

**INTERNATIONAL
CRIMINAL COURT
& INDIA:**

**RESPONSES TO QUERIES
RAISED BY
PARLIAMENTARIANS**

SAUMYA UMA

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Published in 2005 by

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& ACTION GROUP**

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First Reprint 2006

Printed by

Sudhir Joglekar

Emerald Corner, Tilakwadi,

Belgaum 590 006.

*This initiative was made possible by a grant
from Friedrich Naumann Stiftung, New Delhi.*

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PREFACE

Parliament Members' Forum on Human Rights is actively formulating a road map for the Parliament Members' participation on issues pertaining to human rights. The first issue taken up by the Forum at a meeting earlier this year was the "Right to Food". In its second meeting, in August 2005, it took up the topic of "International Criminal Court and India" for discussion.

On the issue of ICC, the Government of India has the following views:

- (i) The ICC does not give full recognition to the primacy of the national jurisdiction. The adequacy of national judicial processes will be assessed by the ICC.
- (ii) The statute of the court does not recognize terrorism as a crime within the preview.
- (iii) The statute of the court does not recognize use of weapons of mass destruction as a crime to be dealt with by the ICC.

The MPs are very much interested to discuss different issues pertaining to human rights. Hence,

we are thankful to the ICC-India campaign for making the discussion an interesting one in the 2nd meeting, which was held on 3rd August, 2005 on the topic titled “*International Criminal Court and India*” and in particular, Ms Saumya Uma, as Resource Person.

We congratulate the team for bringing this booklet covering all the questions which were raised by the Hon’ble Members. I trust that this booklet will further expand the space for the debate and open up a healthy exchange of ideas in policy-making on the subject of ICC.

E.M. Sudarsana Natchiappan

Convenor,

Parliament Members’ Forum on Human Rights
& M.P., Rajya Sabha

INTRODUCTION

The International Criminal Court (ICC) is a permanent court to investigate and bring to justice individuals who commit the most heinous crimes under international law. The Court has received an overwhelming support from the world community. It entered into force on 1st July 2002 and will shortly begin its trial in the first case. The Court, created with the philosophy of ending impunity, has specific relevance to issues of justice and accountability within India.

The ICC-India campaign, a project of Women's Research & Action Group, has been focusing on disseminating information and facilitating discussion around the issue of the International Criminal Court and its relevance to India. In the last five years of its existence, it has conducted workshops in various parts of the country, and undertaken research and publication. The campaign consists of more than twenty non-governmental organizations and several individuals from all over the country committed to

the issue of human rights, and is guided by a Board of Advisors consisting of experts from India.

This year, the campaign started to work with a new and important constituency – the Parliamentarians. In a vibrant democracy such as India, Parliamentarians play a crucial role in shaping the laws and policies. In the past, Parliamentarians such as Shri Fali Nariman, Shri Kapil Sibal, Shri Soli Sorabjee, Dr. Eduardo Faleiro, Smt. Prema Cariappa and Smt. Alka Kshatriya have raised the issue of ICC and the Government of India's policy on the same in the Parliament.

The objective of ICC-India in wanting to engage in a dialogue with Parliamentarians is not to convince or to urge the MPs to take positions, but to disseminate information that would facilitate a discussion on the possible relevance of the ICC to India, situated within a global perspective. The role of the Parliament Members' Forum on Human Rights, and its convenor, Shri E.M.S. Natchiappan, in transforming this into reality, has been invaluable.

Through the joint efforts of the Forum and ICC-India, a consultative meeting of Parliamentarians on this

issue was held on 3 August 2005 in the Parliament House. More than 45 Parliamentarians, across all political parties and from both Houses, participated in the meeting. During the two hour event, various questions were posed by the participants to the resource person. Due to a paucity of time in responding to all the queries at once, at the request of the Convenor, it was decided that the responses would be given in writing and circulated to all the participants present at the event as well as others who are interested in the issue. This booklet consists of the responses to the queries raised. It is hoped that these responses would contribute to the process of facilitating a healthy and informed discussion among Parliamentarians on the issue.

