

Fourteenth Loksabha

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Participants : [Pal Shri Rupchand](#),[Bansal Shri Pawan Kumar](#),[Nikhil Kumar Shri](#),[Singh Shri Sitaram](#),[Yadav Prof. Ram Gopal](#),[Singh Shri K. Natwar](#),[Shandil Dr. \(Col.\) Dhani Ram](#),[Chandrappan Shri C.K.](#),[Singh Shri K. Natwar](#)

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Title: Motion for consideration of the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005.

13.29 hrs.

MR. CHAIRMAN: The House would now take up item no. 25: Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005.

Shri K. Natwar Singh.

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

“That the Bill to prohibit unlawful activities, in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental thereto, be taken into consideration[[snb22](#)].”

As [[bru23](#)]the House is aware, a basic tenet of India’s foreign policy since Independence has been the pursuit of global nuclear disarmament. India has been a consistent proponent of general and complete disarmament and has advocated that highest priority be given to nuclear disarmament as a first step towards this objective. We were among those who advocated an international non-proliferation agreement under which nuclear weapon states would agree to stop the production of fissile material for weapons purposes and move towards reducing and eliminating their nuclear weapons while other countries would refrain from developing or acquiring such weapons. Unfortunately, the nuclear weapon powers were not willing to accept even this limited commitment and the Non-Proliferation Treaty as it eventually emerged was an unbalanced instrument which India did not join. In 1978, India proposed negotiations for an International Convention to prohibit the use or threat of use of nuclear weapons. In 1988, at the Special Session of the United Nations General Assembly on Disarmament at New York, Prime Minister Rajiv Gandhi put forward a comprehensive action plan based on

the principles of universality, non-discrimination and a balance of obligations for phased elimination of all nuclear weapons within a time-bound framework.

India's status as a Nuclear Weapon State does not diminish its commitment to the objective of a nuclear weapon free world and we aspire for a non-violent world order, through global, verifiable and non-discriminatory nuclear disarmament. This is and continues to be an important plank of our nuclear policy. Our adherence to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention is evidence of our commitment to global disarmament regimes which are universal and non-discriminatory in character.

India is fully committed to safeguard its security as a Nuclear Weapon State. Our nuclear policy is characterized by responsibility, transparency, predictability and a defensive orientation. We are committed to building and maintaining a credible minimum deterrent. We have declared a posture of no first use. We continue to observe a voluntary moratorium on nuclear explosive testing.

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

India will continue to ensure that WMD-usable materials, equipment and technologies do not fall into the wrong hands whether of States or non-State actors, and in particular of terrorists. Our system of export controls is under continuous review; we continue to update these controls where necessary [\[bru24\]](#).

Over the years, India has enacted a corpus of legislation dealing with activities of direct or indirect relevance to weapons of mass destruction, their means of delivery and related materials, equipment and technologies. It has also institutionalized administrative mechanisms to prevent unlawful access to such weapons and their delivery systems.

Conscious of its responsibilities, India has been exercising controls over the export of Weapons of Mass Destruction-usable materials, equipment and technologies.

It is now considered desirable to introduce an overarching and integrated legislation to prohibit unlawful activities in relation to weapons of mass destruction and their means of delivery and to build upon the regulatory framework related to controls over the export of WMD-usable materials, equipment and technologies, especially in view of India's status as a Nuclear Weapon State.

The rationale for the proposed Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005 is based on the same policy tenets that have guided the country over the past

several decades, which are reflective of the nation's commitment to safeguard India's national security, to deepen its autonomous scientific and technical capability for meeting our security imperatives and development goals and to the objective of global peace and security. These tenets are based on continuity and are underpinned by a national consensus cutting across party lines.

MR. CHAIRMAN : Motion moved:

“That the Bill to prohibit unlawful activities, in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental thereto, be taken into consideration. ”

We shall continue with the discussion after lunch.

13.36 hrs.

The Lok Sabha then adjourned for Lunch till Tthirty-Five minutes

past Fourteen of the Clock.

14.42 hrs.

The Lok Sabha re-assembled after Lunch at Forty-Two minutes

past Fourteen of the Clock.

(Mr. Deputy-Speaker *in the Chair*)

WEAPONS OF MASS DESTRUCTION AND THEIR
DELIVERY SYSTEMS (PROHIBITION OF
UNLAWFUL ACTIVITIES) BILL, 2005 – contd.

MR. DEPUTY-SPEAKER: The House will now take up item no. 25.

Shri Rupchand Pal.

SHRI RUPCHAND PAL (HOOGHLY): Mr. Deputy-Speaker, Sir, this is a very important Bill to us, to the international community and, I think, it is an umbrella legislation, an integrated, overarching piece of legislation, incorporating the earlier Acts which we had already passed in conformity with our commitment, with our goal, with our objective, that is, comprehensive, total, non-discriminatory disarmament.

Sir, I believe, there is some urgency in bringing this Bill towards the fag end of this particular Session, with the Prime Minister's proposed visit to the United States, our campaign for our membership in the United Nations Security Council and the other three claimants, namely Brazil, Germany and Japan being members of the NPT, which we consider as discriminatory etc. There are other urgencies also with regard to our nuclear energy programme, national energy security and also with the change in the mindset of some powers after seven years of Pokhran nuclear tests. Those powers seem to be more inclined to grant us our just dues, which have been civilian use of nuclear energy, and, maybe, some private companies will have to be involved in such an exercise.

