1)

MR. CHAIRMAN: I shall now put amendment No. 1 moved by Shri G.M. Banatwalla to vote.

*The amendment No.1 was put and negatived.*

MR. CHAIRMAN: The question is:

"That clause 3 stand part of the Bill. "

*The motion was adopted.*

*Clause 3 was added to the Bill.*

*Clauses 4 and 5 were added to the Bill.*

Clause 6 Establishment of National Authority

MR. CHAIRMAN: Shri Banatwalla, are you moving your amendment No. 2?

SHRI G.M. BANATWALLA : Sir, I am moving my amendment.

I beg to move:

Page 3, -

*after line 45, insert –*

"(4) (a) The National Authority may, subject to prior approval of the Central Government, set up such such Technical Secretariat as it may deem fit and appropriate." (2)

MR. CHAIRMAN: I shall now put amendment No. 2 moved by Shri G.M. Banatwalla to vote.

*The amendment No. 2 was put and negatived.*

MR. CHAIRMAN: The question is:

"That clause 6 stand part of the Bill. "

*The motion was adopted.*

*Clause 6 was added to the Bill.*

Clause 7 Powers and functions of National Authority

MR. CHAIRMAN: Shri G.M. Banatwalla, are you moving your amendment?

SHRI G.M. BANATWALLA : Sir, I am moving my amendment.

I beg to move:

Page 5, -

*after line 19, insert –*

"(4) (a) review the general operation of the Convention;  
(4) (b) advise the Government on all matters relating to the Convention;" (3)

MR. CHAIRMAN: I shall now put amendment No. 3 moved by Shri G.M. Banatwalla to vote.

*The amendment No. 3 was put and negatived.*

MR. CHAIRMAN: The question is:

"That clause 7 stand part of the Bill."

*The motion was adopted.*

*Clause 7 was added to the Bill.*

*Clause 8 was added to the Bill.*

MR. CHAIRMAN: Shri Banatwalla, are you moving your amendment?

SHRI G.M. BANATWALLA : Why should we relegate the matter to the Rules? Why should we not have it in the Bill itself that the Annual Report should come to the Parliament and be laid on the Table of the House. Therefore, I move my amendment No. 4.

I beg to move:

Page 5, -

*after line 29, insert –*

"8A. The National Authority shall prepare annual report on its functioning, including therein a general review of the operation of the Convention and submit it to the Government who shall cause it to be laid, as soon as may be after it is so submitted, before each House of Parliament along with a Memorandum of Action Taken on any specific suggestion made in the report."

(4)

MR. CHAIRMAN: I shall now put amendment No. 4 moved by Shri G.M. Banatwalla to vote.

*The amendment No. 4 was put and negatived.*

MR. CHAIRMAN: The question is:

"That clauses 9 and 10 stand part of the Bill. "

*The motion was adopted.*

*Clauses 9 and 10 were added to the Bill.*

### **Clause 11 Power of Central Government**

#### **To constitute committee**

MR. CHAIRMAN: Shri Banatwalla, are you moving your amendment No. 5?

SHRI G.M. BANATWALLA : Sir, I beg to move:

Page 6, -

*after line 14, insert –*

"(2) Any order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

(3) The Committee constituted under this section shall prepare annual report on its functioning and submit it to the Government who shall cause it to be laid, as soon as may be after it is so submitted, before each House of Parliament."

(5)

MR. CHAIRMAN: I shall now put amendment No. 5 moved by Shri G.M. Banatwalla to vote.

*The amendment No. 5 was put and negatived.*

MR. CHAIRMAN: The question is:

"That clause 11 stand part of the Bill."

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clauses 12 to 38 were added to the Bill.*

Clause 39 Punishment for failure to register

SHRI G.M. BANATWALLA: Sir, it is very impotant. How can you punish people even before the Treaty came into operation? I beg to move:

Page 13, line 32, -

*after "Act" insert -*

*"but on or after 29 April, 1997" (6)*

MR. CHAIRMAN: I shall now put Amendment No. 6 moved by Shri Banatwalla to vote.

*The amendment was put and negatived.*

MR. CHAIRMAN: The question is:

"That clause 39 stand part of the Bill."

*The motion was adopted.*

*Clause 39 was added to the Bill.*

*Clauses 40 to 56 were added to the Bill.*

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

SHRI SURESH P. PRABHU: Sir, I beg to move:

*"That the Bill be passed. "*

MR. CHAIRMAN: The question is:

*"That the Bill be passed. "*

*The motion was adopted.*

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