

what is the decision. The External Affairs Minister is here. Let him announce the decision today. Mr. Deputy Speaker, please call upon the External Affairs Minister. (*Interruptions*)

— — —
16.30 hrs.

RE. ATTENTION AND CARE GIVEN BY THE INDIAN HIGH COMMISSION IN LONDON TO LATE CHIEF JUSTICE OF INDIA SHRI SABYASACHI MUKHERJEE DURING HIS ILLNESS --A SITTING JUDGE OF SUPREME/HIGH COURT TO LOOK INTO THE FACTS

[English]

MR. DEPUTY SPEAKER: Are you going to make a statement, Mr. Gujral?

(*Interruptions*)

THE MINISTER OF EXTERNAL AFFAIRS (SHRI I. K. GUJRAL): Mr. Deputy Speaker, Sir, in due deference to this august House and the hon. Members, I have carefully studied the resolution of the Supreme Court Bar Association, which my hon. friend Mr. Chidambaram had placed on the Table of the House yesterday. I have particularly seen its operative part. I have personally met Mr. Venugopal this afternoon. Mr. Venugopal is the President of the Bar Association of the Supreme Court and I have conveyed to him our acceptance of the suggestion made by the Bar Association resolution, viz. that the sitting Judge of the Supreme Court or a senior Judge of the High Court may look into all facts regarding attention and care given by the High Commission to late Justice Mukherjee during his illness and medical care extended to him. Mr. Venugopal, if I may say so, expressed his satisfaction over this and he has agreed that he would be convey-

ing this to the august body of the Supreme Court this afternoon. I have also sought an interview with the hon. Chief Justice this evening and I will convey this to him as well. I may also say so, Sir, that in deference to the respect for late Justice Mukherjee, the Prime Minister himself has spoken to Mrs. Mukherjee and offered her to allot a Government house. Her other wishes are also being ascertained which will be fully met. Thank you very much, Sir. (*Interruptions*)

Submissions

SHRI P. CHIDAMBARAM (Sivaganga): Sir, he has no respect for Parliament. We cannot allow this. (*Interruptions*) What about Mr. Kuldip Nayyar's recall? (*Interruptions*) What about Parliament's demand? (*Interruptions*) Sir, let him answer that. (*Interruptions*) Sir, he said about the demand of the Bar Association, it is very well; he said about the requirements of Mrs. Mukherjee, that is also very well, but what about the Parliament's demand? Yesterday every single person including speakers from your party demanded that Mr. Kuldip Nayyar should be recalled. Shri Indrajit Gupta made a suggestion endorsing the views of Mr. Chandra Shekhar of your party who said that Mr. Kuldip Nayyar be asked to go on leave. You promised that it would receive attention. The Finance Minister in the evening said, "the External Affairs Minister is acting up on the suggestion, it is receiving his attention, allow us to take a decision by tomorrow". Now, you come and do not utter a single word about that demand. We want an answer on that, Sir. Is Mr. Kuldip Nayyar being recalled or not? Or is he being advised to go on leave? The Government must take a decision in one of these two things. (*Interruptions*) Otherwise, I move my resolution, Sir. (*Interruptions*)

MR. DEPUTY SPEAKER: I am allowing Mr. Jaswant Singh to speak.
(*Interruptions*)

SHRI JASWANT SINGH (Jodhpur): Mr. Deputy Speaker, Sir, the hon. Shri Chidambaram has spoken with great feeling and with great vehemence. We had occasion to discuss it earlier with the hon. Speaker in his Chamber, unmindful of the sentiments that he has expressed. I am also mindful of the feelings and sentiments expressed by my friend and colleague hon. Justice Mr. Guzman Mal Lodha. I wish to make only one submission. Parliament, as a collective organisation, is a body whose wishes are not flouted by anyone. Merely because and precisely because its wishes are not flouted by anyone, this body ought to be extremely restrained in the exercise of its powers. The hon. Minister of External Affairs has quite rightly pointed out that a due inquiry as per the wishes of the Supreme Court Bar Association will be instituted into this very unhappy incident. After all, the death of Chief Justice of the Supreme Court of India is no minor matter. It is a matter of extreme concern and we are all grieved by it. But if we were to, without even waiting until the inquiry that has rightly been instituted by the Minister of External Affairs as per the wishes of the Supreme Court, as a collective body, engage ourselves in passing sentences, then, I think, we would not be fulfilling... (*Interruptions*) I can only exercise. (*Interruptions*) I am sure, other suggestions were made by my friend, hon. Mr. Indrajit Gupta, or the hon. Member from Pratapgarh, Mr. Dinesh Singh. The Minister of External Affairs has exercised his option in such a manner that the dignity of the post of the High Commissioner of India after all is not of a single individual that we are talking of. We are talking about the status of an office. And I am sure that he will let the House restrain itself from passing a sentence or asking the Government do this, that or the other. I am sure, the Government will give due judgment, due punishment. (*Interruptions*)

SHRI C. K. JAFFER SHARIEF (Bangalore North): Mr. Deputy Speaker, Sir, I am extremely surprised by what my friend, Mr. Jaswant Singh, just now said. In other words, he has quietly put it while saying that this august House comprising of all the sections of the political parties here, should exercise restraint in expressing opinion. That means all those people who have spoken yesterday are irresponsible, and they will have to admit so because only today some wisdom has come. I am very sorry. Mr. Jaswant Singh is my good friend. He is always a very matured person when he expresses something. He should not try to undermine that yesterday people, who expressed their opinion, were very emotional. It is not emotional. (*Interruptions*) It is not a question of one individual, who is appointed by the Government, discharging his responsibility. After all, Mr. Kuldip Nayyar is a good friend of us. All of us have got personal regards for him. But the question is on a basic issue. Yesterday, in fact, I took exception when some Members were talking on other issues. After all, Parliament is an institution and Supreme Court the Judiciary--is another institution of our country.

