

[Shri D. C. Sharma]

be a kind of response to the influx of people into the city. If that is the thing, why do you name it after Pandit Nehru? Why do you not say that you are going to have a second university in Delhi. You can have it, nobody is going to prevent it. Why do you name it after Jawaharlal Nehru—because it is said “increasing by about 2,000 every year.” So, this university, according to the Statement of Objects and Reasons, is going to be largely for evergrowing numbers, 2,000 every year. What will you do afterwards? How is it going to meet the evergrowing population anyhow?

From the wrong premises they have come to the right conclusion. I want them from the right premises to come to the right conclusion.

Again, it is said that there is going on dilution in academic standards. Where is that going on? Is that not going on in Delhi? If there is dilution, if there is watering down of the standards, I think it is an all-India phenomenon. It is not a phenomenon which is confined only to Delhi. Therefore, I think that if you want to stop this rot of deterioration in standards, about which every one speaks, I think you have to . . .

Mr. Speaker: I rang the bell in the expectation that he might be able to finish in two minutes.

Shri D. C. Sharma: Tomorrow morning I shall finish.

Mr. Speaker: He can continue tomorrow.

16 hrs.

JEWELLERY DEPOSITED WITH INDIAN EMBASSY IN RANGOON*

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Speaker, I proceed to raise a half an hour discussion on certain points and issues arising out of the answers given on the 13th of this month to question No. 580 regarding jewellery deposited by Indian resi-

dents in Burma with our Embassy in Rangoon.

16.01 hrs.

[SHRI THIRUMALA RAO in the Chair]

The hon. Deputy Minister of External Affairs answering supplementary questions on the subject said certain things and made certain statements which were unclear and unconvincing and tended to make matters more incomprehensible. The Speaker was good enough to intervene, not once but twice because, I am sure, he himself shared the very serious misgivings that tormented the Members on both sides of the House and the Speaker at one stage said, when the question was raised by my hon. colleague on this side of the House, if the sovereignty of the Indian State was not impaired by the so-called agreement of the Embassy or the External Affairs Ministry with the Government of Burma, and on that point the Speaker himself tended to agree with the doubts that had been raised and the question asked from this side of the House. May I, by your leave, for the benefit of the External Affairs Deputy Minister, lest he has forgotten what the Speaker said that day, read out certain excerpts that are very relevant to the issue which I am raising just now? The hon. Speaker observed as follows:

“The hon. Minister said that it was in pursuance of an arrangement that had been made. But the hon Members want to know, does not such an arrangement conflict with the sovereignty that every nation has to just have secrets between its citizens and the Embassy without disclosing them to the other Government?”

Half a minute later, he further clarified and elaborated his statement by asking a pointed question. The Speaker more or less hit the nail on the head and we were to some extent relieved of our task; he sa*:

*Half-an-hour Discussion.

"Hon. Members feel very much concerned about this fact, whether it was necessary for us to have such an agreement or whether without that agreement our citizens were free to deposit their jewellery and it was not incumbent on us or even not desirable that we should disclose that."

Under international law, certain rights and privileges accrue to every Embassy, every mission accredited by one Government to another. I am not going to dilate upon the various rights and privileges that are enjoyed by the foreign missions situated and stationed in a country. But may I point out for the benefit of the hon. Minister that among the most important rights are two, which I will describe. I go this copied from a standard book on international law. The first and the most important right is the right of personal inviolability extended to the diplomatic agent and members of his suite. The inviolability is maintained even after a rupture between the two Governments, even after the outbreak of war. That is the first. The second which is relevant to the point at issue which I am raising now, is an important right, the right of extra-territoriality; it is defined as follows: the house, office and the equipage of the diplomatic agent; they are regarded as the territory of the power by whom he is accredited. This involves a further privilege that the agent is in no way subject to the receiving government. That means to say, it automatically follows from what I have said just now, under the rights granted and guaranteed and which accrue under international law to our embassy in Rangoon, our embassy enjoys those rights hundred per cent. That is to say, the embassy and the various connected officers and equipage and all that are Indian territory. That is point No. 1. And the ambassador was in no way subject to the Burmese Government. This is incontrovertible, and I hope that the Deputy Minister will not have the temerity or the hardi-

hood and the foolhardiness to contest this proposition that our embassy was Indian territory and the ambassador was in no way subject to the receiving government, the Burmese Government.

