

am walking out. It is not a correct answer. (*Interruptions*). There should be judicial inquiry. I am walking out.

Prof. Saif-ud-din Soz then left the House.

SHRI G. M. BANATWALLA: The demand for judicial inquiry has not been accepted. We are not satisfied. So we are walking out.

Shri G. M. Banatwalla and some other hon. Members then left the House.

MR. SPEAKER: Now, Mr. Lodha.

(*Interruptions*).

MR. SPEAKER: I will allow you, I told you. Please take your seat.

(*Interruptions*)

12.14 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

[*English*]

SHRI GUMAN MAL LODHA (Pali): Sir, with a heavy heart and profound sense of sorrow I have to bring to the notice of this august House that the late Chief Justice of the Supreme Court of India Shri Mukherjee, who was on official visit to an International Conference, was in London on the 20th, while on his way back, when he got heart attack, he was not given any proper and adequate treatment in London by the High Commission. (*Interruptions*).

I have met Mrs. Mukherjee and discussed the matter in detail after the newspaper reports flashed that it was a case of criminal negligence where the High Commissioner in London refused to provide any treatment on a false pretext that he was not on the State tour or on official visit.

MRS. Mukherjee repeatedly told the High Commissioner that there was a sanction given by the Government of India in which the hon. Chief Justice had been allowed to attend the international conference on Government business and return via London. In spite of that on 20th when he got an attack he was kept in a hospital which was a charity hospital, a hospital which was of third category, a hospital where there was no heart specialist. It is a shame for all of us that he was kept in the corridors of the hospital lying on the floor for eight hours for the whole day. The High Commissioner did not visit. One representative of the High Commissioner came in the morning and Mrs. Mukherjee told him to kindly arrange for some room. He said that he was getting it done. But he refused to do anything and returned to the High Commission at 10.30 A.M. The whole day there was nobody from the morning till evening up to 5.30 P.M.

Then at 12 O'clock Mrs. Mukherjee again rang up the High Commissioner and told him that the condition is becoming worse, no room is being provided, no medical care is being taken, doctors are not there, only the registrars who are on duty who are the students are looking after him and therefore kindly do something. This happened from 20th to 25th. On the 20th evening one room was provided; but not with the facilities for the treatment of the ailment that he was having; but in the orthopedix ward which had nothing to do with the heart ailment. It is shameful that for four days the diagnosis was not done that our Chief Justice was having heart trouble.

On the last day that is 24th, the Chief Justice became breathless and he told his wife that when he returns to India he would tell the Prime Minister kindly not to send the Chief Justice of India or anybody if High Commissioner cannot take elementary care of their health. He was so

[Sh. Guman Mal Lodha]

much disturbed and perturbed that he asked that somebody should be got from the Supreme Court; or he may be flown to his motherland INDIA but that also was not arranged.

I want to tell this House, the hon. Speaker and the hon. Ministers concerned that the High Commissioner of London behaved in a criminal negligent manner. It is not a case of normal death. I would not call it murder by negligence, but I would certainly say that a responsible person holding the office of the High Commissioner should, even if somebody else had gone, not have acted in the manner he did. Our Chief Justice is the fourth in the rank after the President, the Vice President and the Prime Minister. He was not given the care that would be given to an ordinary Class-1 IAS Officer or a Secretary or an Under Secretary or an MP or MLA. For five days the Chief Justice struggled without any aid between life and death.

Mrs. Mukherjee told me that specialist doctors were not available. Ultimately on the fourth day it was found as a discovery by Columbus or Vascodagama that he had heart Trouble and no treatment was given for four days with the result that on the fifth day he collapsed and collapsed in a condition which would bring shame to all of us; not only today but the posterity would curse us.

I would therefore request that suitable action should be taken for what the High Commissioner has done. He tried to defend first. He first said that there was no sanction and therefore he did not allow it because there was no provision for reimbursement to be done. All the four days the High Commissioner was talking

of 'reimbursement'. Are we to lose the precious life of the Chief Justice of India on the point whether reimbursement would be done or not? Is the High Commissioner not competent enough to decide this? For a few coins of money we have lost our Chief Justice the head of judiciary of 60 crores of people. The entire world is laughing at us. People in London simply ask whether this is the manner the Chief Justice of a country, a Government and of a democracy which is the largest in the world is treated and forced to 'DIE' Sir, not only this. When the dead body was brought here, I was just shocked to find that even to add insult to injury the State funeral was not given. According to the convention, the Chief Justice of India when he dies in harness is entitled to it. But here also, in spite of the efforts of the senior-most Judge, trying hard for it, no arrangement was made. Even the arrangement for receiving the dead body and for taking it to the funeral ground etc., was so scanty and shabby that each one in the judiciary was sore about it. The Bar Council of India—the Supreme Court Bar Association—has passed a resolution. But what has been done is this. The head has been left and the tail has been caught—a Doctor has been removed from the panel of Doctors in London in order to show that something has been done. But, what the Doctor has said is this. He said this publicly that if I would have been asked to treat Mr. Mukharji, I would not have allowed to keep him in that hospital, because it is a charity hospital, a poor aged man's hospital, where no treatment is given properly. I would therefore request that a Parliamentary Committee should be formed. It is not a matter of just Mr. Mukharji's death, but it is a matter of honour of the entire judiciary, honour of the rule of law and honour of our Constitution.

SHRI SANTOSH MOHAN DEV (Tripura West): We support you.

SHRI P. CHIDAMBARAM (Sivaganga): You may move a motion.

SHRI GUMAN MAL LODHA: Sir, I would say that a Parliamentary Committee may be formed and specialists may also be included in it to assist the Members. Then, the whole matter may be inquired into. Till then, the High Commissioner in London should be called back immediately. Thank you very much.

SHRI CHANDRA SHEKHAR (Ballia): Mr. Speaker, Sir, this is the most tragic and shameful story. What the hon. Member Shri Lodha has said—a part of it—is correct. Without any discussion, the High Commissioner from there, should be called back, because whatever may be the reason, no High Commissioner can arrogate himself this type of callousness and negligence way in which the Chief Justice of India—whether sanction was there or not—should have been treated.

The hon. Foreign Minister is here. I do not know who is the High Commissioner there.

AN HON. MEMBER: Shri Kuldip Nayyar.

SHRI CHANDRA SHEKHAR: If persons, who are social-climbers, are given such high-positions, they will behave like this. Shri Kuldip Nayyar has no business to remain as High Commissioner of India in London. There is no need to go into the inquiry of the whole case. He must be sacked immediately and there is no point in discussing this.

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, I join the hon. Members who have referred to the tragic incident that has taken place resulting in the death of the sitting Chief Justice of India. Sir, I had an occasion to talk to Mrs. Mukherji and she described in detail that there was complete lack of

seriousness on the part of the hospital authorities or—much more serious—on the part of the High Commission Officials including the High Commissioner in London. The Chief Justice of India was lying on the stretcher for hours. Then, he was put into a general ward and then into a cabin. No attempt was even seen to have been made to call a specialist for the purpose of his treatment. Even the wife of the ailing Chief Justice was not informed as to what steps are being taken. She was only allowed to go inside during the Visiting Hours. That is 2.30 p.m., she said. Till then, she was frantically telephoning herself, the hospital authorities to find out what was the condition of her husband. What has really shocked me is this. We have such a big Office there, such a big establishment there; the Chief Justice of India is lying ill; and nobody has taken any care even to really attend to him, to find out doctors, to find out another place of treatment, if cabins or rooms are not available in the hospital, where he had been admitted. I am told that it is a free hospital which is connected with the National Health Scheme, where outsiders are not ordinarily allowed. Why then he was not removed from there and sent to a private Nursing Home? Was it not the duty of the High Commission?

Sir, we have lost a precious life. Under the Constitution, Chief Justice of India is the acting President of this country when the President and the Vice-President are not available. This is the high position in which the Chief Justice of India is put in our country. This is a matter of grave concern that we have such big establishments and that ordinary care is not taken when high dignitaries are going there. I shudder to think what will happen to ordinary Indians who are going there and need help from the Indian High Commission in London.