Somebody expresses certain things, certain sentiments, something which has happened. After all, what for our missions are meant abroad? Our missions are meant to take care of our people. If the mission fails in its primary responsibility, that too in the case of a leader of another democratic institution of this country, it is a sacred duty of this Government any Government for that matter, whether this Government or that Government. Is it only to protect somebody just because we have appointed somebody? Then, what message are we conveying to the entire judicial system? Are we not here to take care of them? Whether the judicial system can believe that this Parliament will stand up to the

occasion when it comes to the question of something going wrong with them? Would they also believe us? I do not think that my friend Mr. Gujral would take it lightly. It is not anything against an individual. It is an issue. One should go on the basis of an issue and its merits. I do not think that heavens will fall. Yesterday, Mr. Indrajit Gupta gave a very good suggestion. He did not say that he should be called back. He should simply go on leave. He should go on leave. Nothing will happen. And when he has admitted for an inquiry, it is all the more necessary that he should go on leave. We demand that he should go on leave. I do not know why he should make it as a prestige issue. I beg to differ with my hon. friend, Mr. I.K. Gujral. I must accept that the political parties have always tried to accept one another. They are together although they claim to be separate. That is a different issue. But as a Member of Parliament, I say that this House has a duty to respect the sentiments and remove that doubt from another institution of this great country.

SHRI GUMAN MAL LODHA (Pali): Mr. Deputy Speaker, Sir, after the statement of the hon. Minister, much is not left to be discussed because he has very fairly considered the demand for an inquiry. We want an inquiry by a Parliamentary Committee. But nevertheless, if an inquiry is done by a judge of the Supreme Court, we have no objection absolutely. But the aggrieved person may say that here was a case where the aggrieved person was a judge of the Supreme Court and the inquiry judge was also of the Supreme Court. So, the best principle of natural justice demands that the inquiry committee must not be biased in favour of a particular institution. And therefore, we suggested for a Parliamentary Committee. But the manner in which the hon. Minister has spoken has undermined this great ins-

titution of Parliament by saying that he had a talk with Mr. Venugopal and that Mr. Venugopal has agreed as if Mr. Venugopal is much more important than the Members of this House .. (*Interruptions*)... I take a very serious objection to this ... (*Interruptions*)... The hon. Member from that side had only put the Resolution of the Supreme Court on the Table of the House. Therefore Sir, I would like to say that asking a person to proceed on leave is not a sentence. I have got great respect for my senior friend, Mr. Jaswant Singh. I may tell that, in the Supreme Court, one of the judges is under an inquiry and this very Chief Justice who is now no more before us on account of the negligence in his treatment, had asked him to go on leave. That hon. judge of the Supreme Court is on leave till the matter is decided. The judge of the Bombay High Court was asked to proceed on leave. They are not entrusted with any work till the inquiry is decided. It is an elementary principle of jurisprudence that when a person is facing an inquiry, it is in his interest that he should stay away from that. And we expected that the hon. Minister will manage in such a manner that Mr. Kuldip Nayyar will himself ask for leave so that face is also saved. He is asked to stay away from his place of duty by asking him to go on leave. But we are sorry to say that it is a matter where not only the prestige of an institution like the High Commission is involved but the entire judiciary, the prestige of the Supreme Court is involved. The prestige of the Chief Justice is much more precious than that of the High Commissioner. Sir, the Members of the Lok Sabha who spoke yesterday had unanimously said that the minimum which can be done is to ask him to proceed on leave and then proceed with the inquiry. While welcoming the statement of the hon. Minister for giving financial aid for retaining the house and for setting up an inquiry immediately, I would request him not to take it as a matter of pres-

[Sh. Guman Mal Lodha]

tige. Parliament is above all institutions. It is supreme; it is more sovereign than the Constitution itself. Therefore Sir, the very senior Minister should abide by this unanimous view. And today, it is not required to be discussed any more except this part that he should proceed on leave, an inquiry has to be conducted and then the responsibility should be fixed. The responsibility may be any person. Sir, may I ask one question? We are not asking here as to how we can pass a sentence on a person. May I ask as to why you have sacked a doctor without any inquiry? It is because you are convinced that there was medical negligence in the treatment of the honourable Chief Justice. That is why, a doctor in London has been sacked. Has that been so, the negligence is admitted. It is confessed. Therefore, I request the hon. Minister that the esteemed stature of Parliament, its sovereignty is at stake. Much more than that, we know the position of the Chief Justice of India, the Supreme Court and the judiciary under Articles 143 and 144 of the Constitution. Therefore, may I request that the hon. Minister may also respect the wishes of the House.