Saumya Uma

Coordinator, ICC-India

9 Nov 2005

RESPONSES TO QUERIES

1. Is the International Court of Justice not sufficient to deal with international crimes? Why do we need a parallel body like the ICC?

Both the ICC and the ICJ perform different functions. The International Court of Justice (ICJ), also known popularly as the World Court, is a principal judicial organ of the United Nations. It has been created primarily to deal with disputes between nations. It does not, like the ICC, have the power to prosecute individuals. By prosecuting individuals and not states, the ICC process would avoid blaming states, thereby minimizing hostility among or within them, while singling out and penalising the actual perpetrators.

2. How will the ICC get a national of a non-state party to submit to its jurisdiction?

- n The ICC can prosecute a national of a non-state party provided the country where the alleged crime occurred is a state party or the UN Security Council refers the case to the court.
- n The ICC largely depends on the cooperation of

states parties of ICC for various aspects including arresting and surrendering suspects to the ICC. Based on evidence presented by the Prosecutor of ICC, the pre-trial chamber can issue an international arrest warrant obligating all member states to arrest that individual. Member states are obliged to cooperate with the ICC and arrest the individual and surrender him / her to the ICC. The assistance of Interpol may be sought to arrest a suspect and submit the person to the ICC.

- n States that are not parties to the ICC Treaty are not obliged to cooperate with the court unless they have entered into ad hoc agreements with the ICC to do so.
- n If a case is referred to the Court by the UN Security Council, the Security Council can order even non-States Parties to carry out decisions and warrants of the Court.
- n However, under the principle of complementarity, the ICC will act only if the national court of the accused does not prosecute him or her.

3. In India we have adversarial legal system, while in some European countries, the judges

play a proactive role in the trial (inquisitorial system). What is the kind of legal system that the ICC will adopt?

The ICC is a unique mixture of the adversarial and inquisitorial systems. This combination is a result of interventions made by countries from different regions, with different legal systems and practices. The power of the prosecutor to receive complaints and to investigate them brings the investigation into the prosecuting wing. Subsequently, a panel of three judges of the ICC will decide whether the prosecutor should move further or not. In many ways, the ICC is also a system that is beyond being either inquisitorial or adversarial. For example, the power / discretion of deferral (on the principle of complementarity, for instance), of keeping the ICC proceedings pending to accord with a Security Council Resolution, of negotiating with states on matters of cooperation are all aspects that take the court beyond what we have known so far, although elements of the last exists even in standard criminal law.

4. What are the kinds of crimes that the ICC can decide upon?

The ICC will prosecute individuals for serious violations of international law – namely genocide, war crimes and crimes against humanity. Individuals would also be prosecuted for the crime of aggression once the crime is defined in the Statute.

n **Genocide** includes the acts of killing / causing bodily or mental harm to members of a group with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

n **War crimes** cover grave breaches of the Geneva Conventions of 1949, violations of treaties such as the Hague Regulations and Geneva Conventions, war crimes committed in internal armed conflicts (excluding internal disturbances or riots) and violations of international customary law. The prohibited acts include wilful killing, torture or inhuman treatment, mutilation, attacking or bombarding undefended towns / villages / dwellings / buildings which are not military targets, intentionally directing attacks against ci-

vilian population, committing outrages upon personal dignity and using children under the age of fifteen years to participate actively in hostilities.

n **Crimes against humanity** include a list of prohibited acts when committed as a part of a widespread or systematic attack, directed against any civilian population. Further, to qualify as a crime against humanity, the act should have been committed pursuant to state or organizational policy, and the perpetrator should have had knowledge of the general nature of the attack. These acts can be committed by state or non-state actors. The prohibited acts include extermination of civilians, murder, extermination, enslavement, enforced disappearances, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence, and the crime of apartheid.