We are committed, as a nuclear weapon State, to use nuclear energy for peaceful means and we have made it amply clear in our nuclear doctrine that our main purpose is defensive and our whole programme is aimed at peaceful use. As a legacy of our independence struggle, we have always been holding the opinion that we shall have the pursuit of nuclear power for peaceful purposes only [\[k25\]](#).

There [\[r26\]](#) had been several compulsions in 1972 and 1998 that we had to go for such a measure, such an exercise, like the Pokhran one. But immediately after that, not as a result of the sanctions imposed by those who are indulging in hypocrisy telling something to the world and themselves doing something else, on our own, we have an impeccable record that even without being a party to NPT, we have been abiding, we have been sincerely following, in letter and spirit, what should be done, while others, who have been technically subscribing as a member to the NPT, have been openly, sometimes in a clandestine manner violating it.

Very recently, a new emerging situation, an emerging challenge about proliferation has arisen wherein a nuclear scientist of our neighbouring country, with whom we are improving our relations, has violated this. I am not commenting on it. But there is this dual attitude of the most powerful hegemonistic power in the world that they have been turning a blind eye to the proliferation in spite of the NPT and sometimes making absurd cases, like preparation of report, and even after that the Chairman of the WMD Commission coming out saying that they have never stated about a particular country, say, for example, Iraq. Iraq was occupied on the simple plea that they are possessing weapons of mass destruction, which ultimately proved to be a grand lie of the Century and the occupation continues because they wanted to have control over their oil wells.

There are umpteen number of such cases of hypocrisy by the hegemonistic power in the present world. For seven years, our own scientists were not allowed visas. I can name some of them. They were given only after seven years, as if

they can do whatever they like, surreptitiously doing something, clandestinely doing something, turning a blind eye to open violations of NPT, proliferation, black market, working hand in glove with the underworld and all that. In such a situation, our track record to the international community is really praiseworthy.

The NCMP has clearly stated on the basis of a national consensus that our Foreign Policy should be independent. I congratulate the hon. Minister of External Affairs and the hon. Prime Minister that, in conformity with the commitment in the NCMP, they are trying their best to pursue an independent policy, be it in the matter of improving our relations with China, be it improving our relations with all our neighbours, including Pakistan. Historic developments can take place, I shall come to that later on when we take up another debate.

With regard to earlier doctrine, we are doing it *suo motu* that we are a responsible nuclear State, nuclear power. We have our urgency about convincing that we have all along been continuing in a very consistent manner to follow what we have stated. In the backdrop of the United Nations Security Council Resolution 1540, we want to state in advance that our abiding interest although is in total disarmament, our goal is peace and security and we want to use nuclear energy for developmental purposes[r27].

Now, I am happy that this umbrella legislation has been there in a very balanced manner without compromising our security and our autonomous right to pursue our own goals for development by scientists and others. We have shown to the world, to the international community, that we are fulfilling our obligations and we are telling the world that we are responsible and we are bringing this legislation. This is in addition to the seven or eight Acts, that are there. We are a party to the Chemical Convention, to the Biological Convention, to the Toxin Convention and to many other conventions. In our own way, we can fulfil more and more stipulations of NPT although we consider NPT to be discriminatory and we have not subscribed to that as a member. On CTBT also, there has been a

continuing pressure; we know how the previous Government had been on the verge of surrendering in this very House. We are happy that we have been holding the position that there should be a nuclear weapon-free world. There should be equal rights. Even yesterday, there was a debate in the United Nations and the non-aligned countries have come out saying that the Middle-East should be considered. There are countries that demanded nuclear-free world. The NPT review is continuing. Even in the NPT review, this hypocrisy is being marked again and again. The non-aligned countries – there are 161 of them – are very right in claiming that in the Middle-East, such and such area should be considered. But, They are not listened to. It is a good development that our country is advocating multilateralism and is trying to win back our neighbours as partners of progress and development. In such a situation this commitment will go a long way to create a situation that India is committed to. India had been continuing a consistent policy even after being a nuclear power. It is not indulging in any sort of irresponsible act. It is a responsible nuclear power. This is a good thing.

I found in some paper that the NDA Government – I think the Leader of the Opposition – has yesterday stated that this Government should not depend on the view of the Left regarding foreign policy. We can claim and we have been all along very much consistent, that foreign policy should be based on a national consensus; and it should be based on a legacy of our freedom struggle. We cannot couch to the pressures of any hegemonistic power which they have been doing. They have been sermonising to the Government within Government that they should be cautious about the Left's views. We have been talking about better relationship with Pakistan - now it is being done – and better relations with our neighbours. Let the 21st Century be the century of Asia. Let India's prestige and image be enhanced. This piece of legislation also will go a long way in this regard. I have already mentioned about our nuclear programme. Russia is prepared to help us with some additional reactors etc. The civilian parties will be involved in our nuclear energy programme. I have a doubt also. I would like to

know whether it is also in the Government's mind that private companies will be involved in a big way in our Defence sector. The Defence Minister may also be here. We will have to be very careful about the opening up of the Defence sector for the private companies, multinational companies and big companies.

As far as the nuclear programme is concerned, the command and control system, no-first-use etc. are well known. Still, today, there are certain areas where the nation needs to be convinced.[\[r28\]](#)

What is that? Our nuclear programme is defensive in nature and it is for our own security. We are not going to interfere with others' sovereignty because these days there is nuclear blackmailing. But according to a study by a very important organisation, there cannot be any nuclear war. It will be a balance of forces only. One country having the nuclear weapon can only have the strength of balance-- political balance and regional balance. In such a situation, in our region through co-operation, how best can we build up a programme for the use of nuclear energy and nuclear power for better, purposeful uses? Even after the improvement of relation that

is taking place with Pakistan, this is one area which we should keep in mind. If we have to progress in our bilateral relations or in our trilateral relations, then we have to keep this in mind.