SHRI INDRAJIT GUPTA (Midnapore): Mr. Deputy Speaker, Sir, nobody in this House, in my opinion, made any irresponsible statement yesterday. Our statements were based entirely on whatever reports, allegations, testimony of Mrs Mukherjee and other people were available and everybody was disturbed because of that. Nobody here has also disputed the fact that an enquiry is necessary. Obviously, this matter cannot be finally decided without an enquiry. After all, the High Commissioner has also to be given an opportunity somewhere to defend himself against these charges. That can only be done during an enquiry. The enquiry has to be carried out at a sufficiently high level.

When I made my proposal yesterday, the idea was, at least in my mind, and

I think, this is in conformity with the principles of natural justice, when a person is accused rightly or wrongly, whatever it may be, that we will see later on, during the pendency of an enquiry into his omissions or commissions, he should not continue to occupy that office in which he was, not because of anything personal against him. The whole idea is that an enquiry should not appear in any way to have been vitiated or restricted or any way adversely affected because of that person remaining in that office. Therefore, he should step down or step aside, or go on leave, or whatever it is. This enquiry into this matter is not a matter which will go for months and years. Is it an enquiry which will require months and years to complete? It deals with those four-five days when the late Chief Justice was ill and was having treatment there in hospital. Therefore, I think, it is a matter where the enquiry can be completed in a pace of few days. During that period, definitely, the High Commissioner should not be continued in the office in which he was at that time. Whether he has to voluntarily take leave...

SHRI SOMNATH CHATTERJEE (Bolpur): Voluntarily better.

SHRI INDRAJIT GUPTA: That would be good, or the Government asks him to take leave. I do not know whether the enquiry would be conducted in India or London. It is a different matter and I cannot go into all these things now. In any case, I think, a way can be found out. It is not very difficult that the High Commissioner should not continue to occupy that post while the enquiry is conducted. For that so many ways can be found out. I leave it to the ingenuity of the Foreign Minister also and the good sense of the High Commissioner. He must be aware of what is being discussed in the Parliament here. I think, he should voluntarily offer to step down until the enquiry is completed. That would be the good grace on his part and it would be appropriate to the occasion.

I agree with Shri Lodha that it is only today that we read that the panel doctor has been removed. All this time nobody said anything about it. The doctor on the panel whom the Chief Justice had specially asked to come and see him, delayed a great deal, for several hours he did not come. That seems to have annoyed or irritated him a bit. Now we are told that the panel doctor has been removed from the panel. Why without an enquiry? Obviously, there is prima facie evidence that he was negligent in his duty. Similarly, about the High Commissioner. Nobody wants to condemn him without any kind of enquiry, but these are very serious charges and allegations that have come to light. I am sorry, yesterday I referred to something which had been reported to me that the High Commissioner had alleged to have said, spoken to somebody there. I do not insist on that because the sources of that information are not hundred per cent reliable. The person to whom these remarks were made is not available here. This is second hand and third hand information. Therefore, I am not making a big thing out of it.

Anyway, the least that can be done now is that it is all right if a high ranking Judge of the Supreme Court or somebody else holds the enquiry. I would be satisfied. But pending that enquiry, it is easy to find a way out that the short time that would be involved, during that period, the High Commissioner should not continue in that post.

SHRI K. S. RAO (Machilipatnam): Sir, yesterday when the discussion was going on this matter, I was extremely happy to see that no Member spoke with the political intention in his mind. Spontaneously every Member expressed his anger, his anguish and unanimously expressed the view that if the Ambassador is not called back at least he should be ask-

ed to proceed on leave. The Prime Minister was there. The learned Finance Minister, Prof. Madhu Dandavate was there. I don't know who is learned and who is not because everybody claims that he is learned.

THE MINISTER OF FINANCE (PROF. MADHU DANAVATE): I am not as learned as you are.

SHRI K. S. RAO: I do feel that you are learned and I have all respect for you. I know how many times you have spoken about the democracy and about the value to be given to the wishes expressed by the Members of Parliament. After our conversation which all of our colleagues have had with Mrs. Mukherjee, we felt that a person occupying the highest position - to whom the country in look for some justice or even if some injustice was to be done at the hands of executive or the politician - was subjected to the arrogance or negligence of the High Commissioner or his subordinates. All the Members present in the House expressed the same opinion and all of us unanimously conceded to the suggestion made by Shri Indrajit Gupta that he should be asked to go on leave. If this Government were not to respect the unanimous view of the House then I don't know on whose wishes or decision it will act. I am sorry to say so, but every time the hon. Minister replied, he tried to avoid taking action as per the wishes of the Members of Parliament. So, I request the Government to at least now to convince the people of this country that the Government will not hesitate to take action in this regard. If they do not want to call him back at least they should ask him to go on leave. So, I once again request the Government to accept the suggestion made by Shri Indrajit Gupta.