Of these three crimes, it is important to note that genocide and crimes against humanity are punishable irrespective of whether they are committed in times of peace or of war.

5. Several economic offenders from India take shelter in countries such as Malaysia and Singapore. Extradition of criminals becomes a big problem if the country where the accused resides does not cooperate. Does the ICC resolve this problem?

Firstly, it is important to remember that the ICC does not deal with all crimes but only the high threshold crimes that are of extreme gravity and whose ramifications are extensive. Secondly the ICC does not become relevant in every crime, but only in the case of the crimes spelt out in the ICC statute, namely war crimes, crimes against humanity and genocide.

n The ICC will only act in cases of individuals who have committed crimes stated in the ICC Statute, namely war crimes, crimes against humanity, genocide and aggression once it is defined. Hence economic offenders will not be covered by the ICC unless they have committed any of the crimes recognized by the ICC in addition.

n Based on evidence presented by the Prosecutor

of ICC, the pre-trial chamber can issue an international arrest warrant obligating all member states to arrest that individual. Member states are obliged to cooperate with the ICC and arrest the individual and surrender him / her to the ICC.

- n Some countries are prevented by their laws from extraditing a war criminal to another country for prosecution. However, during the negotiations for the Court, many countries stated that their extradition laws would not prevent them from delivering a suspect to an international court, as a distinction exists between “extradition” and “surrender”. Other countries have modified their extradition laws to incorporate provisions for surrender of suspects to the ICC.
- n The international ratification campaign on the ICC is intended to encourage more and more countries to join the ICC, so that there is less of a “safe haven” for offenders to hide in. This is precisely because of the problem and delay caused in extradition of suspects in the present

day, and the resulting lack of justice and accountability for crimes committed.

6. What is the relevance of ICC when we have human rights commissions at the state and national levels?

Commissions set up at national and state levels to respond to human rights violations, including that of women, minorities, scheduled castes and scheduled tribes make important interventions in monitoring human rights violations, and in promoting and protecting human rights. However, they are not intended as solitary remedial forums, but meant to complement the work of courts. Moreover, these are not courts of law and cannot prosecute individuals for grave crimes that are committed. They can make an enquiry and arrive at findings and observations, which are recommendatory and not binding on the government. The enforcement is then left to the government. Strengthening and promoting the independent functioning of such commissions are crucial to ensure justice and accountability for grave human rights violations. The ICC is not

intended to substitute or replace the commissions, but to complement and strengthen their functioning.

Moreover, the ICC Statute spells out crimes and not human rights. It is about trial and punishment of criminals who escape punishment either because they find protectors in the system, or because the state is unable to deal with them on its own.

In addition, some countries do not even recognize some of the more serious crimes as crimes at all. For example, genocide, crimes against humanity, torture, extermination, enforced sterilization, persecution, enforced disappearances and extra-judicial killings are serious crimes under international law, but are not spelt out as crimes under Indian law. The ICC recognizes the crime and prescribes a means of trial and punishment.

7. What legal sanctity and controls does the ICC have to compel any unwilling national to appear before it? If it has no such powers, is it only a voluntary arbitration at best?

Please see answer to Question 2 for an enumeration of the legal provisions.

8. Why has terrorism not been included in the list of crimes that can be tried by the ICC? Why should India be a party to ICC when a serious crime like terrorism has been left out of its jurisdiction?

- n Though terrorism itself is not spelt out as a crime under the ICC statute, many terrorist acts are already covered within the prohibited acts listed under ‘crimes against humanity’. These include murder, extermination, enslavement, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, sexual violence, enforced disappearance of persons, persecution against any identifiable group or collectivity, and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
- n The ICC Statute identifies and defines acts that are crimes, irrespective of who the perpetrator

is. If the identified crimes are committed by terrorists, they are subject to the Statute too.

n The Rome Statute that creates the ICC was formulated in 1998, and at that time, countries could not agree on a definition of terrorism. The Statute will be reviewed in 2009. A resolution was adopted at the Rome Conference in 1998 recommending that the Review Conference consider the inclusion of crimes including terrorism within the ICC Statute. Hence, terrorism could be included in the list of crimes that can be tried by the ICC if international consensus for the same exists.