I am giving you one example. We had a very important meeting. After the visit of the President, there is improvement in a number of areas like soft border, bus movement, train movement, Joint Economic Council, Business Council and all these things. But both India and Pakistan have a serious shortage of power. They have a serious shortage of energy. Can there not be an understanding? It will lead to the other way round. Economic co-operation can lead to a better political understanding, so also energy understanding. I know and we know that there will be interference. I am giving one simple example. When both India and Pakistan are undertaking an exercise about the gas pipeline from Iran *via* Pakistan to India, they are coming to sabotage it. They are rather pressurising. India is not

succumbing to that pressure. I believe that Pakistan also will not succumb to that pressure.

Similarly, in energy development and in energy security, joint co-operation in mutual interests should be another area which will lead, in a different manner, to our better understanding.

Now, I am coming to the present infirmities in the NPT. We know how a particular nuclear scientist has done what and what not. On the basis of that, so many things happened. What America has been doing in the name of checking proliferation, what they are speaking about Iran and what they are speaking about North Korea, as I have already stated, are an exercise in hypocrisy, they themselves are indulging in. There are umpteen number of people. But this does not mean that the terrorists or the non-nuclear States having no access to nuclear weapons will not get it.

If I am not mistaken, there are 100 incidents in the world. There are 100 incidents of pilferages in black-market by the underworld, of passing nuclear knowledge or for that matter nuclear material or for that matter nuclear delivery system or nuclear equipment. They have been transferred to some powers. If that is so, in some cases, there are also reports that America is indulging in encouraging a section. Why? They are very vocal about certain other hypothesis, imaginary cases, as it has happened in the case of Iraq. They are making this plea with the motive of occupation only.

India should be cautious about these proliferation challenges. The hon. Minister has correctly stated in a recent seminar that they are inadequate and sometimes the powers that be are very permissive. The US approach is very lenient in some cases. But there is a great market for the nuclear trafficking. How to handle this? It is because the underworld people and the drug peddlers are now different underworld people. What the United Nations says about a particular underworld hero of the world or about the underworld operation is a different thing. But how to deal with it[m29]?

15.00 hrs.

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The [e30]Government says that it shall set up a Committee; or, for that matter, the Government itself would set up an Authority and delegate the power. It requires a sort of Authority that would be capable enough. It cannot be done through the rules.

While the Authority is being set up, my concern and apprehension is that it could be misused by some interested people as it happened in the case of POTA. Here, I would give one example. Clause 20 (2) says:

“Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty ...”

This is too complicated because there might be people who are working in the company but who do not know anything; nor would they know about what is happening at the upper strata, at the laboratory level for everyone in the company to be held guilty. I think, there must be a rider to protect the interests of the innocent citizens who, for their bread, for their livelihood, have joined the company.

Next, I am coming to clause 15 (2). It says:

“Any person who, with intent to aid any non-State actor or terrorist, attempts to contravene or abets, or does any act preparatory to contravention of sub-section (1), shall be deemed to have contravened that provision and the provision of sub-section (1) shall apply subject to the modification ...”

What happened in the case of POTA? A ten-year-old child was put behind the bars. One who has nothing to do with terrorism and who has no idea what is terrorism and what is not terrorism was put behind the bars. So, I want to know what are the safeguards here.

We fully support this Bill relating to proliferation of nuclear knowledge, equipment, delivery systems, radioactive materials and all these things because nuclear terrorism is a reality. There was an article that I was reading where it was stated that be it terrorism based on religion or any other kind of terrorism, the way the hegemonistic power is behaving, depriving the people of the world of their sovereign rights, occupying their countries on the basis of a grand plan and depriving their democratic and human rights, naturally, it is going to give birth to new terrorism. A generation is growing up with such a mistrust, distrust and hatred for this super-terrorist power that in such a situation, I think, while we are fulfilling our international commitment, we should be very careful that this is not misused as in the case of the Prevention of Terrorism Act, in our domestic situation.

We have had the experience of misuse of POTA. I could give one or two examples of misuse in respect of things mentioned here. I am not going to go into the details but I think, when the hon. Minister replies to the debate, he would reply to the points that I raise.

The Resolution on suppression of nuclear terrorism, I think, would come up in September; 22 countries would have to subscribe to it; and 13 such Resolutions on global terrorism would also come up in the United Nations. We shall be a party to it. I think, this piece of legislation would help us a lot to convince the international community that we are committed to our own security, our basic goal of total disarmament and peaceful use of nuclear energy. We believe in our autonomy and in our own right to make progress in science and technology and atomic energy but at the same time we are careful that we would not allow anyone to transfer, export or proliferate the energy, equipment and material[e31].

I am concluding. This is a very important Bill. This is an umbrella legislation, integrated and overarching, including all the provisions. While I welcome it, we should have been given more time to look into the several

provisions between the lines. But, unfortunately, the Bill was given to us on 8th of May which was a Sunday. I came on Sunday and on the very day I got it, I wanted to draw the attention of the Government that at the fag end such an important Bill should not be brought. I know the urgency. I admit the urgency. It should have been brought earlier. We could have been given more time and we could have contributed more to enrich this piece of legislation.