The Minister further said the other day that it was under an arrangement entered into between our embassy, our Ministry, and the Burmese Government, and the Indian citizens who deposited their jewellery were told so. Now, the House is anxious to know why, in the first place, such an arrangement or agreement was entered into, because I am sure under the conditions that prevailed at that time, in which the Burmese Government sought to expropriate the Indian citizens, the Indian citizens must have felt that the safest place for them to keep their jewellery was India, and where could they do so there? Certainly, the Indian embassy. The Indian embassy is part of India; it is part of Indian territory and therefore they went to the Indian embassy and offered to deposit there the jewellery with them.

The information that I have in my possession is that at the time they deposited the jewellery with the embassy in Rangoon, they were not told that Government would disclose them to the Burmese Government; they were not told about it. Otherwise, they would not have deposited them with the embassy in Rangoon. Therefore, in the first place, not mere'y has the Government set at naught all canons of international law; not only have they surrendered, voluntarily forgone all the privileges that they enjoy under international law, not only have they shown a weak-kneed attitude, an invertebrate attitude, a boneless-wonder attitude, to the Burmese Government—I do not know what made them do so—but they have committed a serious breach of faith with our own people, the Indian citizens, who thought it fit, thought it best to deposit their valuables and jewellery with our embassy in Rangoon.

[Shri Hari Vishnu Kamath]

The Minister said that 400 odd persons deposited their jewellery and some 400 odd persons have withdrawn their jewellery, and the rest can withdraw any time they like. Now, when the jewellery was deposited, were any complaints been received that a person who had deposited the jewellery was not given a full, regular, formal receipt for the jewellery that he deposited with the embassy and, if so, if a complete inventory was made of the jewellery deposited in the embassy at Rangoon and it could be disclosed by our embassy to the Burmese Government in clear, uncalculated, unwarranted violation of all international law, setting at naught the privileges that we enjoy under international law—if they could do that—may I ask the Government, the Deputy Minister, to lay on the Table of the House the list that was submitted by them to the Burmese Government? That is one demand I make. If they could submit a list to the Burmese Government, they should show it to the Indian Parliament. If they are honest about it, if they have no guilty conscience about it, it is necessary that they should lay the list on the Table of this House.

Secondly, the Minister has talked glibly, vaguely, about an agreement or arrangement that was entered into by our embassy, the Ministry of External Affairs, with the Burmese Government. The Burmese Government is a friendly government. I do not believe that they would have brought pressure to bear upon the Indian Embassy that they should submit the list. I am inclined to think that it was our own government's traditional policy of what is called going out of our way to be good to some of the foreign governments. Goodness is often mistaken for weakness, as is shown in the case of China, Pakistan and Indonesia. We have been more than good to these three countries, more good to them than to some other countries whom we have criticised day in and day out. Those countries whom we have criti-

cised are coming to our help and these countries have turned our enemies, to whom we have been more than good. Here also, I believe, it was like that. The minister can throw some light on it, if he can, whether, in order to cultivate the friendship of the Burmese Government, our embassy went out of its way and told them, "You may be expropriating our citizens. But that is no concern of ours. That is your concern. But see how good we are! Don't you like us in Rangoon? We have been so good to you and you have been so good to us. Let us have a good tete-a-tete together. Here is a list of what they have deposited with us. You can see it and do what you like."

Immediately what happened was—later on perhaps there was some gentle pressure exercised from here—but my information is immediately the Burmese Government issued an order that none of the jewellery deposited with the Embassy could be withdrawn. They told the Embassy that without the permission of the Burmese Government, they would not let any depositor withdraw the jewellery deposited. That means to say, every time, at every stage later on, our government had to humbly itself, go down on their knees, genuflect before the Burmese Government and say, "So and so wants to withdraw. Please give the permission". And, in their magnanimity, generosity of heart, the Burmese Government would say, "All right; we are obliging".