9. Is the decision of the ICC final? Are the member states of ICC bound to accept the ICC's decision? Is there any provision for appeals?

The Chambers is the judiciary of the ICC, composed of three divisions: Appeals Division, Trial Division and Pre-Trial Division. The actual trial would be conducted by the Trial Division, against composed of not less than six judges. The judgment of the Trial Chamber is not final. Appeal

against decision of acquittal or conviction, may be made by either the Prosecutor or the convicted person on the following grounds: a) procedural error; b) error of fact; c) error of law or d) any other ground that affects the fairness or reliability of the proceedings or decision (this ground is available to convicted person or on his behalf only). In addition, the sentence may be appealed by the Prosecutor or the convicted person on the ground of disproportion between the crime and the sentence.

Other than an appeal, an application may also be made to the Appeals Division of the ICC for revision of conviction or sentence. The conviction can be revised if new evidence had been discovered subsequently that was not available at the time of trial, provided such unavailability was not attributable to the party making the application, and that the new evidence is sufficiently important so as to have been likely to have resulted in a different verdict if it had been proved at trial.

The judgment passed by the Appellate Chamber

in an appeal or a revision is final and binding. A significant provision in the ICC Statute provides for compensation to be awarded to an individual if a person was convicted and subsequently acquitted based on newly discovered fact, leading to a grave and manifest miscarriage of justice.

10. Does the ICC provide any protection to poor, destitute victims and witnesses, particularly women?

The ICC Statute contains historic provisions recognizing victims' rights to participate in every stage of the trial, while maintaining a delicate balance between rights of victims and witnesses on one hand, and the rights of the accused on the other. A Victims and Witnesses Unit has been set up under the Registry to provide protective measures and security arrangements, counseling and other assistance to witnesses and victims. It will also take appropriate measures to protect the privacy, dignity, physical and psychological well-being and security of victims, witnesses and their families. The Unit includes experienced staff, trained to deal with traumatized individuals. The

ICC has a special obligation to protect women victims and witnesses, in particular, where the crimes involve sexual or gender violence, and to protect child victims and witnesses from further trauma through the court proceedings. Further, it will establish principles for reparations to victims, including restitution, compensation and rehabilitation. The concept of reparations is much wider than the traditional concept of compensation that is present in the Indian legal system.

11. Will one have to engage lawyers for representing their cases in the ICC? Is there any system of legal aid to engage a lawyer for persons who are poor?

The accused has an option of conducting the defence in person or through legal assistance according to the choice of the accused. The ICC has an obligation to inform the accused of his / her right to legal assistance, and a duty to assign a lawyer to the accused if the interests of justice so require, without payment if the accused does not have sufficient means to pay for the legal assistance. In addition to the Prosecutor, the

victims may engage their own legal representatives if they wish to present their views and concerns to the court at various stages of the proceedings.

12. The Indian Penal Code covers all crimes comprehensively. Does the ICC cover any new crime that is not already covered by international criminal law and the Indian Penal Code?

- n Although the Indian Penal Code is fairly comprehensive, it does not spell out as crimes many acts that are considered grave crimes under international law. These include genocide, crimes against humanity, torture, extermination, enforced sterilization, persecution, enforced disappearances and extrajudicial killings. (Although India has ratified the Genocide Convention, genocide as a crime has not been incorporated into Indian criminal law).
- n Moreover, the Indian criminal law does not recognize the distinction between mass crimes and crimes by individuals. In fact, the Indian criminal law focuses on the latter. This causes

difficulties in investigating, prosecuting and convicting individuals for mass crimes.