With these words, I conclude supporting the Bill.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Deputy-Speaker, Sir, when we take up for discussion in this House the Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005, we are aware of the danger that looms large over the world today. At present there are an estimated 34,000 nuclear weapons in existence with over 50 countries with varying degrees of nuclear power or capabilities. We here have always believed, and that is the Indian ethos of peace and goodwill, that proliferation can only bring greater instability. However, at the same time, one cannot find fault with countries which may seek to develop nuclear weapons if they see that the existing nuclear powers are not making good faith effort to divest themselves of their own arsenal.

It is in this context that I would refer to Shrimati Indira Gandhi who displayed her characteristic courage and leadership when she conducted the nuclear test at Pokhran in 1974. It was not an expression of any military ambition but the assertion of our right to safeguard our sovereignty and Independence at any cost. Shri Rajiv Gandhi, as the young dynamic leader who toiled to take India to 21st century as an important global player called for total disarmament and the elimination of all nuclear weapons and other weapons of mass destruction. He mobilised world opinion in support of this crusade and pointed out the inequities in the approach of some major nuclear powers.

As the hon. Minister of External Affairs pointed out in his introductory remarks, Shri Rajiv Gandhi highlighted the discriminatory nature of the nuclear Non-Proliferation Treaty and refused to become a party to it reiterating all the while India's principal stand on such issues and the use of nuclear energy for peaceful purposes. It is this legacy of Shri Rajiv Gandhi which is seen across this Bill today.

It is our experience that weapons are generally introduced into conflict areas from outside. It is in this scenario that the International Atomic Energy Agency has also lamented the inadequacy of the weapons export and import control regimes to prevent an extensive illicit market for fissile materials and equipment.

Through this Bill, the UPA Government, while reasserting our status as a nuclear weapons State, has undertaken to legislate against misuse of such weapons and their delivery systems[\[krr32\]](#).

Sir, our concern is only to safeguard and strengthen our national security. We are not and we do not expect any other person, any other country to be a merchant of death. Under the Nuclear Non-Proliferation Treaty, the non-nuclear States are obliged not to acquire nuclear weapons in return for an assurance by the nuclear weapon States that they would negotiate the elimination of all their nuclear weapons and also that developing countries would be transferred nuclear technologies for peaceful purposes. Unfortunately, they have not lived up to this assurance. Nuclear weapon States again gave such an undertaking at the 2000 NPT Review Conference. It is unfortunate that though the next review conference is slated, if I am not mistaken, for this month only, what is in evidence today is a total disconnect between a series of dangerous trends in the world and the adoption of disarmament and arms control instruments that would enable the world to counter them.

The last year's UN Security Council Resolution 1540 requires all States to adopt measures to criminalise assistance to non-State actors to acquire weapons of mass destruction and to put in place domestic controls to prevent the global proliferation of such weapons. Also, the First Committee of UN last year passed a Resolution titled "Towards the Nuclear Weapons Free World : Accelerating the Implementation of Nuclear Disarmament Commitments". Through this Bill, we have once again expressed our firm belief in and commitment to check and

prohibit unlawful activities in relation to weapons of mass destruction which include nuclear, chemical, biological and toxin weapons. The UPA believes that good governance of security sector means that besides safeguarding the nation's security interests, we must also comply with domestic and legal standards at national and international level. The United Nation's Development Report of 2002 also called for such an approach.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI PAWAN KUMAR BANSAL : Sir, I think, I have not yet taken even ten minutes. How much time would I have? I will accordingly make my points.

MR. DEPUTY-SPEAKER: You have taken more than eight minutes. You conclude within two minutes.

SHRI PAWAN KUMAR BANSAL : While I compliment the hon. Minister for bringing forward this important piece of legislation, in view of the time constraint that you have imposed upon me, I would very briefly refer to two points made by Shri Rupchand Pal relating to clauses 20 and 15 of the Bill.

Sir, I have tried to go through these clauses once again and I do not really find anything amiss about those or anything that could call for an amendment thereto. When he refers to the employees of any company joining that company for their livelihood, they will not be affected. Kindly permit me to read clause 20(1) once again. It reads :

“Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty....”

They will be held liable. It is not that every employee of the company; it is an employee who is responsible to the company for conducting the business and that company will be guilty of offence. Only that individual will be held guilty. I

suppose that is necessary. Otherwise, the provisions of the law would become futile[[reporter33](#)].

Similarly, Clause 15 (i) states that :

“Any person who, with intent to ...”

There is no question of any penalty being slapped on a child of 10 years as he had mentioned. Perhaps, it may have been done in some cases relating to POTA, but I am sure that it can never be done here.

To conclude, I would refer only to the very pertinent statements made by the hon. Prime Minister Dr. Manmohan Singh, who during his very first Address to the nation on June 24, 2004 *inter alia* said that :

“India is a responsible nuclear power, and we will continue to work to prevent proliferation of weapons of mass destruction. At the same time, we remain committed to the goal of universal nuclear disarmament.”

The hon. Prime Minister expressed similar sentiments in his Address to the United Nations General Assembly (UNGA) last year, and again on October 2004 in his speech at Kalpakkam on the occasion of the Golden Jubilee function of the Department of Atomic Energy. The hon. Prime Minister had reiterated that :

“We are fully conscious of the immense responsibilities that come with the possession of advanced technologies, both civilian and strategic... India will not be the source of proliferation of sensitive technologies. We will also ensure the safeguarding of those technologies that we already possess...”