All this flowed from the fundamental, original sin of not recognising the fact that under international law, the Embassy was Indian territory and the Indian citizens had the privilege to deposit whatever they liked. The other day, the Speaker also said that it was a secret between the Indian Embassy and the Indian citizens. How did you disclose that secret to the foreign government? It is a violation of the breach of faith with the Indian people. It is a very serious matter in all conscience. That day I did say that the minister could not get away with it.

The Speaker said the Question Hour was over, but I said, the matter was not over. That is why I gave notice immediately of a half-hour discussion. I want satisfaction—the House, I am sure, wants satisfaction—on three points: Firstly, the complete list which they disclose to the Burmese Government should be laid on the Table of the House, showing the names of all the depositors and the details of the jewellery deposited by them. Secondly, what were the terms of the arrangement or agreement, whatever they may call it? Who initiated it? Who asked for it? Did we ask for it or did the Burmese Government ask for it and, if so, who concluded it? Who were the contracting parties? If they have not got a copy of the agreement and if they cannot give the details of the agreement today, why not? I have given notice of these points in my notice of half-hour discussion and he should be prepared to answer these points. If there is no written agreement, was it verbal? Who started the initiative? Who wanted to enter into that arrangement? Did our Embassy voluntarily offer to disclose this or did the Burmese Government come to know of it from some other source and they asked us to disclose it? Even then, the Embassy was not bound to disclose it. It is a secret and the Embassy is our own territory. This is a gross violation, a forfeiture of our own privileges, a breach of faith with the Indian citizens. The Government has committed a crime under international law.

Shri U. M. Trivedi (Mandsaur): Mr. Chairman, without criticising the earlier attitude of our Government, of our Ambassador in Rangoon, and the goody-goody attitude that our Ambassador always took, from generation to generation, I will say, from one Ambassador to the other, always placating the wishes—with the exception of one Shri Malhotra—of the Burmese Government, I would like to know whether it is a fact that the Pakistan Embassy succeeded in securing relief to the fullest extent for its citizens and saved the Pakistani

currency and also personal jewellery belonging to Pakistani citizens, whereas our Embassy after promising the Indian citizens protection of their jewellery—not of the currency because they always yielded, they took away Rs. 10 lakhs for which they paid only Rs. 43,000—went back on the promise and created irreparable injuries in innumerable instances and harmed the citizens to the extent of crores of rupees?

The Deputy Minister in the Ministry of External Affairs (Shri Dinosh Singh): Mr. Chairman, Sir, the hon. Member, Shri Kamath, in his usual eloquent manner, has made certain charges against the Government which are of an extremely grave nature, and I would say that if the Government are proved to be guilty of them it is a matter of great regret. However, I would like the House to consider this matter in the light of the actual situation, the House is aware that there are large numbers of Indian citizens and people of Indian origin living in Burma. They were engaged in various trades—some were farmers, some were shopkeepers, others were in odd businesses and jobs. Suddenly the Burmese Government decided to nationalise these businesses or these avocations in which the Indian citizens were working. What was to be done with such a large number of people who suddenly lost all means of livelihood in that country? It is all right for us to say that we must do everything to protect the rights of our citizens in foreign countries, but we have to be careful that in trying to protect the rights of our citizens in other countries we do not encroach upon the sovereign rights of those countries. Those countries have also certain sovereign rights, certain obligations and certain rights for actions.

Shri Hari Vishnu Kamath: Do not forget our own sovereign rights.

Shri Dinosh Singh: Our Sovereign rights are the concern of this House and this country. Here it is a question of the sovereign rights of those people in that country.

Shri Hari Vishnu Kamath: Does he contest that our embassy is our territory?

Mr. Chairman: Let him proceed with his reply. I know the hon. Member is trying to help him to come to the correct reply. But let him proceed. He is coming to that point.