[Sh. Somnath Chatterjee]

The other thing most reprehensible is that the wife of the Chief Justice will be reminded about the difficulties of providing treatment or providing even transport on the ground that these reimbursements have to be earlier arranged for. This is very serious. She was being reminded every time: "You are on a private visit. As the Chief Justice of India was on a private visit, therefore, unless we get the clearance from Delhi and some arrangement is made for reimbursement, nothing can be done." This type of attitude we cannot condone and we must take a very serious view of this matter. The persons responsible for this should be punished. Whatever step has to be taken for that, it has to be taken by the Government. They must take us into confidence about what they are thinking on that. We want that all possible steps should be taken at least to show now respect to the memory of the late Chief Justice. There are various difficulties faced by the family. I am sure, the Government would take appropriate steps to see that no further difficulty the family gets into in view of the sudden tragic happening that has taken place.

MR. SPEAKER: It is a serious matter.

SHRI P. CHIDAMBARAM: Sir, this is far too serious a matter. And I wish to add just one or two points of information to supplement what my learned friends, Mr. Somnath Chatterjee and Mr. Guman Mal Lodha, have mentioned. Mr. K. K. Venugopal, President of the Supreme Court Bar Association called upon Mrs. Mukharji and has submitted an eight page report. I have the report. But I do not wish to place it today on the Table of the House in the hope that—let me underline 'that'—the Government will act by tomorrow in recalling Mr. Kuldip Nayyar, who is there as our High Commissioner. There is no reason at all

to doubt what Mrs. Mukharji has said. I know her. She is a very humble person. She is a God-fearing person. There is no reason at all to subject her on this matter to any further inquiry. What Mrs. Mukharji has told Mr. K. K. Venugopal and Mr. K. K. Venugopal has recorded in his own handwriting, certainly this report must be accepted as the truth and there is no further need for any inquiry into this matter. If even a fraction of Mr. Venugopal's report is correct, I share Mr. Chandra Shekhar's statement what Mr. Lodha has said, you can say he belongs to a political party. What Mr. Somnath Chatterjee has said, he belongs to a political party but Mr. Venugopal, who is President of the Supreme Court Bar Association, personally talked to Mrs. Mukharji and has recorded in his own handwriting a report. If a fraction of that report is correct, Mr. Kuldip Nayyar should be sacked immediately. He should be recalled immediately. I am holding that report only until tomorrow in the hope that Government will act tonight or tomorrow and tell us tomorrow what action they have taken.

Kindly see the statement issued by Mr. Kuldip Nayyar.

MR. SPEAKER: Has he issued a statement?

SHRI P. CHIDAMBARAM: He sent a report. It has appeared in all the papers verbatim. External Affairs Minister is here. (*Interruptions*) This is what he has said:

"The controversy raised over medical attention to the late Chief Justice Mukharji is unfortunate because all possible facilities were available to him."

The next sentence is and I object to it strongly:

"He reached from the United States on a private visit on September 20."

What does he mean by saying 'private visit'? Is the Chief Justice of India a private person? What is a private visit? If Mr. Gujral or the Prime Minister go there, will the visit become a private visit just because they have not been invited by the Government of England or the Government of United Kingdom! The Chief Justice is a Chief Justice 24 hours a day. He is Chief Justice 365 days in a year. There can be no such thing as a private visit and a public visit. If a public visit or an official visit had been there, they would have provided medical attention. For this single sentence that characterises that the visit of the Chief Justice is a private visit, the High Commissioner must be recalled immediately. I do not wish to add anything more. Let me reserve my right and I appeal to you to allow me to place that report on the Table of the House tomorrow, if the Government does not come forward with a positive statement that the High Commissioner will be recalled immediately. Secondly, a Joint Parliamentary Committee must be appointed to probe into who was responsible and who was not responsible and the Government must do everything possible to show sympathy and support to the family of the Late Chief Justice. When Justice Fazl Ali passed away—I remember—our Government departed from the rules and paid a special compensation to his family. Yesterday the Congress President and the Leader of the Opposition had written to the Prime Minister saying that at least the same facilities must be given to Mr. Mukharji's family. We want the Government to announce now that the High Commissioner will be recalled immediately, an inquiry will be there and that at least the same facilities that were granted to Justice Fazl Ali's family will be granted to Mr. Mukharji's family. These are our demands.

SHRI INDRAJIT GUPTA (Midnapore): While supporting fully what

all my colleagues here have said, I wish to stress that action has to be taken imperatively and immediately against the High Commissioner. Of course, that is not going to restore Mr. Mukharji to us. There are different aspects of this matter. I would say that criminal negligence has led to this tragedy. I have met one or two people, apart from Mrs. Mukharji, who were in London at that time and now here in Delhi. They say that when some other Indian friends were talking to Mr. Kuldip Nayyar, after the death of Mr. Mukharji, about this matter and were rather worked up about it, he said,—I cannot vouch for this, it is a report that I received—"I cannot be expected to do anything better for any old buffer who comes and falls ill here." I do not know whether these are the words which he actually used. But I know that during those four or five days when Mr. Mukharji was lying in the Royal Free Hospital, nobody from the High Commission visited him. Royal Free Hospital is not a charitable hospital. That is a wrong idea. It is a hospital under the National Health Service Scheme of Britain and naturally it is a free hospital because only insured people are supposed to be treated there. But the point is, firstly, no specialist was called there to examine him. Was it not the job of the High Commission in India to find out about this? No responsible officer or official of the High Commission went there to see him. The High Commissioner went once on the first day and after that, nobody from the High Commission went even to visit him and find out as to how he was and what was happening. A suggestion was made on the third day, I think, that he could be shifted to a private hospital. But nothing was done. It may be because an excuse was sorted out as to what is going to be done about the reimbursement. If he was in a private hospital, then he was to pay. It may be that he had to pay quite a lot. So, this is the

[Sh. Indrajit Gupta]

other part of the question. The Foreign Minister is here now. If the present rules and regulations that have been framed by them are such that, when VIPs of this status fall ill seriously and are hovering between life and death and it is a question of giving them proper medical attention and care and those rules and regulations prevent it on the ground that they do not know whether reimbursement will be sanctioned or not, then it is something fantastic. I think when a Cabinet Minister of our Government or the Prime Minister will fall ill on a private visit—God forbid—when they are abroad in some other country, I doubt whether they would be treated, by our Embassy or High Commission, in the way in which Mr. Mukharji has been treated. Sir, this is something shocking. Therefore, I do not know whether a Parliamentary Commission is going to help very much to inquire into this matter or not. We are not competent to say anything on the medical side, of course, except that there was no specialist assigned to go and examine him properly and suggest as to what should be the course of the treatment or whether he should be shifted to another institution. But the attitude of the High Commissioner is totally reprehensible, and if he has really made such a remark, which was reported to me by one Indian couple, husband and wife, who had just come from London saying that 'I cannot be expected to do anything better for an old buffer, who comes and falls ill here', it is shocking. I think the Government must act immediately and take this matter seriously. The whole House is reflecting the sentiments of millions of people outside, I can tell you. They must act in this matter immediately and this erring High Commissioner must be pulled up and withdrawn. If in your rules and regulations there are all these anomalies and contradictions, they must be immediately overhauled.

SHRI DINESH SINGH (Pratapgarh): He could have sanctioned this himself.

SHRI INDRAJIT GUPTA: He could have done anything. Everybody knows that the amount would be reimbursed. The High Commissioner in U.K. is not a joke, the High Commissioner in U.K. is a person of considerable status and power and he has got within his discretion to say that such a treatment must be taken and that he takes the responsibility of seeing that it will be reimbursed. I cannot understand the meaning of this at all.

We are all very much agitated and the Government should act immediately.

SHRI VASANT SATHE (Wardha): Mr. Speaker, Sir, I am very sorry that such a thing should have at all happened. The other day when I went to their residence to pay my condolences, my good friend, Shri Dinesh Goswami was also there, and the way Mrs. Mukharji was describing the callous manner in which the entire negligence had taken place, one felt so moved that one could not resist one's anguish. I am a heart patient myself and I have gone through this whole process. If this ailment or any other related ailment is not attended to immediately and properly, it is all a question of touch and go.

Here was our Chief Justice of India and on technical grounds, on a ground to say, which she has officially now stated in a statement that it was because he was on a private visit, therefore, we could not do anything more, is really shocking. This should not have been stated even in the case of an ordinary citizen of India. What are our Embassies and High Commissions for if they are not our home away from home. If they cannot look after our people who go? Is this the humanitarian attitude that has to be adopted? A High

Commissioner or an Ambassador is like a father there to our people who go there. His officials take a cue from him. If the seniormost man's attitude is so callous as has been reported even if a fraction of it is true I am sure, the hon. Foreign Minister would take this matter very seriously, would himself feel so hurt by such a behaviour of any such official and would not spare him. I do not understand and the House would not understand by any stretch of imagination how such a thing can happen.