Sir, this Bill takes care to see that there is no tinkering with our nuclear policy, and there is no constraint whatsoever on our nuclear programmes -- civilian or strategic. India is determined to utilise advanced technologies for its security and for the welfare of its people, and for meeting the nation's development requirements. Nobody anywhere needs to have any doubt about it. This is a piece of legislation, which reiterates firmly India's commitment to peace,

and to see that the technologies developed by us for our good -- both for our defence as also for peaceful purposes -- are not leaked out. It ensures that no non-State actor or anybody else is able to take any advantage whatsoever that might be going on elsewhere in the grey market, as Shri Rupchand Pal pointed out during his speech. India will not be the place available to such people.

With these words, I thank you for giving me this opportunity.

प्रो. राम गोपाल यादव (सम्भल) : श्रीमन्, यह विधेयक जिन अंतर्राष्ट्रीय परिस्थितियों में लाया जा रहा है, मैं इसका समर्थन करने के लिए खड़ा हुआ हूँ। सारी दुनिया जानती है कि जब-जब कोई ऐसी घटना होती है, जहां मास डिस्ट्रक्शन हो, चाहे हथियारों का मामला हो या अन्य बातें हों, तो कोई न कोई रास्ता निकालने के लिए दुनिया एक मंच पर आती है।

प्रथम विश्व युद्ध के बाद जब लीग आफ नेशंस की स्थापना हुई, यह विडम्बना ही कही जाएगी कि जिस वारसा संधि के अंतर्गत उसकी स्थापना हुई, अमेरिका की सीनेट ने उसे एप्रूव नहीं किया। लीग आफ नेशंस फेल साबित हुई। जब दूसरा विश्व युद्ध हुआ, तो फिर लोगों ने एहसास किया कि कोई ऐसी संस्था हो, जो विनाश को रोक सके और इस तरह से राट्र संघ अस्तित्व में आया। उसके बाद संयुक्त राट्र संघ ने डिस्आर्मामेंट कमीशन बनाया। उसके बाद बहुत सारी बातें सामने आईं। पहले नॉनप्रोलीफरेशन ट्रीटी आई, फिर काम्प्रीहेंसिव टैस्ट बैन ट्रीटी आई। इस तरह यह सिलसिला चलता रहा। लेकिन जिन देशों के पास मास डिस्ट्रक्शन के हथियार थे, जो न्यूक्लियर पावर थे, उन्होंने कभी इस बात की

लीगली इजाजत नहीं दी कि कोई और मुल्क इस क्लब में शामिल हो। जो शामिल हुए, उन्हें तमाम तरह की दिक्कतों का सामना करना पड़ा, तमाम तरह के प्रतिबंध लगाने पड़े। हमारे वैज्ञानिकों को अमेरिका जाने की इजाजत नहीं दी गई, उन्हें दस-दस सालों तक वीजा नहीं दिया गया।^[R34]

सिर्फ इसलिए कि हिंदुस्तान भी न्यूक्लीयर पावर बन गया था। लेकिन हम लोगों की जो बातें हुईं और जो स्पटीकरण दिया गया कि इस विधेयक के लाने के बाद भी हमारी जो गतिविधियां हैं उन पर किसी प्रकार का कोई प्रतिकूल प्रभाव नहीं पड़ेगा तथा हमारे जो मित्र देश हैं उनके साथ हमारे रिश्तों पर भी कोई प्रतिकूल प्रभाव नहीं पड़ेगा। इसलिए मैं समझता हूँ कि देशहित में जब आप इस विधेयक को ला रहे हैं तो हमें भी इसका समर्थन करना चाहिए।

स्वर्गीय इंदिरा जी और राजीव जी इस देश के बहुत बड़े नेता थे। जब अमरीका ने कम्प्रीहेंसिव टैस्ट बैन ट्रीटी पर हस्ताक्षर करने की बात कही तब हमारे तत्कालीन प्रधान मंत्री मोरारजी देसाई जी ने कहा था कि हम इस ट्रीटी पर दस्तखत कर देंगे लेकिन पहले आप अपने सारे हथियार प्रशांत महासागर में डूबो दो। एक देश में हथियार रहें और दूसरे देश हथियार बना भी न सकें, यह न्यायसंगत बात नहीं है। कुछ देशों में जो सुपीरियर होने की भावना थी वह तो अब धीरे-धीरे समाप्त हो रही है। भारत ने अपनी तकनीक को सीधे

या चोरी-छिपे किसी भी देश को देने की कोशिश नहीं की, यह भारत के चरित्र को दर्शाता है। हमारे पड़ोसी देश के वैज्ञानिक दुनिया के देशों में चले गये और कहां-कहां क्या-क्या दिया, यह सारी दुनिया जानती है। हमारे देश का जो लक्ष्य है उसे प्राप्त करने में अगर हमें कोई बाधा नहीं आती है तो मैं आपको बधाई दूंगा। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

MR. DEPUTY-SPEAKER: I now give the floor to Shri Nikhil Kumar with a request that he may complete his speech within four to five minutes.

SHRI NIKHIL KUMAR (AURANGABAD, BIHAR): Sir, I stand here to speak on the Bill and to support it.

We all know and it has been pointed out by the previous speakers, that there is tremendous danger, in fact, a massive danger and threat to peace from weapons of mass destruction. When we say, 'weapons of mass destruction', I would like to first explain what these weapons are. These weapons could be nuclear, they could be biological and they could be chemical. As far as the biological weapons are concerned, they pose as much of a threat as the nuclear weapons or for that matter as the chemical weapons. What is really very horrifying is, God forbid, if any of these or, worse, if all of them are used together, what would be the magnitude, the scale of damage caused, or the devastation caused all over the world. It will be much more in excess of the damage caused by the Tsunami disaster. It is, therefore, very necessary that we take stock of the danger and do something to see that the danger is prevented from actually facing us, and that the weapons do not go into the wrong hands.