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Deputy Speaker. Sir, we are happy that our unanimous demand for an inquiry has been conceded by the Government and that it also satisfies the demand of the

[Sh. Somnath Chatterjee]

Supreme Court Bar Association, as the Hon. Minister has stated and I am personally happy that the Hon. Chief Justice is being requested to nominate a judge for the purpose of holding an inquiry. Sir, the question is whether further action should be taken at this stage. No doubt, Sir, all of us here expressed the view on the basis of what we had, at least I had personally, heard from Mrs. Mukherjee.

MR. DEPUTY SPEAKER: That is the point in issue.

SHRI SOMNATH CHATTERJEE: I had made a submission on the basis of what I heard from Mrs. Mukherjee and *prima facie* I have no reason not to accept her version. The point, therefore, is what should happen thereafter after the inquiry has been conceded by the Government and that too when at the highest level the inquiry should be held. Sir, I also expressed the view that some action has to be taken even *prima facie* so that the inquiry is not vitiated. One of the methods that is adopted is that as justice should not only be done—the principle is well established—it should also appear to have been done. Therefore, if Mr. Nayar, the present incumbent remains in the office during this period, there may be a feeling and may be an impression in the minds of some that the inquiry was not properly allowed to be conducted. Therefore, I think, justice of the case would be met if the present incumbent Mr. Nayar voluntarily goes on leave only for a few days. I am sure he will get the report and he will understand the views that have been expressed here.

I agree with Mr. Jaswant Singh on one thing. I am glad he has raised it. The principle of *audi alterum partem*, that is, nobody should be condemned unheard should be applied in this case also. After all, when the doctor was removed from the panel probably has no defence to make. We do not know what the version of the High Commissioner would be. We have not seen

the report, except what has appeared in the newspapers. Therefore, I think, let it not be treated as a confrontation between this House or any other institution. I think a time limit should be fixed for the inquiry. The hon. Chief Justice may be requested to appoint or nominate a Judge of the Supreme Court and a time limit is fixed so that as expeditiously as possible, this unfortunate episode may be fully inquired into and the report is obtained. And if on the basis of the report, the Government has to take some action, the Government will be bound to take action I am sure. We shall also be insistent on that. But in the meantime, justice of the case would be met by accepting Mr. Indrajit Gupta's suggestion. I believe with this modification. Let him himself go voluntarily on leave. That will not mean any aspersion on him. That will on the other hand enhance his stature. If he accepts the *prima facie* views of the Parliament and he also allows the inquiry to be held properly without even an iota of doubt on anybody's mind, that will enhance his stature.

SHRI JANARDHANA POOJARY (Mangalore): Mr. Deputy Speaker, Sir, negligence is negligence. The very fact that an inquiry has been ordered shows that there is a *prima facie* case. The report of the President of the Bar Association has been relied upon and also the statement of the wife of the Chief Justice was also relied upon. On the basis of these reports, the inquiry has been ordered now. If you kindly take into consideration the brief which has appeared in today's *Statesman* and if you go into the details we feel that practically there is no defence even for the High Commissioner. My submission would be when there is a defenceless case before the Government, to defend the High Commissioner, because he happens to be the friend of the hon. Minister I do not think that it will be fair on the part of the Government not to ask him to go on leave. Propriety requires, natural justice requires, that he should give up the post and during the

pendency of inquiry, he should not be there. If he does not agree, then it is the duty of the Government to remove him from the place, otherwise, natural justice will be in jeopardy.

SHRI A. K. ROY (Dhanbad): Mr. Deputy Speaker, Sir, what is the cause or source of our weakness to that High Commissioner? That is the most important thing. I would say that along with this inquiry, this should also be inquired into.

17.00 hrs.

Here, criminal negligence may be a matter of controversy, but the arrogance is obvious, and it is most hurtful; and that itself is sufficient for demanding the recall of that type of an Ambassador. I do not know how these Ambassadors are appointed, what are the norms of appointing Ambassadors in this country. But I should say that we should be very cautious, because in a very callous way, in a very hurtful way he has expressed his opinion. It has come in the Press. Therefore, I say that the minimum which we should propose is what my senior comrades have suggested, viz. that he should be asked to go on leave. No question of showing courtesy: to be restrained is always good, but there are occasions when man should be angry, and should express his anger. And this is an occasion for that.

MR. DEPUTY SPEAKER: Now Prof. Kurien.

SHRI MANORANJAN BHAKATA (Andaman and Nicobar Islands): Sir, all the time I am trying. I do not know my fault. I am also a Member of Parliament, elected by the people. (*Interruptions*)

MR. DEPUTY SPEAKER: Okay, Mr. Bhakata; you can speak. This is the last day; you can speak as much as you like, but please remember that you are speaking against somebody who is not here in the House.

SHRI MANORANJAN BHAKATA: Yesterday, there was a consensus on the suggestion made by Shri Indrajit Gupta. He said that during the pendency of the inquiry, the High Commissioner in London should be asked to go on leave, so that the inquiry can be held in a proper manner, and so that the people can feel: 'Yes, here, the Government really intends to hold the inquiry to find out the amount of negligence, and to see whether there is any connection of the High Commissioner of India, with this controversy.'