Sir, you are the Speaker. You, any one of us or any Minister, if they go out for some Conference and are on their way. Here was a case, he was on an official visit attending a Conference in the States. Naturally, he has to come back. The most proper way to come back is via London. Can you say that in London he was not on an official visit? I cannot understand the fallacy, the absurdity of this. As was rightly pointed out by our friend, our Chief Justice of India, President, Vice-President or any of our Ministers, wherever any one of them goes, he is an official of the Government. Therefore, can you say whether under the Rules he was technically correct or not? Even if you presume that there was some technical reason because the Foreign Minister or the Finance Minister may say that on technical ground he could not have reimbursed it.

THE FINANCE MINISTER (PROF. MADHU DANDAVATE): I am the last man to say so. What is needed is not the rule but the courtesy.

SHRI G. M. LODHA (Pali): Mrs. Mukherjee had a sanction.

SHRI VASANT SATHE: That is true. She pointed out to him that he had a sanction but even then he was not willing to accept it. He said, "I do not have any information from my Government that he is on an official visit.

Therefore, I am not taking any cognizance of what Mrs. Mukherjee is saying." This was the wording of the high and mighty High Commissioner. I would like to say that any High Commissioner has enough power to take a decision. When I was under treatment in Houston, the Ambassador helped me on his own discretion. Did he get permission from the Foreign Minister? He sent an official from the Embassy to look after me in Houston. That was the courtesy shown by him. These are the normal powers of any Ambassador or any High Commissioner. What will the Parliamentary Committee do? I don't know, but if there are any rules they need to be amended. It is high time that they are amended now. This was the most discourteous and callous act. I don't want to use stronger language. He was already a heart patient. She told him that he is a heart patient and he already had a heart attack. Please look after him properly. In his not doing this, we have lost a man. Sir, this ailment is such that if timely and proper treatment is given, a man's life can be saved easily. We have lost a very good person. We have lost a Chief Justice which is a very valuable life--for total negligence and callous attitude of a highest official who is our representative there. I don't think by any stretch of imagination it can be said that such a man deserves to be kept there even for a moment. Inquiries may be there. They may give some explanation but I don't care about it. Sir, you know the view of the House. You please recall him. You please announce here and now that we accept the views expressed by this House. The House is the master, House is supreme. We are unanimous on this. Please call him immediately. Don't think of the rules you are going to follow. I entirely support the view that we must give all the facilities and all the respect that needs to be given to his family.

SHRIMATI VIJAYARAJE SCINDIA (Guna): Sir, I would like to express mine as well as my party's view and as a matter of fact the whole House is anguished and shocked over this sad incident. I feel that this shows the total callousness, not only the callousness but scant respect we have for the judiciary. I hang my head in shame if a person who is holding the highest position in the judiciary is treated in this way. What will the people of other countries think about us? I don't want to elaborate further. I just want to express mine and my party's anguish and shock. I agree with the views expressed here and I hope the Minister will act quickly and will try to make amends. I hope he will at least apologise to the poor lady Mrs. Mukherjee. She must have suffered a hell to see her husband die helplessly like that. Is he fit to be an Ambassador who does not even bother to look after a person like the Chief Justice of India. So, I am simply shocked at this incident. As I got an opportunity now to express my feelings of anguish I would also like to request the hon. Minister that as early as possible, he should recall the ambassador. That is the least he could do at this present juncture.

SHRI SAMARENDRA KUNDU (Balasore): Mr. Speaker, Sir, Shri Sabyasachi Mukherjee was a noble soul. He is not with us today. I won't say that he was only a Chief Justice but he was also a very eminent statesman of our country. He had very forward views on many matters. Perhaps, Mr. Speaker, you might not be knowing him—he was a member of the Indian Socialist Group in London—but at the same time all of us know Shri Kuldeep Nayyar, personally and very intimately. I just could not believe it. Concern has been expressed repeatedly by the hon. Members. I just want to bring to your notice one or two matters which have come to my notice through Mrs.

Mukherjee. When Shri Sabyasachi Mukherjee got down in London Airport, his legs were shivering and the doctors attended on him. From there, why was he taken to the house of his friend? Why was he not taken to the hospital? Why was he taken to the National Health Hospital? I want to know whether the British Government was made aware of his illness or not. He was kept in the corridor. I would thank even those doctors of the National Health Hospital. They made available to him what was possible at that time, to cure him. They provided him with a cabin. But again, there was a talk that Shri Sabyasachi Mukherjee will be taken back again to his friend's house. Why? I just refuse to believe that Shri Kuldeep Nayyar was such a try and cut fellow. It is because, he had been involved in the protection of human rights here. He came to see the Chief Justice only once. Why? He sent his Deputy, Mr. Salman Haider. Why? All these gossip which had been mentioned by Shri Indrajit Gupta should be made known to us. It is very necessary. It is a terrible thing that a noble soul, who was so close to us had passed away. We all join in saying that there should be an enquiry into this.

Therefore, I request the hon. Minister to give us a brief account of this happening, whether today or tomorrow and then a proper enquiry should be made so that everything is revealed.

DR. THAMBI DURAI (Karur): Mr. Speaker, Sir, I join my colleagues for taking necessary action on the callous behaviour and the treatment meted out to our Late Chief Justice Shri Sabyasachi Mukherjee in London. Because of this carelessness, we lost a great man of this country. It is immaterial whether it was his private visit or the official one. Since, he was holding the office of the Chief Justice, naturally, the High Commissioner should have

given more importance to him. I would rather say that our High Commissioner should give the same kind of treatment even to the ordinary citizen of our country.

Therefore, I would request you once again—our External Affairs Minister is a good man, he is an experienced man, he would have come across so many complaints from other High Commissions' functioning—because we also use to receive many complaints when our people go outside that in certain places they are not properly attended to—to take necessary action in this regard. It is high time that we should change our laws if at all there is any impediment.

We must take necessary action against our High Commissioner in England and I hope the hon. Minister will look into the matter.

Thank you.

SHRI SONTOSH MOHAN DEV: I fully share the feelings of the House, but I would like to put a question to the Minister of External Affairs. In 1980, I was in Moscow in a delegation; and we had lost a Member there, Mr. Bairab Mohanty. I rang up the present External Affairs Minister from the Hotel Sovietskya. Within half an hour, he was in the hotel.

SHRI EDUARDO FALEIRO (Mormugao): He was a very good Ambassador, very courteous.

SHRI SONTOSH MOHAN DEV: The doctors came; he died, but even after his death, I had seen that the present External Affairs Minister had taken all steps to see that the dead body was flown here, and arrangements were made. Of course, the Government here then was our Government. When he is the External Affairs Minister, and there is a good friend of his as the High Commissioner in U.K., why did this serious lapse take place—on a very petty

ground, viz. that he was not on official duty there?

I would like to repeat this again, to the Minister: I visited four countries in the month of June; and I approached him, and he gave information to those embassies: at Bangkok, Hong Kong, Malaysia and Singapore. At all the places, I have seen that his Ambassadors looked after us. I was not on an official visit. But his message went from here, that I was an ex-Minister and an M.P. If we are treated like this, how is it possible for a man like Kuldip Nayyar to neglect another? It is beyond doubt: either knowingly or unknowingly, he has made some serious mistake which has cost a precious life. Hence I join the hon. Members of this House in saying that in order to give a clear message to the other Ambassadors, viz. that they should not commit such mistakes, you must recall Kuldip Nayyar. You can give him any other assignment in your party here; he is your well-wisher. But don't keep a man who has created this situation. A message has to go to other embassies also.....(*Interruptions*)

I do not know whether the Finance Minister is so tough about giving finances to the embassies. I do not think so. He would have never said: 'No, I will not pay.' When Mr. Madhu Dandavate is there, when he is returning the Customs money like anything, why should he not pay for this particular expenditure? I do not know, but the whole country is agog with this question. We raised this matter; myself and Mr. Bhakata, and also the whole House has joined us. I would request the hon. Minister of External Affairs not to protect his old friend, and stand up and say something which may be counter-productive. He has enough problems for his Government. He should not ask for another problem. This is my only request.