There was a statement made by our hon. Member, Shri Rupchand Pal, about the danger from weapons of mass destruction. Before I come to that, let me just very briefly say as to what kind of danger these biological weapons pose to the world in general^[R35].

In fact, if these weapons fall into the hands of terrorists, of which there is considerable danger, the devastation will be of extreme magnitude. New information that we have got shows that it will be possible to attack even plants, animals and human beings.

In order to produce such biological weapons, all that is necessary is a laboratory set up at a cost of merely 10,000 dollars. It will be of the size of a small room. It will produce agents that will mutate, reproduce, multiply and spread over a very large terrain. This can go through wind, water, or for that matter any kind of

flora or fauna. This can, in due course, lead to DNA and cloning technology which can mass produce these biological weapons. So, we have to be aware of this threat of biological weapons leading to biological terrorism.

Similarly, the danger from chemical weapons is that how to use these chemical weapons is being taught to militants and to extremists. Their training camps will help to teach them all about chemical warfare. These training camps are in Afghanistan and elsewhere. They are more likely to use chemical weapons which can also be attached to conventional warheads. Incidentally, it may not be possible to transport the biological weapons through warheads but it will be possible to do so with the chemical weapons at our disposal.

Some of these chemical weapons are very easily available in the form of gases and in the form of chemical agents. Just to cite one instance, way back in 1994, a Japanese underground organisation called the Aum Shinrikyo had released sarin nerve gas in a Tokyo subway and killed 12 people and injured over 120 persons. Incidentally again, sarin fumes were found in a town of Japan where seven people died and 200 were taken sick. The evidence is that members of this cult, the Aum Shinrikyo, had undertaken a 300 million dollar research project into a variant of a toxin. All this was in an effort to equip themselves to launch a biological warfare.

In the entire 19th century, nearly 500 million people were killed with the help of biological and chemical agents. When you do not know if there is a determined attempt to use these weapons, we can only imagine the magnitude of the damage that will be caused and that will be mind-boggling.

So, what do we do to prevent all this? Is it possible to transfer such technology to people of undesirable character and antecedents? It surely is. We have before us the incident of A.Q. Khan of Pakistan who stole some drawings regarding enrichment of uranium plant and sold them for a big consideration.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI NIKHIL KUMAR : Kindly allow me a little more time.

He has in turn become very rich, so rich that it is difficult to describe the amount of wealth that he has gathered. We are not discussing A.Q. Khan's riches now, but the type of character that he is. It is people like him who can transfer such technology and sell it.

Today, it is possible for North Korea to pose a serious threat to the whole world because there have been instances, there has been evidence, to show that indeed North Koreans have nuclear weapons.

MR. DEPUTY-SPEAKER: If you want to speak for more time, I will not allow other speakers from your party.

SHRI NIKHIL KUMAR : I will take only two minutes.

MR. DEPUTY-SPEAKER: No, conclude in one minute.

SHRI NIKHIL KUMAR : So, the threat that we perceive today from the North Koreans is real. We would be failing in our duty if we did not take adequate steps to see that there is some kind of legislation which will prevent the passing of such technology into wrong hands[KMR36].

With this background, this Bill has been brought. I fully support the Bill and compliment the Minister of External Affairs and the UPA Government for having thought of it and brought it here This Bill, as was explained by my colleague, Shri Bansal, does not in any way interfere with the India's nuclear concern, it does not in any way reduce its nuclear capability and it does not in any way compromise its nuclear position or power. On the other hand, it support India's stand that it is a very responsible nuclear power. It will be advantageous to

us to go to the whole world, to say before the whole world that we are a responsible nation. This law will help us to support our claim. Therefore, I feel that it is a very timely Bill as it has been brought just in time. I support it. Thank you, Sir,

श्री सीताराम सिंह (शिवहर) : उपाध्यक्ष महोदय, यह सामूहिक संहार के आयुध और उनकी परिदान प्रणाली (विधि विरुद्ध क्रियाकलापों का प्रति-ोध) विधेयक, 2005 है। हम हिंदी जानने वाले लोग हैं। इस विधेयक को जो नाम दिया गया है, उससे स्पष्ट है कि आज की अंतर्राष्ट्रीय परिस्थिति में यह विधेयक मुनासिब, जायज और सराहनीय है, इसलिए मैं इसका समर्थन करता हूँ। इस विधेयक के उद्देश्य में जो लिखा गया है उसे हमने पढ़ा है। मैं मानता हूँ कि भारतवा, और जहां भी लोकतंत्र है, उसमें सबसे पहले दर्जे में लोकतांत्रिक पद्धति में शांतिप्रिय देश हैं। सारी शक्तियां होने के बाद भी जो इस देश का इतिहास है, जो इस देश के नागरिक हैं, जो इस देश के शासक हैं और जो इस देश का शासन है, इसने दूसरे देशों पर कभी बुरी नजर नहीं रखी है।

आपने कहा कि चार-पांच मिनट में बोलना है, इसमें मैंने जितना पढ़ा है और देखा है, एक बात की हमें आशंका है कि आज जो लोग हथियार की होड़ में पूरी दुनिया में आपस में होड़ मचाए हुए हैं और कुछ लोग इस दुनिया में दादागिरी भी कर रहे हैं। ऐसे देश जो दुनिया में अपनी दादागिरी चलाना चाहते हैं, जैसे माननीय सदस्य श्री राम गोपाल जी ने कहा, हम लोगों को या जो भी लोग संघ के सदस्य के रूप में इस चीज को लाना चाहते हैं, उसमें बहुत लोगों को बहुत कठिनाई हुई है। हाल में कई ऐसे उदाहरण हैं, जो बिना वजह, बिना कारण और नाजायज तरीके से दुनिया में कमजोर देशों को मजबूत देशों के लोग दबाते रहे हैं, अगर नाम लेना मुनासिब हो तो मैं कह सकता हूँ कि अमरीका जैसे देश ने