Shri Dinesh Singh: I was trying to say, Sir, that the Government of Burma passed certain Acts of nationalisation which is within their sovereign rights to do. Of course, we have the right to claim compensation for our nationals and that we are doing. But because of this action of the Government of Burma large number of people could not continue their stay there they had no means of livelihood and they wanted to come away. As the House is aware, we had 80,000 Indian citizens in Burma at that particular time with a large number of people who had applied for Burmese citizenship and also a large number of people whose status in Burma was not quite clear but who happened to be in Burma and who could adopt Burmese nationality or some of them could adopt Indian nationality. With a large number of people on our hands who wanted to come back to India suddenly and desperately, you may recall, this House was so greatly agitated about them, about their welfare and their interests that the House wanted us to do everything possible to bring them back to this country as soon as we could, with the result that we had to make temporary arrangements to bring large numbers of them by plane on subsidised rates and had to make arrangements to send ships to bring a large number of them. We have been able to bring over a lakh of people in this period.

As these people were to leave Burma they were bound by certain restrictions that the Burmese Government placed before they were able to go out of Burma—customs regulations and regulations of their not being able to take out any money, property

and jewellery. All that was barred. Yet these people were very anxious to come away suddenly. Now, the question came as to what the Embassy could do to help. Our primary duty was to help them to be able to come away from Burma which they needed and wanted desperately. They were themselves not so worried about the property as about wanting to go out because they had no means of earning any livelihood there.

Some of them had considerable amount of jewellery which they did not know what to do because the Burmese customs regulations prevented their taking out the jewellery except a very small amount—one tickal or something like that—worth of gold which they could bring out. The question was as to what we should do immediately because these people were leaving. Normally, an embassy is not a bank; it does not function on the basis of wanting to keep any valuables in it. Apart from anything else, it represents a security risk and we never encourage the keeping of large quantities of valuables. However, in view of the extreme urgency of these people we felt that the Embassy might keep their jewellery temporarily. It was only a temporary measure because the Embassy itself could do nothing with the jewellery.

I would also like to make it quite clear that it would have been wrong for the Embassy to send that jewellery out of that country under any diplomatic cover because it could be against the laws of that country. For instance, in our country we have got currency and foreign exchange regulations. How would we like if any foreign mission was to put a lot of gold or currency in a box and send it out of the country? It would be definitely against our laws and we would take a very serious view of the matter. I am mentioning all these things because it would be useful to bear these difficulties in mind when we consider the question.

We had this large number of people—400 and some people; I gave that number the other day—who left their jewellery with us. They left it in sealed containers. They also left with the jewellery usually a list. The list gave in some cases the total value of the jewellery; in some cases the value was not very clearly stated. This was left and we could not and did not count the jewellery or verify it from the list as we did not have the means or the men to assess it and value it as to whether it was worth that or not. We just kept the box in the sealed manner that it was given to us with the list which they left with that with their own seals and things.

When the Burmese Government discovered that a large number of people were leaving their jewellery in the Indian Embassy, they started placing restrictions on people being able to go out of the country because they said that the people who were leaving the country were supposed to have certain customs clearance and that they should also declare their property, their assets in Burma before going out. That was one of the regulations. They said that in the case of these people who were leaving the jewellery with the Indian Embassy, they had no means of verifying the truth of the statement that was given to the Burmese Government by these people and they said that in the case of a large number of these people the Burmese Government would have to be fully satisfied that their statements were correct before they would allow them to go out.

Shri Hari Vishnu Kamath: Who told them that they left jewellery with you?

Shri Dinesh Singh: It was no secret. There was a long queue with people standing with boxes. It came out in newspapers. No one made any secret of it that they were bringing in jewellery to keep it there.

Shri Hari Vishnu Kamath: What is the arrangement? What is the agreement?

Shri U. M. Trivedi: What about the value? Value should have been kept secret.

Shri Dinesh Singh: If you will kindly let me proceed.

The Burmese Government wanted to be satisfied about people who had left this jewellery with us that their declarations were correct before they would allow them to come out. We faced this difficulty that a large number of people would be prevented from coming out of Burma and because of them another large number will be prevented because the Burmese Government were not sure as to who was leaving the jewellery. They could not keep a man standing there and counting or taking down the names of the people who were entering the Embassy. So, it created a doubt in general. We discussed this matter with the Burmese Government. Our Ambassador and our Foreign Secretary who happened to be there discussed this matter with the Burmese Government and it was felt that there should be some means of facilitating these people to come away. One was to hand over all this jewellery and property to the Burmese Government and the other was to ask the people to take away the jewellery that they had left with us and to deposit it in a bank. They were leaving immediately and, therefore, we felt that we should make some arrangements. One idea was that they could leave it in a bank and leave the list with the Burmese Government. In any case, they had filed the list of their property with the Burmese Government and so information about this jewellery was not a secret. For all practical purposes, it should have figured on the list.