SHRI EDUARDO FALEIRO: Please see that your Ambassadors behave with the same courtesy that you displayed when you were the Ambassador in Moscow.

SHRI MANORANJAN BHAKATA (Andaman & Nicobar Islands): I join all the hon. Members who have spoken on this subject. No words can appropriately condemn this criminal neglect which has been committed by the Indian High Commissioner in London. My point is that whatever may be the criminal negligence which has been committed by the Indian High Commissioner, what do we find in our country itself? What did the Government do? Government is not coming up with a *suo moto* statement. The Chief Justice of this great country died outside the country, and it was the duty of the Government, when Parliament is in Session, to make a statement *suo moto*, on what has happened, actually. Then the people of this country would have known the facts from the Government. But the Government was silent. Why? Only after the Members in this House raised the issue, they are coming out to say something. There is no question of blaming this side or that. It is a question of the prestige of this country, the Chief Justice of India who was abroad, had a massive heart attack. At that time he was put on the corridor of a hospital and was lying there for hours together. No doctor attended on him; no specialist attended on him. He should have been shifted to a private hospital, or could have been given proper medical aid.

This is why the Government should at the same time come out with specific norms to be followed in the case of dignitaries going abroad: whether they are on official tours or non-official tours. What are the courtesies which should be extended to them, what are the facilities which should be made available to them have to be

taken into consideration. I strongly advocate that the present High Commissioner should be immediately called back to this country as he has lost all credibility to remain our Ambassador in that country.

DR. DEBI PROSAD PAL (Calcutta North West): I share the sentiments expressed by this House on the untimely death of the Chief Justice of India. I had my personal association with him for more than 25 years both in the Bench of the Calcutta High Court and at the Bar. I went to the house of the Chief Justice of India and met his wife Mrs. Mukherji. The incidents which I had heard from her are really distressing. I wonder how the High Commissioner in U.K. could behave himself so irresponsibly, so callously when the Chief Justice of India was not feeling well. I can tell the House what I had heard from Mrs. Mukherji. When the Chief Justice of India landed at London from Washington, even at that time, he was feeling extremely unwell. Instead of taking him to a hospital, he was taken to his friend's house when this trouble started; he was not taken to the two leading hospitals in London, where heart patients are properly treated; he was taken to a National Health Hospital which was not at all dealing with complicated cases of heart trouble. Initially, when this trouble started, he was allowed to wait in the corridors from 11 A.M. to 6.30 P.M. This is what I had heard from Mrs. Mukherji. I was with her for more than one hour. He was sitting in a revolving chair and waiting in the corridors from 11 A.M. to 6.30 P.M. Thereafter, he was taken to an orthopaedic room, not even to a heart patient intensive care unit. There he was allowed to wait for a few hours. Then he was taken to the Intensive Care Unit where there was no proper monitoring, etc. This was how he was taken care of. Normally, in a matter like this, the High Commissioner raised a plea as to from where

will the fund come. This is most distressing. The High Commissioner should have known that the Chief Justice of India was there on an official tour. He raised a question whether the Chief Justice of India was on an official tour or non-official tour. I can tell the House that the entire tour was for official work because he attended in London a Conference of the Chief Justices all over the world; and from there he was coming; and the entire expenses are to be borne by the Government of India. In that state of affairs, his wife told the High Commissioner that whatever may be, whether the sanction comes or not, you please attend him properly and take him to a proper hospital; but nothing was done. When the Chief Justice of India told his wife about it at that time, some message came from the Minister. When the High Commissioner came to know about the message from the Minister, at least, at that time, he should have started taking proper care of the Chief Justice of India. But nothing was done.

I can tell the House that if proper attention had been taken at the proper time, then the precious life of the Chief Justice of India could have been easily saved. It was absolutely a lie to say that the Chief Justice of India wanted to return to India as early as possible; this was not correct. The High Commissioner even did not attend him properly; he only sent his representatives along with the Chief Justice of India.

13.00 hrs.

Now, if that be the position, this House knows that if a dignitary goes there and if the bill is sent to the High Commission then there is no necessity for a sanction at that stage. While waiting, the Chief Justice was not sent to a proper hospital.

I demand that in a matter like this a proper inquiry should be conducted by a sitting Judge of the Supreme

Court and preferably one of the seniormost Judges of the Supreme Court of India because this happened due to the negligence of the High Commissioner.

SHRI VASANT SATHE: Why not a Parliamentary Committee?

DR. DEBI PROSAD PAL: Yes, I demand also an inquiry by a Joint Parliamentary Committee. The matter is very serious. The High Commissioner should be recalled immediately.

SHRI VASANT SATHE: Recall him and the JPC will inquire.

DR. DEBI PROSAD PAL: The High Commissioner is guilty of a criminal act. Even when the wife of the Chief Justice was imploring the High Commissioner to take immediate steps to take the Chief Justice to a hospital, how could he have acted like that? But nothing whatsoever was done. In a matter like this, this House, I hope, will agree unanimously that the precious life of a Chief Justice of India has been lost due to the acts of negligence and omission on the part of the High Commissioner and he also acted in a manner which showed lack of responsibility. Such a High Commissioner should not be allowed to remain there even for a single moment. He should be immediately recalled and a proper inquiry should be conducted and the necessary steps also should be taken against the High Commissioner. I say it—if I may say so—with great anguish that this life could have been easily saved if the High Commissioner had taken proper steps at the proper time. With these words, I again express my anguish for the loss of such a precious life, only due to the action of the High Commissioner.

MR. SPEAKER: Many hon. members want to speak on this. I think I should invite the Minister now. I think representatives of all the parties

have spoken. Let us now hear the Home Minister.

(Interruptions)

MR. SPEAKER: I think it is better that the Minister is called now.

SHRI PIYUS TIRAKY (Alipurduars): Sir, this is a very serious matter. This has tarnished the image of the Government and the entire country. This incident deserves to be condemned in the strongest terms. We are all ashamed by the High Commissioner's behaviour. In fact this behaviour will not be tolerated by any Indian citizen. The High Commissioner must be punished for his conduct so that it serves as a lesson to anyone who indulges in this type of misbehaviour in future. It is also a matter of shame for Indians living abroad.

A person who has misbehaved with Shri Mukherjee, who was the Chief Justice of the Supreme Court, is not fit to continue as High Commissioner. I would request that an appropriate punishment should be announced in the House today itself. Apart from this, a fullscale inquiry should also be held into this case. This is what I have to say.

[English]

SHRI A. K. ROY (Dhanbad): Mr. Speaker, Sir, I like to associate myself with my other colleagues in expressing my anger and anguish about the whole incident.

Sir, it is not only criminal negligence, but what has attracted us is the arrogance in the entire affair. It looks as if the High Commissioner has taken the Government and all of us for granted, and also as if—what I also add—the Government has also taken us for granted. I like to know what has prevented the Ministry from coming out with the facts and as my colleague has stated in his *suo motu*

statement, when the hon. Minister answers on behalf of the High Commissioner, I like to ask two questions. He should explain not only the conduct of the High Commissioner, as to why he had acted like that, but also explain the delay in coming out with a statement and enlightening the House about the whole facts. I demand the immediate dismissal of that High Commissioner. That is the minimum punishment for all these things and I also expect a full explanation from the Government about the whole affair..... (Interruptions)

MR. SPEAKER: All the male Members are speaking. Please listen to the lady Member who is speaking.

KUMARI MAYAWATI (Bijnor): Sir, when I or any MP from the Bahujan Samaj Party wants to say something, we are restricted to certain subjects on which we have to speak. Sir, a picture of the party and the society to which I belong always remains in my mind. When I came to the House today and heard about it, I felt very sad. The Government must take this matter seriously.

Sir, I know that tommorow is the last day of this 5-day session. Two days back when I tried to raise my point I was not allowed to do so. On Doordarshan the Government speaks of giving equal time to all parties, but through the medium of Doordarshan ... (Interruptions)...Sir, today you will have to listen to me. I am requesting you...

MR. SPEAKER: Of course I am listening to you. Have I stopped you from speaking? Please don't deviate from the subject.

KUMARI MAYAWATI: Whatever is said about me on Doordarshan in relation to Parliamentary proceedings makes me feel that there are a handful of people who are controlling bureaucracy, politics and

the economy. Although hon. Shri P. Upendra is not present here, I want to say that all parties should be given equal time on Doordarshan.