जबरदस्ती उनके अंदरूनी मामले में दखल ही नहीं किया, उनको बर्बाद करने का काम किया। इस विधेयक को लाने से अगर परेशानियां हमारे देश को न हों तो कोई दिक्कत नहीं है, इस देश के लिए यह विधेयक लाभकारी होगा।

मैं कहना चाहता हूँ कि जहाँ इस तरह की दुनिया में होड़ लगी है, इस विधेयक के माध्यम से हिंदुस्तान में भी जो आधुनिकतम हथियार और आयुध हो सकते हैं, उसके बनाने पर कोई पाबंदी या रोक नहीं होनी चाहिए। मुझे खुशी है कि जब से यूपीए सरकार बनी है, इसकी विदेश नीति और दूसरे देशों से रिश्ते अच्छे हुए हैं। इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

SHRI C.K. CHANDRAPPAN (TRICHUR): Sir, I stand to support the Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Bill, 2005.

Sir, I congratulate the Minister for bringing forward this Bill at this time. It was just a few days ago that our hon. Minister along with the Prime Minister attended the 50th anniversary of Bandung Conference. That Conference, fifty years ago, represented the aspirations of the entire newly independent countries whose desire for peace, whose desire for development and whose desire for creating a better world order was most important. Those were the noble objectives for which they met there. Even in those days of our freedom struggle, India, as a country, was committed to peace, to humanness, friendship and solidarity. These are some of the hallmarks of our freedom struggle.

Today, if you look at the whole world, it is almost like sitting on an arsenal of deadly weapons – nuclear, biological and what not. Then it is the sophisticated delivery system that can take these weapons across the ocean to different continents. So, we are living today in a dangerous world. That is why, India, from the very beginning, took a stand of complete and general disarmament including nuclear disarmament. It is in tune with that that we are bringing forward this Bill.

Though, for the security of our country, for the defence of our people, necessary arms and armaments will be ensured, yet at the same time, we are making ourselves committed to it. We are also fulfilling the commitment towards the world community by saying that we will not be a partner to arms race or nuclear arms race for that matter.

There are countries that are sermonising about peace, about nuclear disarmament and all that. When they sermonise others, they are actually sitting on the heap of it. They tell us that we should not do it, as that is bad and all that. We

will not believe in that kind of sermons. As a country, when we are committed to this, it has another aspect also – our aspiration for a better life and development.

There is a statistics which I was going through. If three per cent of the weapons of mass destruction kept by countries all over the world are destroyed or if those countries decide not to create those weapons – not by hundred per cent but to the extent of three per cent – that will provide enough money for mankind to completely provide literacy, higher education, total health care, better communication system and to create a world that will be much better than what it is today. Through this Bill, when we are committing ourselves to the obligations internationally, we are also trying to go forward with our aspirations of development.

I am concluding by giving one suggestion. Now, we had a meeting of the 50th anniversary of the Non-aligned countries

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. I will request the Government to take an initiative to call a meeting for disarmament from the platform of the non-aligned countries and discuss how arms race could be stopped, countries could live in a peaceful atmosphere and the money thus saved could be used for better development of the world. If that is done, that will be one of the great contributions that India could do at this juncture.

With these words, I support the Bill. I hope, I did not take much time.

DR. COL. (RETD.) DHANI RAM SHANDIL (SHIMLA): Mr. Deputy-Speaker, Sir, I rise to speak in support of the Weapons of Mass Destruction and Their Delivery Systems (Prohibition of Unlawful Activities) Bill, moved by Shri K. Natwar Singh, our hon. Minister of External Affairs. I compliment the hon. Minister.

It is a very important piece of legislation that has been brought out in this august House for consideration by the UPA Government with the blessings and guidance of Shrimati Sonia Ji and under the dynamic leadership of Dr. Manmohan Singh Ji.

As has been brought out by the hon. Minister of External Affairs in the Bill, India remains committed to safeguarding its national security as a nuclear weapon State. Our stand in this regard, as was brought out by Dr. Manmohan Singh recently in various international fora, is very clear on the non-proliferation of nuclear weapons.

Our military and nuclear doctrine has always been and will continue to be, for the i) prevention of war and armed conflict; ii) comprehensive, durable and integrated peace at national, regional and global levels; iii) safeguarding the territorial integrity and sovereignty of India; and iv) in case deterrence fails, an ability to conclude war at the earliest opportunity on terms most favourable to our national interest.

It is India's policy not to assist, encourage or induce any other country to manufacture such weapons which have the capability of mass destruction and nuclear explosive devices. We, as a nation, have internationally acclaimed commitment to fulfil it under the Chemical Weapons Convention and the Biological and Toxin Weapons Convention.

The most important facet of this legislation is that it is against terrorist groups. We have seen that. The history is replete with examples. Time and again these weapons which can cause mass destruction have been falling in the wrong

hands. It has been, in fact, a historical and logical phenomenon that outlaws, through the ages, have always had access to and also have used the latest technology, particularly relating to weaponry in committing crimes.