When hon. Minister Shri Gujral spoke in the House, he has partially accepted the recommendation providing for certain things. We are thankful to him, but unfortunately we have the arrogance about which Mr. Roy also spoke. He said that it is a glaring example of the Government's arrogance on this issue, and it indicates what type of Ministers we have, when a particular person is not being asked to go on leave. It was known to this House. The point is that when Parliament of India is discussing it, and more or less expressing views in a unanimous manner about a particular person, if the Government wants to shield him, it means that there are some weaknesses between the Government and that High Commissioner, and that is why the Government wants to shield him. If this Government has got any respect for Parliament, for this democratic institution—I request the hon. Minister with folded hands to concede this request and suggestion made by Mr. Indrajit Gupta, and see that the High Commissioner goes on leave. After the inquiry report is available, the Government may take a proper decision.

[*Translation*]

SHRI PIYUS TIRAKY (Alipurduars): Mr. Deputy Speaker, Sir, there is some truth in the news which we have got from newspapers and Mrs. Mukherjee. Government is also aware of this fact due to which they have

[Sh. Piyus Tiraky]

appointed Chief Justice to enquire into this matter. It will be proper for Mr. Nayyar to go on voluntary leave so that the inquiry should not be effected in any way and truth could be found out. If he does not go voluntarily, then Government should compel him to do so. This is necessary for the dignity of this country and this august House. Therefore, I request that Government should ask him to proceed on leave or he should do it voluntarily.

[English]

SHRI AJIT PANJA (Calcutta North East): There had been some serious developments with regard to this issue. Yesterday, we discussed about it for some hours. Today also newspapers carried out what had happened so far as the ex-Chief Justice is concerned. Yesterday I met Mrs. Mukherji. Either some action must be taken against Mr. Kuldip Nayyar he should be called back immediately.

Mrs. Kuldip Nayyar is present in the town. She herself went to Mrs. Mukharji and pressurised the family that if they did not withdraw allegations in writing, there would be serious repercussions. (*Interruptions*) I had been to her. She was in a weeping condition. Today a large number of people went there. A pressure is being built. Therefore, unless the High Commissioner is removed from there and all powers are taken out from him, the inquiry will be a total farce. If some evidence is required by a Judge of the Supreme Court, and if Mr. Nayyar is in power, then he will not only tamper with the evidence but also make use of his powers and may also tamper with the records of the hospital authority. If Mrs. Kuldip Nayyar is present in the town, if she goes to Mrs. Mukharji, who is still in mourning and her religious ceremony is not yet over I was there for one hour; in details she told me what had happened and what is happening still—then it is a case in

which either Mr. Indrajit Gupta's suggestion be accepted or he should be recalled immediately. Otherwise, the inquiry will be totally farce.

PROF. P. J. KURIEN (Mavelikara): I take a very strong objection to the approach of the Minister of External Affairs where he chose to ignore the unanimous views expressed by this House and preferred to accept what had been recommended by Mr. Venugopal. That report was preferred here only as an evidence. But you please see that the views expressed by this House should be honoured; the views expressed by this House are the views of all the senior members of this House. Therefore, at least, the High Commissioner should be asked to go on leave when the inquiry is conducted. (*Interruptions*)

Secondly, you go through the proceedings of the House. There is almost an assurance from the hon. Finance Minister, Prof. Madhu Dandavate. He said, the Minister of External Affairs is already exercised over the opinions expressed by this House and by tomorrow he will come out with some action. What does that mean?

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): I will repeat what I had said. It was in the Press. I said, the Minister of External Affairs has already announced in the House that Mr. Chandra Shekhar's suggestion is receiving my attention and tomorrow he will come here and clarify the position and make a statement. That is exactly what I had said. (*Interruptions*) You can check it from the records. (*Interruptions*)

SHRI K. S. RAO: It is a question of language.

PROF. MADHU DANDAVATE: I am not as learned as you are.

PROF. P. J. KURIEN: When you referred to the views expressed by the House and the Minister is considering them, what should we mean by that? What should we understand by that? We understand by that, that the Minister is considering them for an action. But what happened? You have considered only Mr. Venugopal's suggestion. (*Interruptions*) You have treated this House with scant respect. You should have considered the views expressed by this House, by all sections of this House; and that is the minimum. First we said that the High Commissioner should be called back. Mr. Indrajit Gupta's suggestion was only a compromise. We agreed to that compromise that at least he should go on leave. Therefore, I request this government through the Chair to announce--don't shield him--that the High Commissioner will go on leave. Otherwise, we would like to move a motion, the notice for which I have already given to the Deputy Speaker. Please allow us to move that motion. If he does not do it then we will have to react to it.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI I. K. GUJRAL): Sir, I have a great deal of -- not a great deal but supreme--respect for this House and I think I do not have to say it because, most of my life, I have spent in Parliament and if there is one institution which I respect most, that is Parliament. Because Parliament is the House which is the custodian of the collective wisdom and collective sovereignty of the country. Therefore all that my hon. friends might say, always receives my respectful attention. It shall always.

