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Title: Regarding reported statements made by US Spokesperson on Indo-US Civil Nuclear Deal.

MR. SPEAKER: Hon. Members, according to the procedure, we have to take the Calling Attention first. But I hope the hon. Members who have given notices for Calling Attention would kindly permit, without prejudice their right to move it, so that some important matters agitating the House can be taken up. I want to take little time on this.

...(Interruptions)

MR. SPEAKER: I will also call you.

...(Interruptions)

MR. SPEAKER: Shri L.K. Advani. But I would request you to be brief so that I can call other Members also to speak and we shall be discussing fully this matter later on.

SHRI L.K. ADVANI (GANDHINAGAR): Mr. Speaker, Sir, I am grateful to you for permitting me to make a few observations in respect of a matter which has in a way dominated this entire week of Parliament. Sir, this house commenced last Friday. That day, we adjourned because of the passing away of our senior colleague. Since Monday afternoon, particularly after the Prime Minister made a Statement here on the Nuclear Agreement with America, even though there has been no discussion or debate, but the entire House has been agitated over that one single Statement alone. ...(Interruptions)

PROF. M. RAMADASS (PONDICHERRY): It is not the entire house. ...(Interruptions)

SHRI L.K. ADVANI : Yes, I agree. I am sorry. He is right. ...(Interruptions)

MR. SPEAKER: He is correcting himself.

SHRI L.K. ADVANI : I am correcting myself – not the entire House but a majority of the House. ...(Interruptions)

अध्यक्ष महोदय: आप छोड़िए। आप जानते हैं। Come to the issue.

â€¦(व्यवधान)

SHRI L.K. ADVANI : Not only the majority of the House even the ruling alliance has not been unanimous on it. The entire non-UPA Opposition has been unanimous on this and even the UPA is not unanimous on this. It is a fact. This has happened for the first time in these three and a half years. Mind you, for the first time. It is not surprising, therefore, that while just before this Session commenced, from the Government side, the Agreement was being touted as the centerpiece of the UPA Government's foreign policy achievement and in between comes the 60th Anniversary of Independence. ...(Interruptions) It is remarkable.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): I want to know whether there was a debate on the ruling of the Speaker. ...(Interruptions)

MR. SPEAKER: In my ruling, I said that the matter will be discussed next week. Therefore, just make a brief reference because you have been agitated on this issue.

SHRI L.K. ADVANI : I am always brief. It will take me not more than five to six minutes to make my point. ...(Interruptions)

MR. SPEAKER: There are very important matters to be raised. I will allow the hon. Members to raise them.

...(Interruptions)

SHRI L.K. ADVANI : But this kind of attitude that the Government shows has alienated it from their colleagues also. ...(Interruptions)

I am aware of it. ...(Interruptions)

MR. SPEAKER: He is very happy about it.

...(Interruptions)

SHRI L.K. ADVANI : It is not my privilege or my right but certainlyâ€¦! ...(Interruptions)

THE MINISTER OF EXTERNAL AFFAIRS (SHRI PRANAB MUKHERJEE): Every first day of every Session since the 14th Lok Sabha started, the hon. gentleman sitting in the Opposition has resorted to the disruption of the House. ...(Interruptions)

MR. SPEAKER: I would request the hon. Leader of the Opposition to continue.

...(Interruptions)

अध्यक्ष महोदय: इस तरह टोकटोकी तो होती ही है।

â€¦!(व्यवधान)[r12]

MR. SPEAKER: Let him speak.

...(Interruptions)

MR. SPEAKER: You may please allow your leader to speak.

...(Interruptions)

MR. SPEAKER: Do not record anything. Nothing will go on record, except what Shri Advani says.

(Interruptions) â€¦!*

MR. SPEAKER: Please do not disturb your leader.

...(Interruptions)

MR. SPEAKER: We have had enough disturbance! Shri Advani, please be brief on this. Please make just a reference.

...(Interruptions)

MR. SPEAKER: You have made your point.