Today, most of the terrorist groups are in possession of such weapons which are not even in the possession of the most advanced armies of the world. Some of them are known to have acquired even the guided missiles and other high-tech equipments. We have seen that through some rogue States, some such weapons are being passed on in the past. As was brought out by Shri Nikhil Kumar, Taliban made use of that in 1990s. These weapons were used in our neighbourhood also.

The British Airways have plans to equip its jetliners with missile-evading devices and it is only a matter of time that most of the international airlines will be fitted with such devices.

The present Bill has catered for an administrative mechanism. It has a provision for imposing a fine of up to Rs.5 lakh; it is praiseworthy. Imagine, what horror it would create, if such headless terrorists are in possession of nuclear, biological and chemical weapons, particularly biological weapons! As was brought out by various Members, it just needs a single room worth of a laboratory. It is easy to manufacture, inexpensive and easy to carry. The biggest advantage is that there is no launching pad required; it could be right on the bag and the adversary cannot take any defensive action either[R38]. You can well imagine how dangerous these weapons can be. To give you one example, the Japanese cult used Botulinum and Anthrax. The Anthrax scare following the 11th September strike is well known. You can well imagine the shape of things to come.

The Bill provides safeguard against pilferage and thefts from military arsenal falling into the hands of anti-national and irresponsible persons. The Bill, as brought out by the hon. Minister, is an over-arching legislation to prohibit unlawful activities in relation to weapons of mass destruction.

Sir, another area of threat of mass destruction lies in the existing nuclear and other plants producing toxic agents. A skilful sabotage on the lines of Chernobyl or Bhopal gas leakage can play havoc with the population.

You can well imagine the horror it can create on the society.

Time is a constraint. I will not take much of the time of the august House. I would only like to say that the common people could identify the definition of terrorism or the definition of these dangerous weapons but literate and civilized people, the section of the population who become policemen really do not understand what horror it can play on the human life. I feel, today, the Bill has come just in right time, at a time when India is emerging as a nuclear nation state. We are not only emerging as a nuclear nation state but as a world power and it is right time to show to the world as to the right way of using these weapons.

मैं कहना चाहता हूँ कि हमारे देश की जो पुरानी गरिमा और महानता थी, वह यह थी कि हम सब लोगों को गाइड करते थे। वही समय अब आ रहा है और पूरी दुनिया की नज़रें हम पर टिकी हैं। मैं समझता हूँ कि यह बिल बहुत अच्छे समय पर लाया जा रहा है। न केवल हमारे देश की, बल्कि पूरे संसार की मानवता की रक्षा के लिए यह बिल है, इसलिए मैं इसका अनुमोदन करता हूँ। I fully support the Bill.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): Thank you, Sir. May I, to begin with, thank all the hon. Members who have participated in the discussion and made very valuable suggestions? I also deeply appreciate the support each one of them has given to the Bill that I have placed before the House to be passed today.

Shri Rupchand Pal, raised a question about the urgency and he himself has said that it is because of Resolution 1540, which was passed by the Security Council last year. Resolution 1540 is mandatory under Chapter seven of the Charter of United Nations. I do not want to take the time of the House by reading the details from the Charter but we have no other option but to accept this and to report to the Security Council as to what steps we have taken. The first report was submitted to the Security Council in October, 2004 and the next report will be sent very shortly.

The Resolution calls upon the States, under Chapter seven of the Charter of UN, to adopt national rules and regulations, where it has not been done, to ensure compliance with their non-proliferation commitments. Further, to counter a threat posed upon all States in accordance with their national legal authorities and legislation in consistence with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical and biological weapons, their means of delivery and related materials.

A reference, of course, was made to sections 9, 15 (1), (2) and (3) and 20. If hon. Members who have raised the questions read the totality of these sections 9, 15 and 21, their fears will be allayed that any action will be taken which will be prejudicial to innocent people who are in no way connected with this [\[R39\]](#).

Now I am very glad that Shri Nikhil Kumar mentioned the name of Mr.A.Q. Khan. He is in our neighbourhood. It is essential for us that this

legislation, which the Government has placed before the House, is adopted. From what I heard of the debate today, I just want to say that I feel greatly encouraged.

I thank Shri Rupchand Pal, Shri Bansal, Shri Nikhil Kumar, Dr. Shandil, Shri Ram Gopal Yadav, Shri Sita Ram, and Shri Chandrappan. Then, I thank all of you for the support that you have given to this Bill.

I would once again reiterate that India is committed to safeguard its security as a nuclear weapon State and to deepen its autonomous scientific and technical capability for meeting our security imperatives as well as our developmental goals. India is and will remain a responsible nuclear power. We have adopted the most responsible policy on sensitive and dual-use nuclear and missile related technologies. We are committed to ensure that these do not fall into the wrong hands, especially the terrorists and non-State actors. India has an impeccable record in this regard; and India will continue to work to prevent proliferation of weapons of mass destruction.

I would request the august House to pass the Bill.

MR. DEPUTY-SPEAKER: The question is:

“That the Bill to prohibit unlawful activities, in relation to weapons of mass destruction and their delivery systems and for matters connected therewith or incidental thereto, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

The question is:

“That clauses 2 to 27 stand part of the Bill.”

The motion was adopted.

Clauses 2 to 27 were added to the Bill.

Clause 1, the Enacting Formula, the Preamble and

The longTitle were added to the Bill.

SHRI K. NATWAR SINGH: I beg to move:

“That the Bill be passed.”

MR. DEPUTY-SPEAKER: The question is:

“That the Bill be passed.”

The motion was adopted.