Why I went to Mr. Venugopal is simple. Because, when my friend Mr. Chidambaram raised the issue, he relied a great deal on the document which was given to him in the Supreme Court by Mr. Venugopal himself and also he placed it on the Table of the House. It would have been a disrespect to the House on my part if I had not taken due cognizance of the

document itself. Therefore, I started operating on the basis of the document. After all, all the arguments that were being given in this case, whatever be their connotation or whatever be their tone, they were based on this particular document. That document has two parts. One is the resolution of the Supreme Court Bar Association. And secondly, the statement made by Mrs. Mukherji to Mr. Venugopal. And, Mr. Venugopal also is the President of the Bar Association. So, therefore, Mr. Venugopal became the central figure in the whole situation.

SHRI K. S. RAO: So, many members also spoke here.

SHRI I. K. GUJRAL: All my hon. members, therefore, relied a great deal on this document.

SHRI INDRAJIT GUPTA: I have never seen that document.

SHRI I. K. GUJRAL: Personally also, when Mr. Chidambaram spoke--and I have a great respect for Mr. Chidambaram and he is an eminent lawyer, and a man who believes in natural justice--he relied a great deal on this and respected it. (*Interruptions*)

[Translation]

PROF. MADHU DANDAVATE: There may be some difficulty in understanding but there is no harm in listening.

[English]

SHRI K. S. RAO: Several hon. Members who are present here have spoken for hours, and still once again you are going round and saying about Mr. Venugopal.

SHRI AJIT PANJA: If the Minister himself takes up the defence of Mr. Kuldip Nayar, there is no end. What is this unholy friendship? Precious lives are being lost.

MR. DEPUTY SPEAKER: Mr. Panja, please.....

SHRI AJIT PANJA: We do not understand this, Sir.

SHRI GUMAN MAL LODHA: I heard Mrs. Mukherji's woeful tale, with tears, for two hours which moved me to move this Resolution and it is on that basis. (*Interruptions*)

SHRI I. K. GUJRAL: When I discussed this with Mr. Venugopal about this. (*Interruptions*) Is it for the hon. member to decide what I should say? I have heard him with great respect.

PROF. MADHU DANDAVATE: Will you dictate what he has to say?

SHRI I. K. GUJRAL: I have heard them with great respect. I expect at least a listening. He may not agree with me, but at least he should listen to me to what I am saying. The point made in this Resolution of the Bar Association, which was definitely exercised for good reasons, is, that it accuses, or draws attention, if at all to the High Commission. So, therefore, it is the totality of the body.

SHRI JANARDHANA POOJARY: What is the difference in it?

SHRI I. K. GUJRAL: Therefore, if we start arguing.....(*Interruptions*)

SHRI A. CHARLES (Trivandrum): You ask the High Commissioner to go on leave.

SHRI A. K. ROY (Dhanbad): Do we have to move a motion against him now?

SHRI I. K. GUJRAL: If you do not want to listen to me, you sit down.

PROF. MADHU DANDAVATE: Listen to him please.

SHRI AJIT PANJA: He says, 'High Commission'! What is happening?

MR. DEPUTY SPEAKER: Mr. Panja, are you not interested in listening to him?

SHRI AJIT PANJA: We must rely on the widow (Mrs. Mukherjee) who is still in town. She has not been treated properly. She is an eye witness to the whole episode.

MR. DEPUTY SPEAKER: Mr. Panja, well, very strong opinions and very logically and very forcefully have been expressed and.....

(*Interruptions*)

SHRI A. CHARLES: Unanimously.

MR. DEPUTY SPEAKER: Probably there is a sort of unanimity also and the hon. Minister is replying to it. Please hear him, what he has to say.

SHRI I. K. GUJRAL: Therefore, in difference to the wishes of this House and in difference to the resolution passed by the Bar Association, which also I respect a great deal, I acted. I feel that the Bar Association of the Supreme court is a body of men who are highly respectable in this country and I am second to none in giving due respect to them...(*Interruptions*)

SHRI K. S. RAO: You are not giving respect to the views of the hon. Members.....(*Interruptions*)

SHRI I. K. GUJRAL: My hon. friends may have difference of opinion about the eminence of the Supreme Court members. I do not have (*Interruptions*)

PROF. P. J. KURIEN (Mavelikara): Nobody has said that. Do not put words into our mouth.

SHRI I. K. GUJRAL: I am not putting words..... (*Interruptions*)

PROF. P. J. KURIEN: We have only said that you should respect the feelings of the hon. Members.....
(Interruptions)

PROF. MADHU DANDAVATE: He began with that.

SHRI I. K. GUJRAL: I began with that. My hon. friend Prof. Kurien may kindly recall what I have said in the beginning of my statement. As I was interrupted so often, he naturally forgets what I have said in the beginning. What I have said in the very beginning was that the respect on my part for this House is second to none and I stand by it. That is the main point
(Interruptions)

SHRI DINESH SINGH (Pratapgarh): Then, accept the suggestion.
(Interruptions)

SHRI I. K. GUJRAL: That is why, I am explaining my position here. I am a product of this House. I am responsible to this House. I am trying to say precisely and with respect the essence of the debate yesterday was that this was an incident which definitely needs to be looked into by an eminent person of a high stature. There is nobody better than the Supreme Court Judge in our system. That is why, I have sought a meeting with the hon. Chief Justice. He was gracious enough to give me time. I am going to meet him. If the hon. Chief Justice agrees to appoint either the Chief Justice of a High Court or a Supreme Court Judge, I will abide by that. I will abide by the names that he gives. And if that particular authority, whom he names, thinks that the course of inquiry would be facilitated by a particular person, one or two or three or ten persons, going on leave or being dismissed earlier than that, I will abide by that also. Therefore, let the normal course go through. Please do not give a judgement on hearsay.....
(Interruptions)