I would like to draw your attention towards the reservation issue. In support of reservation, Scheduled Castes and Scheduled Tribes...

MR. SPEAKER: Mayawatiji, there will be a discussion on that after 2.00 P.M.

KUMARI MAYAWATI: A prolonged discussion has been going on but nothing has come out of it. Whatever was discussed here till now pertained to a person belonging to an upper caste. The House expresses grief over the death of such persons but has little time to shed a few tears for the poor and downtrodden getting killed by anti-social elements because they support reservation. I request the House to take the death of a poor person also seriously.....(Interruptions)

[English]

MR. SPEAKER: I will go through the records.

[Translation]

I shall look into the records if there is anything that hurts public sentiment. Please sit down now.

(Interruptions)

MR. SPEAKER: Mayawatiji, you may speak on the Adjournment Motion. You may raise this point at that time. Now please sit down.

KUMARI MAYAWATI: One minute. Sir. I have risen because whatever be said in the House.....(Interruptions)

MR. SPEAKER: The death of Shri Sabyasachi Mukherjee was being discussed. I have permitted you on that.

KUMARI MAYAWATI: I am sad about that and I express deep sorrow on behalf of my party. But I request that the Bahujan Samaj Party be given due attention in all matters. All parties should be given equal weightage on Doordarshan.

MR. SPEAKER: Nobody ignores you.

(Interruptions)

[English]

MR. SPEAKER: Mr. P. C. Thomas. Though Mr. P. C. Thomas is raising a different issue, I am permitting him to raise that issue so that the House and the Minister should know.

SHRI P. C. THOMAS (Muvattupuzha): Before that I also express my concern on this issue on behalf of my party.

The other issue which I wanted to raise was that some groups of persons, our nationals, had come from Kuwait by road... (Interruptions)

SHRI A. K. ROY (Dhanbad): This issue is very serious. You should not allow it to be diluted.

MR. SPEAKER: Since this pertains to the portfolio of Mr. Gujral. I have allowed him to raise it.....

(Interruptions)

SHRI P. C. THOMAS: Some Indian nationals had come from Kuwait in cars. They came to our border after passing through Turkey, Iran, Iraq and Pakistan. They came to a place 30 kms from Amritsar, called Wagah border. When they reached there, our officers humiliated them. They were asked to leave their cars there and walk off. Many of them who refused to do so, were asked to remain there for two days and three nights. They stayed there without food and without any attention. They said that even Pakistan

[Sh. P. C. Thomas]

gave them all attention, but when they came to India, they found that the concerned officers were even saying: "Why have you gone to Kuwait? It is none of our business." They said: "You just leave the cars here and go. The second group which came, argued with the officers. They said: "We will not go without our cars because this is the only thing which we have. We have lost everything; we have lost whatever we have earned. This is a separate situation. You cannot apply such laws." They said: "You must leave your cars and walk off." They sat on dharna and blocked the whole road. At last, six cars which came in the second group, alone were allowed to go. I draw the attention of the hon. Minister of External Affairs as well as hon. Minister of Finance because now this is a situation which has to be viewed separately. If some laws relating to Customs are coming in their way, I think, this has to be viewed separately and they must be given necessary concession...*(Interruption)*

SHRI C. K. JAFFER SHARIEF (Bangalore North): I have only a submission. Parliament is an institution. Judiciary is another institution. The Chief Justice represents the judiciary. When some sentiments are expressed in the House, it is not proper that we should bring in all sorts of issues. Let us confine to the issue. One institution should respect the other institution.. *(Interruption)*

THE MINISTER OF EXTERNAL AFFAIRS (SHRI I. K. GUJRAL): I share the agony not only of this House but of Mrs. Mukherjee specially for this very sad demise. Mr. Mukherjee was not only an eminent jurist, an eminent Chief Justice but in him I have also lost a personal friend. I had the privilege of knowing Mr. Mukherjee over years and the more I knew him the more I admired him.

It was my misfortune to land in London a couple of hours after his death. Therefore, it was possible for me to condole Mrs. Mukherjee, who was staying with the High Commissioner. She was in the house of the High Commissioner. There I met her. And she was there the whole day. Both my wife and I spent a good deal of time with her, and we share her agony because this was not an ordinary death. For her it was a great personal loss. For all of us it was a loss and also for the country a loss which we can ill-afford to bear. She came back to India that day because the body was embalmed. High Commissioner's wife and Deputy High Commissioner accompanied her to Delhi in order to give her support at the time when it was needed and it was given. Many friends of mine naturally are feeling upset and their being upset is justified because if things like this happens then naturally all of us feel upset and worried. During that one day's stay there after the death and last night again on way back I looked into details of it. I will not take the time of the House to try to go into the details. But, I would only like to say that things are not as they have been stated. I will only stop with this. There are the details of it also, but this may not be the occasion for me to go into the details. I accept the suggestion that an enquiry be held and I am willing to assign the enquiry to Mr. Venugopal himself. Therefore, let Mr. Venugopal look into whole thing and come to a conclusion. Only then I will come back to talk about that. ... *(Interruptions)*.

SHRI P. CHIDAMBARAM (Sivaganga): Does the External Affairs Minister not believe the words of Mrs. Mukherjee?

SHRI I. K. GUJRAL: Mr. Chidambaram has been a very eminent Member of the House for long years. He is more eminent as a Minister and he also knows that the decisions on the spot should not be taken and he also knows that it is necessary that

responsibility, if needed, should be fixed and that I think is the last thing that Mr. Mukherjee himself would have wished because judicial process are very important in such cases like this. ...*(Interruptions)*. On the unfortunate day when Mr. Mukherjee landed in London, that was the unfortunate day when Mr. Kuldip Nayyar himself was in hospital under a surgical operation. But, an officer was appointed who was all the time attached while in hospital or otherwise. Deputy High Commissioner was visiting the Hospital twice on all the days. I am making the statement as made to me subject to corrections. ...*(Interruptions)*. It in no way means that I am contradicting Mrs. Mukherjee. That is why enquiry is necessary so that responsibility is fixed. But, at the same time, I would only say this thing that so far as reimbursement etc. I think there has been confusion created by the officer whose explanation and responsibility has already been fixed because he acted *suo-moto* in an area where he should not have and action against him had already been initiated. Therefore, there are no such rules so far as this is concerned. It is unfortunate that when this illness came it came in two waves -if I may use that word—as Mr. Mukherjee was descending from the plane then on the last step he was slightly unsteady and the officers standing next to him gave him support and brought him. Unfortunately, Mr. Mukherjee was also a diabetic.

The first suspicion of the Airport Doctor who was called immediately was that perhaps he had diabetes. Therefore, they gave whatever they thought was appropriate. I cannot comment on that. Thereafter, Mr. Mukherjee moved into his hosts house. The second attack, unfortunately, came when he was staying with the host. And the host immediately called her doctor and even her doctor advised that he should be taken to that particular hospital because her doctor was a general practitioner, who was on the

panel of that hospital and that hospital by all accounts I could know and I cannot comment on that, therefore my words should not be taken for it was considered to be a good hospital. After that, moving into a private hospital became difficult because the state of his health was such that taking him away from one hospital to another was not considered advisable by the doctors. Even then.. ..

(Interruptions)

SHRI SONTOSH MOHAN DEV: (Tripura West): Let him not give a certificate. It will be pre-judging the inquiry.

(Interruptions)

SHRI I. K. GUJRAL: Please give me one minute.

(Interruptions)

[*Translation*]

MR. SPEAKER: Sontosh Mohanji, he did not want to speak.

(Interruptions)

[*English*]

SHRI I. K. GUJRAL: I am giving the information, whatever I have just now. But I say subject to correction, subject to the final judgment and final verdict by the inquiry. That is what I am saying. Therefore, I am only sharing the first information that I have because I think the hon. Members would expect me to share it.

SHRI VASANT SATHE: Pending inquiry what action are you taking against the High Commissioner?

(Interruptions)

SHRI I. K. GUJRAL: I am not suggesting that my word should be taken as a final word. I am only sharing what information I have and, therefore, I will again repeat, I am willing to appoint an Inquiry Officer,

[Sh. I. K. Gujral]

I mean, a Judge if you want, by Mr. Venugopal himself, if you want. I am willing to get it inquired into.