13. All the international bodies formed so far are based on treaties. For example, the World Trade Organization is based on the Briton woods conference and subsequent treaties. What is the international legal basis of the ICC? Does the ICC have any legal sanctity?

The ICC is created on the basis of the Rome Statute of the International Criminal Court. This is an international treaty that was concluded in 1998 in Rome, and adopted on 17 July 1998 by 120 countries voting in favour, 7 in opposition and 21 abstaining. The Rome Statute contains the substantive law relating to the ICC and clearly spells out crimes that it will prosecute, jurisdictional issues, principles, sentences, rights of accused, victims and witnesses. In addition to the Rome Statute, two other documents were concluded in the subsequent years. These are a) Elements Annex – a document that spells out the elements of each crime, and b) Rules of Procedure and Evidence. The Rome Statute, Elements Annex

and the Rules of Procedure and Evidence now form a part of international law. These legal documents may be accessed from the following websites: www.iccnw.org and www.icc-cpi.int

14. Who would investigate and prosecute in a matter before the ICC and who will defend the accused?

The Office of the Prosecutor has the mandate to conduct investigations and prosecutions of crimes that fall within the jurisdiction of the ICC. The accused can be defended by self, by a self-appointed advocate or by an advocate assigned to the accused by the ICC.

15. What are the punishments that are meted to the guilty by the ICC? Abolition of death penalty, for example, is now being advocated internationally. Does the ICC provide for death penalty?

Those found guilty could be sentenced to up to 30 years in prison or, in extreme cases justified by gravity of a crime and the individual circumstances

of the convicted person, to a life in prison. In addition, the ICC has powers to order a fine, forfeiture of proceeds, property or assets derived directly or indirectly from that crime. It cannot issue a death sentence, and as such, conforms to international human rights standards.

16. Is there any special dispensation that ICC would provide to women, which the national courts cannot give?

The ICC Statute contains historic provisions on women's rights issues, including the following aspects:

- n Codification of Crimes: The Rome Statute criminalizes sexual and gender violence as war crimes and crimes against humanity. Prohibited acts include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, other forms of grave sexual violence, and persecution on account of gender.
- n Procedural Protections: The ICC Statute and Rules of Procedure and Evidence (Rules) offer important protections for victims and witnesses,

particularly those who suffered sexual or gender violence. The court is required to protect the safety, physical and psychological well-being, dignity, and privacy of victims and witnesses, with special regard to factors such as their gender and whether the crime involved sexual or gender violence. The Statute and Rules also establish a Victims and Witnesses Unit to provide protection, security, counseling, and other assistance. The court is also required to be vigilant in controlling the questioning of witnesses to avoid harassment or intimidation, especially in sexual violence cases.

- n Rules of Evidence: The Rules are designed to shield victims of sexual violence from damaging or intrusive attacks on their sexuality or credibility. The court cannot admit evidence of a victim or witness's prior or subsequent sexual conduct or require corroboration of testimony concerning sexual violence. Further, in cases of sexual violence, a victim's consent cannot be inferred where the perpetrator took advantage of a coercive environment (such as a detention center).

- n Staff Expertise on Gender and Sexual Violence: The Statute requires that the ICC prosecutor appoint advisers with legal expertise on sexual and gender violence and that the Victims and Witnesses Unit, housed within the ICC Registry, include staff with experience in trauma related to sexual and gender violence. The Statute also requires states, in electing judges, to take into account the need for “fair representation” of female and male judges, and requires that the prosecutor and registrar do the same when hiring staff. In accordance with this requirement, 7 out of the 18 judges of the ICC are women.
- n Victim Participation in the Proceedings: The ICC Statute and Rules facilitate victims’ direct participation in the court’s proceedings. Victims can express their views, in accordance with the Statute and the Rules, giving them an opportunity to narrate their experiences even if they are not called as witnesses. This will allow individual women’s voices, sometimes overlooked in international prosecutions, to emerge.