SHRI B. SHANKARANAD (Chikodi): It is very unfair on the part of

the Minister to put his responsibility on the shoulders of the Supreme Court Judge. You have to take a decision. I am very sorry. You are avoiding your responsibility. Why are you putting your responsibility on the shoulders of the Supreme Court Judge?
.....
(Interruptions)

SHRI JANARDHANA POOJARY (Mangalore): As Mr. Kuldip Nayar is his friend, he tries to protect him...
(Interruptions)

SHRI B. SHANKARANAD: He should have taken *suo motu* action against the High Commissioner.....
(Interruptions)

MR. DEPUTY SPEAKER: Please take your seats.

(Interruptions)

PROF. P. J. KURIEN: Please allow me to move the motion.....
(Interruptions)

MR. DEPUTY SPEAKER: I know that the hon. Members in the House have expressed their feelings very clearly, very forcefully and unanimously. I have no doubt that the feelings which have been expressed on the floor of the House have been noted. Then, the institution, judiciary, is also involved in it. The high office of the Chief Justice is also involved in it. Now the hon. Minister has said that inquiry, which was asked for, will be instituted. The hon. Minister also has said that *prima facie* if the person or the persons who are going into it come to the conclusion that somebody has to go on leave, action would be taken.

(Interruptions)

MR. DEPUTY SPEAKER: Please do not interrupt me. Do not do like that. Now in view of this, I would appreciate very much that you are

getting as much as you are really asking. Now there is one more aspect involved in it. The life of the Chief Justice was involved. And he would also have taken action against anybody only after *prima facie* evidence. The motion which you have given, well you have given it today.

SHRI SONTOSH MOHAN DEV (Tripura West): Yesterday?

MR. DEPUTY SPEAKER: I do not think so. At least it has not come to me. Now you have given this motion today.

SHRI HARISH RAWAT (Almora): We have given two motions.

MR. DEPUTY SPEAKER: I have no idea.....

(*Interruptions*)

SHRI SONTOSH MOHAN DEV: Before giving your ruling kindly check up from the Secretariat.

MR. DEPUTY SPEAKER: I am not giving any ruling. In the light of this thing, we would have risen to the occasion for defending the wishes of the House as well as the institution of judiciary. And nobody who understands the importance of the House and the judiciary can brush aside what you have expressed on the floor of the House. The only element which is involved in it is the *prima facie* evidence. I hope, you would appreciate this nice intricate judicial point also. I appreciate if you do not press for it.

(*Interruptions*)

SHRI JANARDHANA POOJARY: The Minister has failed to discharge his duties. He should resign. He is defending his friend...(*Interruptions*)

PROF. P. J. KURIEN: You kindly note that yesterday this motion was given and motion was also allowed by the Chair. But it is then Mr. Dan-

davate intervened and therefore, the motion was postponed. You kindly check up the records. The motion is already there. Even otherwise, we have given the motion now. (*Interruptions*) Please do not stick to the technicalities.

MR. DEPUTY SPEAKER: We have to stick to technicalities because they become precedents. (*Interruptions*)

PROF. P. J. KURIEN: Let us check up yesterday's proceedings. (*Interruptions*) Why should he be protected like this? (*Interruptions*)

SHRI GUMAN MAL LODHA: We have discussed this matter in a very calm, quiet, congenial and homogeneous atmosphere and in a unanimous way. The hon. Minister has also gone to the extent of saying that the Chief Justice would be consulted in the matter as to what is to be done and in what manner. May I request that the hon. Minister may add one more sentence that he would ensure that during the actual enquiry there would be no impediment in the sense that the High Commissioner would not function there. That is enough.

SOME HON. MEMBERS: No (*Interruptions*)

PROF. P. J. KURIEN (Mavelikara): The Chief Justice of India died due to callous negligence. If the enquiry is conducted and the person continues to be in office, how can there be an impartial enquiry? (*Interruptions*)

I let me read my motion.

SHRI C. K. JAFFER SHARIEF (Bangalore North): Sir, it looks as if we are politicising this issue. I must say that we are not politicising it. Mr. Kuldip Nayar is a good friend of ours. We have regard for him. We have nothing against him. But the question is the merit of the issue—one institution that is the Parliament respecting

the sentiments of the other institution, that is the Judiciary. We are not making it a prestige issue. I do not know why the Government want to make it a prestige issue. We want mutual respect by one institution to another institution.....(Interruptions)

MR. DEPUTY SPEAKER: I would ask the Government from this Chair to give all the facilities which can be given to Mrs. Mukherjee.

(Interruptions)

SHRI I. K. GUJRAL: They will be given. (Interruptions)

MR. DEPUTY SPEAKER: Mr. Gujral has said that house and other facilities, whatever they are, would be given to her.