(*Interruptions*)

SHRI VASANT SATHE: Sir, these are two different things. You should know the feeling of the House. Inquiry and what rules to be amended etc. will take place later. Now, all that we are saying is, *prima facie* on the statement of Mrs. Mukherjee heard by not one person but by so many of us and also Mr. Venugopal.....

[*Translation*]

MR. SPEAKER: He is saying that the Government is prepared to hold a judicial inquiry.

SHRI VASANT SATHE: A judicial inquiry will come later.

[*English*]

I am saying, *prima facie* we want today that the High Commissioner should be recalled. Inquiry can be made later. Otherwise we will move a resolution just now. (*Interruptions*). We move a motion and expose this. What is this? You cannot take this House for granted like this, Sir.

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, there is no question of moving a resolution. But I shall request the hon. Minister, through you, that he should be more positive about the behaviour of Mr. Kuldip Nayyar because from what he has written in his letter, he has tried to find some excuses for not attending properly on the former Chief Justice of India. If he continues as the High Commissioner, any inquiry will be vitiated. So, this gentleman should be removed from that position before the inquiry is made.

SHRI SAIFUDDIN CHOUDHURY (Katwa): I agree with what Mr. Indrajit Gupta said. Mr. Kuldip Nayyar has said that Mr. Mukherjee

was on a private visit. What does it mean? Why had he to make this excuse? This makes us very suspicious about the lapses that he committed there. We agree.....

SHRI INDRAJIT GUPTA (Midnapore): Does he agree that he is on a private visit? (*Interruptions*).

SHRI SAIFUDDIN CHOUDHURY: No, no. He has written it, Sir. (*Interruptions*). What occasioned Mr. Kuldip Nayyar to tell this? He is highly irresponsible.

SHRI K. S. RAO (Machilipatnam): Let the Minister concede to call him back. (*Interruptions*).

SHRI SAIFUDDIN CHOUDHURY: Why he has to say that Mr. Mukherjee was on a private visit? This is a dishonour to the memory of Mr. Mukherjee. (*Interruptions*).

[*Translation*]

MR. SPEAKER: Choudhuryji, please listen, the hon. Minister is responding.

[*English*]

SHRI I. K. GUJRAL: So far as the private and the official visit are concerned, Sir, it is a sort of a diplomatic parlance where a person who is not on invitation of the local government is always on a private visit. (*Interruptions*).

SHRI SAIFUDDIN CHOUDHURY: Where the man is dying, why this type of questions are brought into? (*Interruptions*).

SHRI CHANDRA SHEKHAR: All words of diplomacy should not be utilised. All technical words of diplomacy should not have been utilised or used in the matter of such a serious nature, and it is totally callous on the part of the High Commissioner to say that technically he was not on a public visit and I am sorry that my

friend, Mr. Gujral is supporting that because of technical reasons he used in this language. It indicates his mind and this point should be corrected.

SHRI I. K. GUJRAL: I am not defending any one.

SHRI SAIFUDDIN CHOU-DHURY: What was the need for telling this?

MR. SPEAKER: He says he is not defending any one.

SHRI I. K. GUJRAL: Sir, I am not defending anyone and I am not taking any position. (*Interruptions*).

DR. DEBI PROSAD PAL: I would like to know whether it is a fact that the Chief Justice of India told that when he goes back to India he shall report the callous attitude of the High Commissioner. That is what he told his wife.

SHRI I. K. GUJRAL: I am not defending any individual. I have only placed before the House the facts that I know or that have been shown to me. But I have also said that let a proper enquiry be held by a judge if you so wish or by Mr. Venugopal if you so wish. The word "private" has been used in a letter which I wanted to show in so far as the expenses are concerned.

SHRI VASANT SATHE: Under Rule 171 I am moving a resolution. If you don't agree to it, then I am moving a resolution.

SHRI I. K. GUJRAL: Let me finish first. Let an enquiry person be named. After naming the enquiry whatever procedures are suggested, I will accept all that.

SHRI CHANDRA SHEKHAR: Mr. Kuldip Nayyar cannot continue. I don't want these niceties of discussions.

SHRI VASANT SATHE: Sir, I move my resolution under Rule 171.

"That this House resolves that Shri Kuldip Nayyar, High Commissioner in UK be recalled immediately."

[*Translation*]

MR. SPEAKER: There are certain Rules for moving resolutions.

(*Interruptions*)

[*English*]

SHRI CHANDRA SHEKHAR: If he wants a notice, we can give a notice. Mr. Speaker, if the Ministers behave in this manner, it is unfortunate. If the House wants to express its sentiments, the hon. Minister says that give a notice and then move a resolution. I say that there is no question of resolution. On this matter a resolution is not necessary; it is a question of emotion of the House.

SHRI VASANT SATHE: If you want an enquiry, how can be an enquiry fair and proper if the same man against whom the enquiry is going to be held continues as High Commissioner?

[*Translation*]

MR. SPEAKER: Mr. Sathe, there are some Rules for moving Resolutions.

(*Interruptions*)

[*English*]

SHRI INDRAJIT GUPTA: The least that can be done, the least I say, pending the enquiry -- who is going to carry out the enquiry is still to be decided in all fairness, the High Commissioner should be asked to go on leave. He cannot be allowed to continue while the enquiry is going on. I would like to know from the hon. Minister whether he will accept this.

MR. SPEAKER: On what Shri Indrajit Gupta said, let us hear the Minister.

(Interruptions)

SHRI GUMAN MAL LODHA: I only want to reinforce this. A judge of the Supreme Court has been asked to proceed on long leave pending enquiry by the Chief Justice of India. It was a Departmental enquiry. But now it is such a serious charge and I regret to say that when the hon. Minister himself went there on the next day things were so patent they were not latent. I have met Mrs. Mukherjee and talked to her for one hour. She was all the time in tears. One thing she emphasized was that her husband said repeatedly that if he had known all this he would not have come. When he reaches India back he would tell the Prime Minister that please never send a Chief Justice to any such conferences when a High Commissioner cannot take care of him even like an ordinary man. She said that she went from pillar to post for four days. It is unfortunate that the hon. Minister, although in a very polite manner, has tried to defend an indefensible action. It is a shame brought to all of us.

The Vice Chancellor of the Delhi University Shri Baxi said that he has sent a telegram to the High Commissioner saying that "we are ashamed of you."

Immediately after this happened, he said, "I have sent a telegram to him, stating we are ashamed of you". We all feel so. (Interruptions) Sir, do not try to postpone things. Immediately, the things that have to be done are:

(1) The High Commissioner should be recalled; pending his recall, if certain things are to be done, he must be asked to proceed on long leave;

(2) A Joint Parliamentary Committee may be appointed here and now, to go into the matter and to report;

(3) All possible financial and other assistance should be given to Mrs. Mukherjee and in future ensure that such recurrence cannot take place and proper care taken. (Interruptions)

SHRI SAMARENDRA KUNDU: (Balasore): Sir, are you giving a chance to go around this whole discussion? We can resolve it after lunch. (Interruptions)

MR. SPEAKER: I have to resolve this issue and you know it.

SHRI SAMARENDRA KUNDU: Sir, I know you want to resolve this issue. (Interruptions)

SHRI DINESH SINGH (Pratapgarh): Sir, first I want a clarification. If I heard the hon. Minister correctly, he mentioned that a visit is a private visit, unless the person is invited by the Government concerned. Now, I would beg to differ with him. I would like him not to make such a categorical statement without first clearly understanding the implications. A person may be invited by a Government and then he goes at the invitation of that Government. That visit, depending on the seniority of the person and the position he holds, could be a State visit; could be a visit at the invitation of the Government concerned. When our Government sends somebody, he is on an Official visit and not on a private visit. You send an Emissary to a country, then, he is on an Official visit; you send an Ambassador, he is on an Official visit; you send Members of Parliament to the United Nations, they are on an Official visit and they are not on a private visit; they are not invited by the Government concerned. So, there is a difference between an invitation, an Official visit and a private visit. When a person of the status of the Chief Justice, visits a country, even if it is purely a private visit—this was not a purely private visit, he was in transit—he is entitled to certain facilities, certain courtesies in the

country. A High Commissioner cannot say that because he is on a private visit, he has nothing to do with it. He still is the Chief Justice and the High Commissioner must give him all the respect due to a Chief Justice. Therefore, Sir, the excuse on the basis of this that it is a private visit is unpardonable. That can never be accepted. Now, the hon. Minister has heard the views of the House. All sections of the House have demanded the recall of the High Commissioner. Would the hon. Minister say that the High Commissioner whose recall has been asked for, by all sections in Parliament, can still serve the interest of our country, in the country, to which he is assigned? I am not concerned with the inquiry and with other things. I am saying that a wish in Parliament has been expressed that a high person is not capable of holding that position, irrespective of anything else, and I do not think that he can serve the national interest. Therefore, he must be recalled immediately without any further consideration. *(Interruptions)*