...(Interruptions)

SHRI L.K. ADVANI : I am making my point. I will not take more than 5-6 minutes.

* Not recorded

Today's headlines say: 'Withdrawal of support is inevitable; it is only the divorce papers which are to be signed'. This is the headlines today.

MR. SPEAKER: You will be very happy about that!

...(Interruptions)

MR. SPEAKER: छोड़िये ना।

...(Interruptions)

SHRI L.K. ADVANI : I am not happy about it. I would like this Government to continue until it continues to make more and more such mistakes. I do not want this Government to go as yet. आपके पापों का घड़ा पूरा भर जाए, फिर आप जाओ। ... (व्यवधान) हमारे लिए पोस्चरण का निर्णय करना कोई आसान बात नहीं थी और आपने तब भी विरोध किया था। आपके प्रधान मंत्री ने उस समय राज्य सभा में जो भाषण दिया, उसको कोई पढ़े ... (व्यवधान)

MR. SPEAKER: Since we are going to discuss this matter fully later, please do not go into the merits. I am sure, you will initiate this.

SHRI L.K. ADVANI : When we discuss it fully, I will certainly come to that. But I would only submit this to you.

रेल मंत्री (श्री लालू प्रसाद) : यह अखबार में भी छपा कि 'Mr. Advani rang up Mr. Karat'. How dare you ring up Mr. Karat?

अध्यक्ष महोदय : बस हो गया, थोड़ी टोक-टोकी अच्छी है, ज्यादा टोक-टोकी ठीक नहीं है।

SHRI L.K. ADVANI : A statement was made. Two of my colleagues in the other House have said that the statement made by the Prime Minister was misleading; and they gave their arguments. ...(*Interruptions*)

MR. SPEAKER: Please do not go into the merits of the matter. We shall discuss it later. ...(*Interruptions*)

SHRI L.K. ADVANI : This is the first time that an international agreement signed by the Government has involved the Prime Minister in privilege motions in both the Houses of Parliament, one of which is before you. ...(*Interruptions*)

श्री सैयद शाहनवाज़ हुसैन (भागलपुर): सर, ऐसे टोका-टोकी होगी तो कैसे बोलेंगे।

अध्यक्ष महोदय : यह चलता है।

श्री सैयद शाहनवाज़ हुसैन : उनके मिनिस्टर टोक रहे हैं, लगातार टोक रहे हैं।

SHRI L.K. ADVANI : If you want me not to speak, I will sit down. ...(*Interruptions*)

MR. SPEAKER: Since the matter will be coming up for discussion on Monday, we can do that later.

...(*Interruptions*)

अध्यक्ष महोदय : आप छोड़िये। You do not have to come in support of Mr. Advani.

SHRI L.K. ADVANI : I remember that the last debate that took place in this House and the other House was essentially on the Hyde Act. It was then said like this.

MR. SPEAKER: Please do not go into the merits.

SHRI L.K. ADVANI : I am not going into the merits. What has happened is this. Today, there are comments made by various people on the statement of the Leader of the House yesterday; the experts have said that the Leader of the House is not right. ...(*Interruptions*)

MR. SPEAKER: That will be discussed in the House.

...(*Interruptions*)

SHRI L.K. ADVANI : They have pointed this out. ...(*Interruptions*) Sir, I am not yielding. ...(*Interruptions*)

MR. SPEAKER: Advani Ji, I will request you not to go into the merits.

SHRI L.K. ADVANI : I do not expect this from you. ...(*Interruptions*) I would have completed in five minutes, had I been allowed. ...(*Interruptions*)

MR. SPEAKER: I am allowing you, but what can I do? I am trying to control them.

...(*Interruptions*)

SHRI L.K. ADVANI : The Leader of the House has gone on record saying this. In reply to the experts' comments that it is the Hyde Act that is binding on us, he says that whatever is said in the Hyde Act is not binding on us. ...(*Interruptions*)

अध्यक्ष महोदय : ठीक है, आप लोग बैठिये। It would have been over by now.