(Interruptions)

MR. DEPUTY SPEAKER: I would ask the Government to complete this investigation as expeditiously as possible. I would ask the Government to see that the investigation is done with utmost caution so that it would not look that there has been any lacuna or any partiality. And I would request hon. Members not to press for this.

(Interruptions)

SHRI INDRAJIT GUPTA (Mid-napore): I would just add to what you have said and I would request the hon. External Affairs Minister through you to take all the measures which are necessary to facilitate the inquiry so that it appears not only to have been fair and impartial but also an objective inquiry. Everything necessary for that should be done. How it is to be done is left to him.....(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): Leave the course of inquiry to him, whatever he decides.

SHRI R. GUNDU RAO (Bangalore South): Yesterday, there was discussion on this issue. I felt very happy. Every Member expressed his anguish

spontaneously and politics did not take part in that discussion. All the Members present irrespective of their party affiliations were unanimous in asking the High Commissioner to go on leave, if not recalling him. Hon. Prime Minister, the Finance Minister, the External Affairs Minister speak of values, democracy, respect to the Parliament considerations, and consensus many a time in their speeches. Now, in a situation involving the Chief Justice of India to whom the country looks for justice, if injustice were to be done to him either by the executive or by some politician or by the Government due to arrogance, indifference and negligence by the High Commissioner, London, how can we allow it? If this Government were not to act, then their speeches about the democratic values were only a mockery.

SHRI AJIT PANJA: I personally went to the residence of the ex-Chief Justice and met Mrs. Mukherjee, the widow and the daughter. It is serious to note that Mrs. Kuldip Nayar and some persons belonging to the London Indian High Commission visited Mrs. Mukherjee's residence and pressurized her to make a statement that Indian High Commissioner Mr. Kuldip Nayar took all possible steps regarding the Chief Justice's illness. Mrs. Kuldip Nayar also asked Mrs. Mukherjee to give it in writing, withdrawing her previous statement about the gross negligence of the Indian High Commissioner and the High Commission staff. Therefore to have a free and fair inquiry in the matter, Mr. Kuldip Nayar must be recalled or leave should be granted to him. Otherwise there would be tampering of evidence which will jeopardize a fair inquiry.

MR. DEPUTY SPEAKER: Let us strike a balance please.

SHRI AJIT PANJA: What business Kuldip Nayyar had to go there... (Interruptions)

MR. DEPUTY SPEAKER: He must take note of what has been said here.....

(*Interruptions*)

SHRI I. K. GUJRAL: Sir, it is unfortunate that a very learned and hon. Member of this House should have brought in the name of the ladies. I wish he had not..... (*Interruptions*) Let me finish now. I have also to finish..... (*Interruptions*) Sir, personally I vouch for..... (*Interruptions*). Let me finish now. Please sit down... (*Interruptions*)

SHRI AJIT PANJA: Why should I?.... (*Interruptions*)

MR. DEPUTY SPEAKER: I have lost my voice. Please sit down.....

(*Interruptions*)

MR. DEPUTY SPEAKER: Please Mr. Panja, I am on my legs. Now, when I am trying to facilitate your Member speaking, you do not please increase my difficulty by speaking. When the Members from here are speaking, I stop them first; now I am stopping you first. Mr. Panja, if what you have said is correct I do not know whether it is correct—that would also be borne in mind. But the practice is that we do not mention the names of the persons in the House who are not here to defend themselves. That is the only thing. But I am not saying that if what you have said is correct, then it is reprehensible. But, at the same time, I would ask the Government to take note of it also. If it is correct, they will see. Let it be investigated properly and in a proper manner. All steps necessary should be taken by the Government to see that justice is done and nobody is pressurised.

THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GO-SWAMI): Sir, you have directed the Government to give all facilities to Mrs. Mukherjee. I can inform the House that I have already taken the action that whatever facilities would have been available to Mr. Mukher-

jee, had he retired, be made available. I have records of a past precedent of certain financial grants having been given in the case of Justice Fazal Ali. Taking into account the past precedent, whatever financial grant was given in that case, will be also made available to Mrs. Mukherjee.

A feeling was expressed by the lawyers and the Judges that the person who occupies the highest position of the judiciary, should be given the highest status in terms of protocol. I have also initiated action on that that the Chief Justice of India..... (*Interruptions*). Please listen. The protocol procedure was not laid down by us. Under the protocol procedure that was established, the President, the Vice-President and the Prime Minister are entitled to a particular kind of protocol—the army protocol. The Cabinet Ministers and the Chief Justice is not entitled. I have also written that the person occupying the highest position of the judiciary should also be given the same kind of protocol as the real Executive head. But this is a decision which I cannot take. My view will go to the Cabinet and I hope some decision will be taken. Whatever we could do, we have done within the protocol procedure and I can assure you that all these matters would be settled as early as possible.

[*Translation*]

SHRI BHOGENDRA JHA (Madhubani): Mr. Deputy Speaker, I have given a notice regarding undermining the dignity of Parliament by certain MPs. I request that I may be allowed to express my views on the matter in the House.

MR. DEPUTY SPEAKER: No, No. We will now take up discussion under Rule 193.

SHRI BHOGENDRA JHA: I may be given some time after the discussion.

MR. DEPUTY SPEAKER: All right, you can express your views after that.