SHRI P. CHIDAMBARAM: Sir, the resolutions are there, under Rule 170, 171, 184. If there is any technical difficulty, then, for that, we moved a resolution under Rule 388, to suspend that part of Rule 170, to enable us to take up that resolution immediately. *(Interruptions)* Sir, may I quote what Mr. Madhu Dandavate has said?—'what is important is not the rules; but the courtesy'. Equally in Parliament, what is important today is not the rule, but the decision; and the unanimous view of Parliament is that the High Commissioner Mr. Kuldip Nayyar should be recalled. *(Interruptions)*

PROF. P. J. KURIEN (Mavelikara): I would request the hon. Minister to kindly announce here, the withdrawal of the High Commissioner. *(Interruptions)* The entire House is one on this demand. The House is supreme. So,

you please take up this matter and announce the decision immediately.

(Interruptions)

[Translation]

SHRI RAM NAIK (Bombay North): The High Commissioner, Shri Kuldip Nayyar is not a lower-level employee, who needs to be given a notice for an inquiry or from whom an explanation is to be called. It is a very high-post and the appointment to such posts is also made in a different manner. When a prima facie case has been established against such a person it means that he has lost the confidence of this House and under these circumstances, we would like the Government to recall him immediately and not to allow him to take up any official work with immediate effect. On this point there is a unanimity in this House and we urge upon the Government to respect the sentiments of the Members and act accordingly.

[English]

SHRI HARIN PATHAK (Ahmedabad): It is a unanimous decision of the House.

(Interruptions)

MR. SPEAKER: Let us hear the Minister.

SHRI I. K. GUJRAL: Sir, on one point, I want to clarify what Mr. Dinesh Singh has said—whom I respect a great deal. I agree with him that he was not on private visit in that context. I accept it.

Secondly, that was not the relevant issue. When the hon. Chief Justice reached that day in London, he was duly received by Minister in the High Commission at the airport itself. Unfortunately, High Commissioner that day was hospitalised. Therefore, he could not personally go himself. I do not want to go into details. *(Interruptions)* I have submitted to this hon. House and to the hon. Members that any inquiry in which the inquiry officer says that he should be recalled, I will abide by it. *(Interruptions)*

SOME HON. MEMBERS: No, no. (*Interruptions*)

SHRI HARIN PATHAK: We cannot agree. (*Interruptions*)

SHRI VASANT SATHE: Are you suggesting that Parliament is inferior to some inquiry officer? (*Interruptions*)

SHRI I. K. GUJRAL: No, I submit this thing. When you inflict the punishment, you must fix the responsibility first whether he was responsible or not. (*Interruptions*) I am willing. Let the inquiry be held by a Supreme Court Judge or by Mr. Venugopal, whatever you say, I will on leave. (*Interruptions*)

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, hon. Mr. Indrajit Gupta has given a via media. I shall request the hon. Minister to accept that suggestion of Mr. Indrajit Gupta in order to avoid further embarrassment to all of us. I think, hon. Mr. Chidambaram and Mr. Sathe will also agree to it that he should immediately proceed on leave. (*Interruptions*)

SHRI INDRAJIT GUPTA: Whoever is making the inquiry, he will have to be examined also.

SHRI CHANDRA SHEKHAR: He will also be examined.

SHRI DINESH SINGH: What status will he have in that country? (*Interruptions*)

SHRI CHANDRA SHEKHAR: Sir, I am requesting Mr. Dinesh Singh. When he will be on leave, he will not be in that country. He will be in this country. Then, he will be on private visit there. (*Interruptions*) So, I think that the hon. Minister should accept the suggestion of Mr. Indrajit Gupta. (*Interruptions*)

SHRI VASANT SATHE: Ask him to proceed on leave immediately. (*Interruptions*). By tomorrow, he must be on leave. He should proceed on leave to India. (*Interruptions*)

SHRI I. K. GUJRAL: You are well aware and so is the hon. House how much I respect the wishes of a democratically elected House like this which is a sovereign body. And I respect it a great deal. The suggestion made by Mr. Chandra Shekhar will receive my attention. (*Interruptions*)

SOME HON. MEMBERS: No, no. (*Interruptions*)

13.40 hrs.

The Lok Sabha then adjourned for Lunch till forty-five minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at forty-eight minutes past Fourteen of the Clock

[MR. DEPUTY SPEAKER *in the Chair*]

(*Interruptions*)

RE. ATTENTION AND CARE GIVEN BY THE INDIAN HIGH COMMISSION IN LONDON TO LATE CHIEF JUSTICE OF INDIA SHRI SABYASACHI MUKHERJEE DURING HIS ILLNESS—*Contd.*

[*English*]

SHRI P. CHIDAMBARAM (Sivaganga): Sir, this morning, there was an impromptu discussion on the callousness shown by the High Commissioner and his officers to the Late Chief Justice, Mr. Mukharji. There was an unanimous demand in this House.....(*Interruptions*).....Who are

you to say that it is over? Sir, there was an unanimous demand by all the party leaders and all the Members who spoke demanded, without dissent, that the High Commissioner should be recalled immediately. Thereafter, Mr. Indrajit Gupta made a suggestion and Mr. Chandra Shekhar endorsed his suggestion that the via media is to ask the High Commissioner to proceed on leave. And to that, the External Affairs Minister responded very cryptically by saying that this suggestion will receive his attention. At that point of time, the Speaker was pleased to adjourn the House. That does not mean that the debate is concluded. This morning, I said that I would like to lay on the Table of the House, if the Government does not respond positively, the report prepared by Mr. K. K. Venugopal, President of the Supreme Court Bar Association, after discussing with Mrs. Mukharji. He also said that he spoke to the High Commissioner. I have spoken to Shri Venugopal and I have told him that I am going to place this report on the Table of the House. He has no objection to the report being laid on the Table of the House. On the contrary, he says that the report may be laid on the Table of the House so that the Parliament and the world will know what discussions we had. This report is a damning indictment of what the High Commisisoner's office did. This morning the External Affairs Minister said that the Deputy High Commisisoner visited the hospital twice a day. Here is Mrs. Mukherjee, who says:

"At no time did any officer of the High Commisisoner ever meet her until she telephoned the Deputy High Commissioner Mr Haider at the request of the Chief Justice of India, who wanted to see the sanction order to find out whether his visit was being treated as official or private. Mr. Haider then met him in the afternoon on the 23rd. Even thereafter, no High Commisison official came to visit

the Chief Justice or met Mrs. Mukherjee until his death at 8 O'clock on the morning of 25th."

One statement made by the External Affairs Minister apparently on wrong instructions is proved to be false. I can read paragraph by paragraph of this report, if you give me permission.

I insist that the debate is not over. We insist that the debate has to be resumed. Now that the Prime Minister has come, there can be no excuse for not taking a decision now. We demand three things. One, immediate recall of the High Commissioner; two, the Government must...*(Interruptions)*. I am not yielding.....*(Interruptions)*. I have not yielded. Are you allowing him to interrupt me? I am not yielding unless you ask me to sit down.....*(Interruptions)*. Mr. Kundu can change his position between morning and afternoon, we cannot change our position.

SHRI SAMARENDRA KUNDU: We are not changing our position.....*(Interruptions)*.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): The Minister has already responded to what was said.

SHRI P. CHIDAMBARAM: We have moved a motion.....*(Interruptions)*. Will you ask him to sit down? I am on my legs. How can he interrupt me?

We have given a motion under Rule 388. If technical grounds are put in the way, let me quote Prof. Madhu Dandavate who said that in a matter like this, what matters is not rules but substance. We have given a motion.

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Please excuse me for a second. I do not want to stand when you are standing.

SHRI P. CHIDAMBARAM: Not Rules, but courtesy.

PROF. MADHU DANDAVATE: That is right.