SHRI L.K. ADVANI : Yes, it would have been over. But they are not allowing me to complete. ...(*Interruptions*)

MR. SPEAKER: I am trying to control them. You know that.

...(*Interruptions*)

SHRI L.K. ADVANI : I will just read out one thing. ...(*Interruptions*)

MR. SPEAKER: He will conclude it.

...(*Interruptions*)

SHRI L.K. ADVANI : Immediately after the agreement had concluded, there was – on the record – a briefing, on the status of the US-Indo Civil Nuclear Cooperation Initiative and the text of the bilateral agreement by Nicholas Burns, Under Secretary for

Political Affairs of the Government of US. The question was posed to him very specifically referring to the issue that has arisen now. The question was; "in the Hyde Act...(Interruptions) Please, I am not yielding.

अध्यक्ष महोदय : यह क्या हो रहा है?

...(व्यवधान)

SHRI L.K. ADVANI : "In the Hyde Act, Congress made it very clear that if India were to test a nuclear weapon, that U.S. cooperation with India should cease." This was the question and the answer given by the Under-Secretary , Nicholas Burns was, "We were very careful when we began these – the latest phase of these negotiations to remind the Indian Government that since the President and Prime Minister had their two agreements of July 5th and March, 6th, something else had happened.". What had happened? "The Congress had debated over six, seven months...everything in this U.S. India civil nuclear agreement, the 123 Agreement was completely consistent with the Hyde Act and well within the bounds of the Hyde Act itself.

On the issue of so-called right-of-return that, of course, the American President under our Atomic Energy Act has the right to ask for the return of nuclear fuel and nuclear technologies if there is a test. That right-of-return has been, of course, preserved as it must be under our law, and there has been no change in how we understand the rights of the American President and the American Government, it has been fully respected by this (by the 123 Agreement)."

If after this you continue to say that we are not governed by the Hyde Act, it is certainly misleading the House.

MR. SPEAKER: He will reply to it.

SHRI L.K. ADVANI : One last point relating to your ruling which I accept. That only makes it desirable that this House must have some amendment in the Constitution or the law to make agreements which impinge on our national sovereignty...(Interruptions)

MR. SPEAKER: This House can make a law. We need not go for an amendment of the Constitution.

SHRI L.K. ADVANI : Yes, we can make a law but if necessary we can even amend the Constitution. Just as they have Congress to rely upon, we should have Parliament to rely upon if there is any Agreement by the Executive which is not acceptable to the country and to the House. Therefore, the Government must seriously consider enacting a law to make it obligatory that if there is an international Agreement which impinges on our sovereignty, national security or territorial integrity it must be ratified by both the Houses of Parliament.

SHRI PRANAB MUKHERJEE : Mr. Speaker, Sir, the hon. Leader of Opposition has referred to my observations in respect of the Hyde Act. I am not going into the other aspects. .The hon. Leader of the Opposition has quoted Under-Secretary Burns. In the other House, on the debate on Hyde Act, I had quoted what President Bush observed on 18th December when he signed the Hyde Act. I had reported it verbatimly from the observations of President Bush and not his Under-Secretary or Under-Secretary of the Department of State, that some of the provisions of the Hyde Act are advisory and cannot affect the constitutional right of the executive branch of the United States Administration. Therefore, you would not find any difficulty of complying with the joint statement of 18th July 2005 and the joint statement of March 2006. I would not like to elaborate on it. I would respectfully submit to the Leader of Opposition, through you, let the House restore peace and normalcy. Let us have a debate. Let them say whatever they have to say and let the country judge who is right and who is wrong.