17. Who will the ICC punish in the case of crimes such as organized rapes? The masterminds who planned it or the actual perpetrators of the crime? Will merely punishing the top brass help?

While the ICC Statute itself does not mention who would be prosecuted, in practice, it is expected that only the “top brass” will be prosecuted by the ICC, given the court’s limited resources – human and financial. Prosecuting a Hitler, Pol Pot, Pinochet or a Milosevic would send out a message that the world will no longer tolerate a lack of accountability, immaterial of the political clout or the official position the individual may hold within his / her country. Many perpetrators of grave crimes were complacent that they would never be made accountable for their crimes, either in national or international courts. The existence of an ICC that can prosecute such high-ranking individuals, has the potential to deter future perpetrators of heinous crimes. The other perpetrators would be expected to be prosecuted by the national legal systems.

18. While the ICJ deals with nations, ICC deals with individuals. In such a situation what authority does the ICC have to punish a national from another country?

Please see answer to Question 2 above.

19. Would it be proper to term the ICC as an international bureau of investigation and a voluntary organization? Does the ICC have any punitive powers?

The ICC is neither an international bureau of investigation nor a voluntary organization. It is a permanent and independent judicial institution at the international level that has been created through an international treaty that 120 countries voted in favour of. The ICC's powers include: arresting suspects, identifying and locating witnesses and things, taking evidence, serving legal documents, facilitating voluntary appearance of witnesses, examining sites and exhuming graves, conducting searches and seizures, protecting victims and witnesses, preserving evidence, tracing and freezing assets and

instruments of crime, in addition to prosecution, conviction and sentencing.

20. The Indian legal system was based on the cardinal principle of presumption of innocence till proven guilty. Is this principle accepted by the ICC as well?

The ICC Statute would also presume innocence of the accused person, until proven guilty beyond reasonable doubt. The onus is on the Prosecutor of the ICC to prove the guilt of the accused. In addition, the ICC Statute contains a detailed list of rights of accused persons such as

- n right against self-incrimination (being compelled to be a witness against himself / herself);
- n right against arbitrary arrest and detention;
- n right against any form of coercion, duress, threat, torture or ill-treatment;
- n right to the free assistance of a competent interpreter and any necessary translations during investigations and court proceedings;

- n at the time of investigation, the right to be informed that the person is suspected of a crime;
- n right to remain silent, without any adverse inference; that is, without the silence being considered in determining the guilt of the accused;
- n the right to a lawyer of the choice of the accused, and if the accused does not have such a lawyer, to have one assigned by the Court;
- n upon arrest, the right to be informed of the nature, cause and content of the charge against the accused;
- n to free legal aid if the accused cannot afford to engage the services of a lawyer;
- n right to be tried without undue delay;
- n right to appeal to the Appeals Chamber against a conviction; and
- n right to compensation if the appeal is successful and conclusively show a miscarriage of justice, unless such a miscarriage was caused by the non-disclosure of certain facts by the accused.

21. What is the substantive and procedural law

that the ICC will follow? Is this in a written form?

Please see answer to Question 13 above.

22. In the wake of the problems plaguing India in Kashmir and the north-eastern states, is there any possibility of the Indian army and the Indian government being hauled up for killing of terrorists in ICC?

Theoretically, the definition of “war crimes” in the ICC Statute includes grave violations caused during armed conflict not of an international character. Grave violations caused during internal disturbances and tensions, such as riots, isolated and sporadic acts of violence will not be considered under this definition. This is not a new provision, but a provision that has remained in the form of Common Article 3 of the Geneva Conventions for decades, and India is a member state to the Geneva Conventions. Not only state actors such as military officials, but also non-state actors including terrorists may be prosecuted by the ICC if they commit crimes stated in the ICC

Statute. However, through the principle of complementarity, the ICC would take cognizance of the situation only if the Indian legal machinery is unwilling or unable to prosecute such individuals within the country. If we are confident of the efficiency of the Indian legal system, we have nothing to fear from the ICC.