In relation to what happened in London, he said that the Finance Minister might use the rules; I said: for me what is important is courtesy and not rules. You can quote me, but quote me correctly.

SHRI P. CHIDAMBARAM: Let me paraphrase Prof. Madhu Dandavate. At least what he said in another context is—what matters is not rules, but substance.

We have given a motion under Rule 388 to suspend that part of Rule 170, if necessary, which requires at least two days notice. We have moved a motion for abundant caution under Rules 170, 171 and 184. It is for you to decide under which rule you will admit it. The point is that there is a resolution before this House and everybody who spoke this morning spoke eloquently and demanded the withdrawal of the High Commissioner. Let us go to the resolution. The Government is not willing to budge, the Government is standing on false prestige: Government wants to protect somebody, but the Parliament of India unanimously wants the High Commissioner to be recalled. What is the moral authority of Mr. Nayyar to represent India in the United Kingdom when the Parliament of India has expressed no-confidence in him. Parliament of India says that it has no-confidence in him. You were not here, Mr. Upendra. Every single speaker wanted Mr. Kuldip Nayyar to be recalled.

Sir, I request your permission to lay* this report on the Table of the House.

PROF. MADHU DANTAVATE: On a point of order, Sir. I have never any objection to anyone seeking permission to lay the papers on the Table of the House. But as you know it very well, according to the Rules of Procedure, one who wants to lay the papers on the Table of the House, firstly has to submit the same to the Chair; the Chair has to examine and after that he has to authenticate about the authenticity of the papers. I suggest that that procedure should be followed.

SHRI P. CHIDAMBARAM: I have already authenticated them. I went to the Deputy Speaker's chamber and I have told him about this in the morning.

SHRI VASANT SATHE: This subject can really be settled in a graceful and dignified manner. I am glad that the hon. Prime Minister is here. No personal thing is made anywhere. We are not against any person as such, be it a High Commissioner or anybody else. Let us be very clear. This is not the issue. The issue is that the manner in which a very senior, top most person of the judiciary of India, the Chief Justice who by protocol also stands third, has lost his life is very sad. There is an element of negligence involved in it. There is a dereliction of duty and that too by the highest official, i.e. the High Commissioner himself who in his official statement takes the plea that he was on a private visit and that is why they could not take all those steps that were required to be taken for the medical treatment because reimbursement was not ensured. Now, certainly, I am sure the Hon. Prime Minister will agree that no person of that rank that too a High Commissioner—can take the excuse of not giving the assistance to such a person who was already a

*As the speaker subsequently did not accord the necessary permission, the paper was not treated as laid on the table.

heart patient. We have heard the statement of his wife, probably the hon. Prime Minister must have also heard it, to every single member who has had a word with her—she told the same thing. But even after this you are still standing on some prestige as if making it a point of honour for the Government. I would request you please do not do it. I say so for two reasons. As I said, there is nothing against the person as such. But after expressing a unanimous view of the House—of anguish, disapproval and condemnation—will it be possible or will it be graceful for the High Commissioner to continue there? I don't want to make it an issue of taking vote and that is why I am not pressing for the Resolution. All I am saying is that the Prime Minister himself should agree to the suggestion given by the hon. Member Shri Indrajit Gupta which was accepted by Shri Chandra Shekar and everybody else and that is that he should be asked to proceed on leave during the period of entire inquiry. I would suggest that the inquiry should be made by the Committee of Parliament. A suggestion was made that we should ask some judge to make an inquiry. But I would say that when a judiciary is involved—when the highest person in judiciary is involved—if a judge is appointed to inquire into the case then tomorrow people will say that the particular judge had some sympathy for him. When general citizens are involved, we always ask a Supreme Court Judge to inquire into the matter but when either Supreme Court Judge or the Judge himself is involved, I think it is the duty of the Parliament to appoint a Joint Parliamentary Committee to inquire into the matter because that is what we owe as one institution to another institution. Therefore, Sir, I would suggest two things. First, that the Prime Minister should agree to ask him to proceed on leave pending inquiry by a Joint Parliamentary Committee to be appointed by the House. This is

the minimum thing that should be done.

SHRI SAMARENDRA KUNDU (Balasore): Mr. Deputy Speaker, Sir, I would request the senior friend, Mr. Sathe not to spoil the atmosphere of unanimity that was generated during the discussion on this matter. This matter was discussed and we had almost come to a unanimous opinion. Shri Indrajit Gupta very correctly suggested that the inquiry.....

AN HON. MEMBER: You are spoiling the atmosphere of the House.

SHRI SAMARENDRA KUNDU: Mr. Chidambaram said that Mr. Kundu holds one opinion in the morning and changes it in the evening but when we stand to say truth you are not ready to listen it.

Shri Indrajit Gupta very correctly said that the High Commissioner should be asked to go on leave till the inquiry is completed. This was also accepted by Shri Chandra Shekhar and the Hon. Minister said, "I will look into it."

(Interruptions)

SHRI VASANT SATHE: That means you do not respect the views of the Parliament. *(Interruptions)*

15.00 hrs.

SHRI SAMARENDRA KUNDU: For Heaven's sake, please don't do that. You and Mr. Chidambaram had a tangle. Please give me one minute.

He said: "I will look into it and he will receive my attention." After that, the Speaker adjourned the House for Lunch because we were hungry. In the meantime, I had spoken once to the Speaker. I said: "What is going

[Sh. Samerendra Kundu]

on? Kindly, do it after the Adjournment Motion. I am trying to bring out a Resolution". On this, the Speaker was quite happy. So, this was rightly done. Now, again you have stated it. *(Interruptions)* Please don't try to bring both the matters. *(Interruptions)*

SHRI VASANT SATHE: After hearing the entire House what have you decided? You said, you will consider it.

PROF. MADHU DANDAVATE: Sir, to put the record straight, after listening to the viewpoints expressed by both the sections of the House, the Minister of External Affairs said—Mr. Chandra Sekhar had repeated the suggestion of Shri Indrajit Gupta --- that Shri Chandra Sekhar's suggestion will receive his attention. He is working on that. Now, I would request—since Mr. Sathe has said—let us do the things honourably. Leave it at that. If you find that on the lines that you have suggested, nothing comes out, tomorrow is there which is the last day of the Session.

SHRI VASANT SATHE: We will wait till tomorrow morning.

15.02 hrs.

RE SETTING UP OF DEVELOPMENT BOARDS FOR VIDARBHA MARATHWADA AND OTHER REGIONS IN MAHARASHTRA

[*Translation*]

SHRI BANWARILAL PUROHIT (Nagpur): Mr. Deputy Speaker, Sir, I have given a notice regarding the need to constitute Development Boards in the Vidarbha and Marathwada regions of Maharashtra. Therefore I request you to give me two minutes to raise that issue in the House.

MR. DEPUTY SPEAKER: Okay. You may speak.

SHRI KAMAL NATH (Chhindwara): Mr. Deputy Speaker, Sir, I too have given a notice.

MR. DEPUTY SPEAKER: Not in this manner. It will re-open the whole issue. Mr. Purohit, you may speak, but please be brief.

SHRI BANWARILAL PUROHIT: Mr. Deputy Speaker, Sir, at the time of reorganisation of states Pandit Jawaharlal Nehru was the Prime Minister and Gobind Vallabh Pant was the Minister of Home Affairs. While merging Vidarbha and Marathwada regions with the newly organised state of Maharashtra, both these leaders had given an assurance to the people of these regions that the regional imbalances in terms of development would be removed. They had even gone to the extent of saying that a liberal attitude would be adopted in respect of these areas.

Sir, today, we have passed a constitution Amendment Bill. There was a purpose behind it. Similarly, in 1956, the people of Vidarbha and Marathwada were given an assurance, that with the incorporation of new clauses under Article 371 of the Constitution, Development Boards would be constituted for these regions to remove the regional imbalances and to put an end to the injustice being meted out to the people of these areas. Unfortunately, this assurance is yet to take a concrete shape. The Hon. Prime Minister is present in the House. I would like to submit before him that during the last session, in his reply to my question, the hon. Minister of Home Affairs had told me that Development Boards for these regions would be constituted by the Seventh. But nothing happened on that day. Even the next session is about to start and to this date no action has been taken by the Government in respect of the establishment of Development Boards for Vidarbha and Marathwada.

Sir, through you, I would like to submit to the Government that the