MR. SPEAKER: Shri Ramji Lal Suman, since we are going to have a full-fledged debate, please be very brief. I am allowing Leaders since we have been very much insistent.[\[R13\]](#)

श्री रामजीलाल सुमन (फ़िरोज़ाबाद) : अध्यक्ष महोदय, कल हाउस व्यवस्थित नहीं रहा, इसका हमें दुःख है लेकिन जब कोई परिस्थिति पैदा हो जाती है तो कुछ सवाल पर सरकार की सफ़ाई आवश्यक हो जाती है।

अध्यक्ष महोदय, 13 अगस्त को प्रधानमंत्री जी का बयान इस सदन में हुआ और उन्होंने कहा कि भविष्य में परमाणु परीक्षण करना भारत का सार्वभौमिक अधिकार है और उसे कोई रोक नहीं सकता। उसके तत्काल बाद अमरीका के विदेश मंत्रालय के प्रवक्ता का बयान आया...(व्यवधान)

MR. SPEAKER: On this, a statement has been made yesterday by the Leader of the House, the Minister of External Affairs himself. The same thing cannot be repeated.

श्री रामजीलाल सुमन : अगर भारत परमाणु परीक्षण करता है तो अमरीका भारत के साथ परमाणु सहयोग नहीं करेगा...(व्यवधान)

प्रो. विजय कुमार मल्होत्रा (दक्षिण दिल्ली) : अध्यक्ष महोदय, प्रधानमंत्री जी का स्टेटमेंट बिल्कुल मिसलीडिंग था...(व्यवधान) That is not the final word.

अध्यक्ष महोदय : जब आपका भाषण होगा, तब बोलियेगा। मैं तो आपको बोलने के लिये कहता हूँ, इसमें कोई रुकावट नहीं है। There will be full discussion. We can discuss it for two-three days, as you like.

श्री रामजीलाल सुमन : अध्यक्ष महोदय, मैं कहने का मतलब यह है कि 123 करार हुआ है जिसमें कुछ सवालों पर अमरीका और भारत अपनी सुविधानुसार उसकी व्याख्या कर रहे हैं। यहां भ्रान्ति की स्थिति बनी हुई है जो बहुत ही खतरनाक है। प्रधान मंत्री जी का जो स्टेटमेंट हुआ, हमारे विदेश मंत्री उनका बचाव कर रहे हैं। इस सदन को यह जानने का पूरा अधिकार है...(व्यवधान)

अध्यक्ष महोदय : आप सोमवार को जानियेगा।

श्री रामजीलाल सुमन : अध्यक्ष महोदय, अमरीका इस बात को मजबूती के साथ कह रहा है कि भारत एक पक्ष है और वह इस काम में टुरसाइड कैसे कर सकता है। अमरीका यह कहता है कि डील खत्म हो जायेगी, अगर भारत ने परमाणु परीक्षण करने का काम किया।

अध्यक्ष महोदय, प्रधानमंत्री जी का 15 अगस्त को जो भाषण हुआ, उसमें देश के तमाम सवालों पर उन्होंने बात की। अगर यह समझौता इतना उपयोगी था...(व्यवधान)

MR. SPEAKER: It cannot be discussed here. Now, Shri Gurudas Dasgupta to speak.

श्री रामजीलाल सुमन : तो लिखित रूप से प्रधानमंत्री जी को यह बात कहनी चाहिये थी। यह देश और सदन को गुमराह करने के अलावा और कुछ नहीं है। यह भारत की संप्रभुता के खिलाफ है। इसलिये समाजवादी पार्टी चाहती है कि यह करार समाप्त हो।

MR. SPEAKER: Hon. Members, I am requesting that there will be full discussion on this.

SHRI GURUDAS DASGUPTA (PANSKURA): Mr. Speaker, Sir, I have listened to your advice very carefully. I am not going into the merit of the Agreement which we shall discuss on the date you will kindly fix for the discussion. But I rise on two counts. I rise to condemn the statement made by the spokesman of the United States of America where in he had said that there will be an automatic termination of the Agreement if there is explosion or atomic test in India. I rise to condemn it. It is an infringement on the sovereignty of India and meddling into our internal affairs. That is the reason why I rise here.