23. Which countries will fund the ICC?

The states that have ratified the ICC Treaty, and hence form the Assembly of State Parties, will determine the ICC's annual budget and contribute funds to meet the expenses. The amount of contribution will be according to the same rules that govern countries' contributions to the United Nations - roughly based on a country's national wealth. This situation is not likely to lead to an adverse impact on the independence of the court, as the court's independent functioning will largely depend on its prosecutors and judges, who are, in principle, independent of the Assembly of State Parties. In addition, the United Nations will also contribute funds, especially when the ICC

investigates and prosecutes cases referred to it by the U.N. Security Council.

24. India and 20 other countries had abstained from voting on the Rome Statute. What is the view now adopted on the ICC by the other 20 countries?

Since the vote was by secret ballot, there is no clear and definite list of the other abstaining countries and their current policy on the ICC.

For further details, comments or suggestions, please contact us at iccindiacampaign@gmail.com

LIST OF PARTICIPANTS

The following parliamentarians, amongst others, attended the discussion meeting with Parliamentarians on 3 Aug 2005. (This list is based on a sign-up sheet circulated at the event. We acknowledge that not all participants signed up their names on the sheet.)

- | | | |
|---|--------|------|
| 1. Pawan Kumar Bansal
(Chief Whip of the Congress
in the Lok Sabha) | I.N.C. | L.S. |
| 2. E. M. Sudarsana Natchiappan | I.N.C. | R.S. |
| 3. Alka Kshatriya | I.N.C. | R.S. |
| 4. Ramdas Athawale | RPI(A) | R.S. |
| 5. Osmani Golam | I.N.C. | L.S. |
| 6. Sharad Anant Rao Joshi | S.B.P. | R.S. |
| 7. RamSingh Kaswan | B.J.P. | L.S. |
| 8. M Sreenivasulu Reddy | I.N.C. | L.S. |
| 9. K.S Rao | I.N.C. | L.S. |
| 10. Kamla Manhar | I.N.C. | R.S. |
| 11. Jamnadevi Barupal | I.N.C. | R.S. |
| 12. Madhu Goud Yaskhi | I.N.C. | L.S. |
| 13. K Virupakshappa | I.N.C. | L.S. |
| 14. Dr. Kathiria Vallabhai | B.J.P. | L.S. |
| 15. Robert Kharshiing
(Chief Whip) | N.C.P. | R.S. |

16. Shunmugasundaram R.	D.M.K.	R.S.
17. Dwijendra Nath Sharmah	I.N.C.	R.S.
18. B.K Hariprasad	I.N.C.	R.S.
19. Balwant Apte	B.J.P.	R.S.
20. Penumalli Madhu	CPI(M)	R.S.
21. Daggubati Paurandeswari	I.N.C.	L.S.
22. Nirmala Deshpande	Nominated	R.S.
23. Dr.K .S Manoj	CPI (M)	L.S.
24. M. M. Pallam Raju	I.N.C.	L.S.
25. Dr. Radhakant Nayak	I.N.C.	R.S.
26. Oscar Fernandes	I.N.C.	R.S.
(Minister of State, Independent charge in the Ministry of Statistics and Programme Implementation)		
27. Ram Nath Kovind	B.J.P.	R.S.
28. B.S Gnanadesikan	I.N.C.	R.S.
29. Dr Prabha Thakur	I.N.C.	R.S.

B.J.P. – Bhartiya Janta Party

C.P.I.(M) – Communist Party of India Marxist

D.M.K. – Dravida Munnetra Kazaghham

I.N.C. – Indian National Congress

N.C.P. – Nationalist Congress Party

R.P.I. (A) – Republican Party of India (A)

S.B.P. – Swatantra Bharat Paksh