Secondly, I rise to say that the hon. Minister for External Affairs had made a statement. Of course, the copies were not made available to us. I got it from the Press and whether this is proper or improper, it is for you to decide...(Interruptions)

MR. SPEAKER: I allowed him because of the mood of the House and I thought it was proper. So, please do not question my decision.

SHRI GURUDAS DASGUPTA : Sir, I am extremely sorry and perturbed because I know Mr. Mukherjee. He has been carrying forward the tradition of old Congress of Non-Alignment, peace and anti-imperialism. Yesterday, he spoke but he did not refer to the statement of the American spokesman. It was not named. He only said that a question has been raised. Who has raised the question? It is an unnamed person. Why is this reluctance on the part of Mr. Mukherjee? Is it a case of reluctance or there is a sense of fear that America should not be antagonised because we have entered into a deal? Or, I would like to know from the hon. Minister whether there is something more in the Agreement which is not there in the body of the Agreement. I would most respectfully like to know from him because what the spokesman has said is: 'automatic termination' but the Agreement says that one year's notice will be given by either of the parties to bring about a termination. Thirdly, there is a statement of the Prime Minister. Fourthly, there is a statement of the Minister of External Affairs. All the four ingredients are at variance with each other. Therefore, I am constrained to say that it does not dispel the suspicion but it creates the suspicion. There is suspicion in my mind. I am a patriotic Indian. I am glad; I am honoured and I feel, I am dignified because this country had led the biggest anti-imperialism struggle in the world. I cannot synchronise with the international and the Indian traditions and the absolutely meek statement offered by my senior colleague Shri Pranab Mukherjee wherein he does not name the person. Where is the fear? What is the hesitation?

MR. SPEAKER: That statement is from an unnamed person.

SHRI GURUDAS DASGUPTA : It arises from the feeling that we should not antagonize America. Since when the foreign policy of India has taken it as a responsibility that we should not antagonize America because America is too friendly with us? I am very suspicious because this Government is getting too much friendly with America.

MR. SPEAKER: I hope, these points will not be taken up again.

SHRI GURUDAS DASGUPTA : Sir, I have not spoken on the merits of the Agreement.

MR. SPEAKER: You speak as much as you like subject to the availability of time.

श्री प्रभुनाथ सिंह (महाराजगंज, बिहार) : अध्यक्ष महोदय, प्रधान मंत्री जी का बयान सदन में हुआ था। उन्होंने कहा था कि हम सदन में सूचना दे रहे हैं। इसके बाद बीएसी में चर्चा हुई। यह तय हुआ था कि इस पर बहस होगी। सदन में विवाद नहीं होता, तनाव नहीं होता यदि अमेरिका के पूर्वका का बयान अखबारों में नहीं छपा होता। वह जो बयान छपा, उससे साफ ज़ाहिर हुआ और उस पर कई सवाल खड़े हुए। एक तो यह सवाल खड़ा हुआ कि प्रधान मंत्री जी ने जो सदन में बयान दिया है, उसमें कितनी सत्यता है। दूसरा सवाल यह आया कि जो करार हुआ, उस करार को छिपाया जा रहा है और छिपाने का कारण क्या है। एक एक सदस्य को यह जानने का अधिकार है। अध्यक्ष महोदय, जो

करार हुआ है जैसा कि अमेरिका के पूर्वका का बयान आया है कि 123 में अगर परमाणु परीक्षण होगा तो यह समझौता समाप्त हो जाएगा। अध्यक्ष महोदय, एनडीए की सरकार थी और अटल बिहारी वाजपेयी जी देश के प्रधान मंत्री थे तो अमेरिका की परवाह किये बिना इस देश में परमाणु परीक्षण हुआ। लेकिन आज जो करार हुआ है, जो अखबारों में समाचार छप रहा है, उससे लगता है कि भारत की संप्रभुता पर खतरा है, भारत का सम्मान गिरवी रखा जा रहा है। ...*(व्यवधान)* अध्यक्ष महोदय, सदन में अब तक की स्थिति बहुत स्पष्ट हो चुकी है कि सरकार इस सवाल पर अल्पमत में है। इसलिए हम सवाल करना चाहते हैं आपके माध्यम से माननीय प्रधान मंत्री जी से कि वे करार पर पुनर्विचार करें। वैसे तो चर्चा होगी और हमें मालूम है कि आप नियम 184 में जरूर चर्चा कराएंगे। इसी भरोसे के साथ मैं अपनी बात समाप्त करता हूँ।

अध्यक्ष महोदय : आप कानून बनाइए, हम दे देंगे।

वेई!(व्यवधान)

प्रो. विजय कुमार मल्होत्रा : अध्यक्ष महोदय, हमारा इनसिस्टेंस है कि 184 में चर्चा होनी चाहिए। आप शब्द बदल दीजिए।

अध्यक्ष महोदय : आप हमें पावर दीजिए, हम अभी कर देंगे।

...(Interruptions)

अध्यक्ष महोदय : अब लैंग्वेज ठीक नहीं हुई, गड़बड़ हो गई लैंग्वेज में।

वेई!(व्यवधान)

SHRI RUPCHAND PAL (HOOGHLY): Sir, the latest observation made by the US President only confirms the apprehension expressed by the Left and others. There is an attempt, I would not say to mislead the House, to mislead the nation and it seems that there is no link between the Hyde Act and the 1,2,3 Agreement. The very Act was passed to bind India. Now it is being said that the provisions of the Hyde Act, because of some observations made by the US President, are advisory in nature. In the US law it has been stated categorically that their national law, that is the Hyde Act, will prevail in case of confrontation between the provisions of the 1,2,3 Agreement and the Hyde Act.

MR. SPEAKER: Are you speaking on the merits of the Agreement?

SHRI RUPCHAND PAL : Sir, we shall make our points when you allow a discussion on this issue. But under the present circumstances what is being stated by the hon. Minister of External Affairs is not at all convincing.

MR. SPEAKER: So, you do not agree with his statement. [\[R14\]](#)

Shri Tripathy, your notice was received much beyond time. Even then I am allowing you to speak.

SHRI BRAJA KISHORE TRIPATHY (PURI): Sir, there is minority mandate in favour of the Government with regard to the 123 Indo-US Agreement and the majority section of the House is opposing it. It is very much embarrassing for everybody and the country as a whole. When the respected Prime Minister has made a statement on the 13th, in Parliament, the very next day the Under Secretary, the officer and the spokesperson of the US has stated something contradicting the statement of the Prime Minister. This is very much embarrassing to the entire country.

It is further shocking that when the Leader of the House has also made a statement yesterday, he has not contradicted the statement of the spokesperson of the US. So, it seems that this Government has definitely committed something wrong and they are not now agreeing for what the people and the entire House are interested in.

My request to them is that they should go in for renegotiation. This is the majority opinion of the House. It should be respected by the Government and it is also the desire of the entire nation. They should go in for renegotiation. They should not take it as a prestige issue. The entire country says that the Government should go for renegotiation and the 123 Indo-US Agreement should be freezed till that period when the renegotiation would be completed.

MR. SPEAKER: I am sure that we shall have a very restructured and wide-ranging discussion on a very important matter. It is going to come up earliest on next Monday. We shall decide as to which matter will take priority – the farmers' issue or this matter. I will go by the sense of the House. Everybody agrees that this is a very important issue which should be discussed in a manner which behoves the importance of the issue.

SHRI BASU DEB ACHARIA (BANKURA): The Government also should go by the sense of the House.

MR. SPEAKER: It is for the Government to decide.

...(Interruptions)

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): Sir, I may be allowed to speak for a few minutes.

MR. SPEAKER: I am sorry. Nothing more on this subject.

SHRI KINJARAPU YERRANNAIDU : Sir, I want to speak on behalf of my Party. ...(*Interruptions*)

अध्यक्ष महोदय: इसमें जो आपको ठीक लगे, उसे एडोप्ट कर लीजिए।

...(*Interruptions*)