Shri Hari Vishnu Kamath: Did they demand the list?

Shri Dinesh Singh: There is no reason why I should believe that our nationals there were making false declaration. They were making true declarations. Therefore, there was no question of believing that there would be any jeopardy to their interests.

This matter was mentioned to some of the leaders of the community and I am not quite clear with whom this matter was discussed because it was not discussed in a formal meeting....

Shri Hari Vishnu Kamath: The Government has no information at all.

Shri Dinesh Singh: The Foreign Secretary and the Ambassador discussed this matter with some of the leaders of the community. It was felt that they should be allowed to take this jewellery out and then to deposit it in a bank if they so wished or do whatever else they liked. As I gave the figures to the House the other day, a large number of people withdrew this jewellery. In fact, we have got only 13 boxes with us. All others were withdrawn. Some of them, of course, deposited the jewellery in the bank . . .

Shri Nath Pal (Rajapur): They lost confidence in you. That is why they withdrew it.

Shri Hari Vishnu Kamath: That is the crux of the matter. They kowtowed to the Burmese Government.

Shri Dinesh Singh: My difficulty is that the hon. Member is just coming in the middle and just puts the question without following what I had said earlier.

Shri Hari Vishnu Kamath: I told him what you said.

Shri Nath Pal: I have been very carefully following.

Shri Dinesh Singh: I was saying that this had been done in the best

interests of the citizens and they recognised it because that facilitated their coming away. It did not put any hardship on them. They had the jewellery with them; they left it with us; they got it back. There was no loss to them; they did not experience any difficulty. The Burmese Government had said that there would be no question of penalisation because they had left it with us and it is true that there had not been any penalisation either. This jewellery was returned to the people and some of them have deposited it in the bank. Some of them have taken it back and left it with their friends—I do not know what they have done. If you look at it from the actual welfare of the people, I think, there has been no damage to their interests at all. The hon. Member tried to make out a case that we had violated an arrangement that we had entered into with these people.

Shri Hari Vishnu Kamath: You had surrendered your rights and privileges and entered into an arrangement which was unfair and unjust.

Shri Dinesh Singh: I was coming to that.

Mr. Chairman: You have to conclude it by 4-30 P.M.

Shri Hari Vishnu Kamath: You can extend it.

Mr. Chairman: I was also in a similar predicament. While I was sitting on the benches, I looked into the rules and I found that there was no provision for extending the time.

Shri Dinesh Singh: There was no question of any loss of confidence because this jewellery was returned to the people. We did not dispose of the jewellery in any manner. So far as the question of sovereignty is concerned . . .

Shri Nath Pal: It was inconsistent with your sovereignty.

Shri Hari Vishnu Kamath: Thereby, you were scuttling your sovereignty.

Shri Dinesh Singh: They given an impression that they have alone are the guardians of the sovereignty of India.

Shri Hari Vishnu Kamath: Better than you, any way.

Shri Dinesh Singh: I should like to show to this House that there has been no question of surrender of sovereignty....

Shri Hari Vishnu Kamath: Why did the Embassy act as an informer?

Shri U. M. Trivedi: He has not answered my question at all.

Shri Hari Vishnu Kamath: He is beating about the bush.

Shri Dinesh Singh: If there is a running commentary going on, I need not say anything; they might as well continue. When the hon. Member was making a long and eloquent speech, I was listening to him with rapt attention. I also had a copy of the proceeding of that day. As far as I could see—the Hon. Speaker is not here just now, and it could be checked up with him—the Hon. Speaker was only trying to interpret what the

hon. Members had said; he was not giving anything of his own; it is not customary for him to do so at all.

Shri Hari Vishnu Kamath: Let not my hon. friend beat about the bush. Here is the record. And I read out from the record also.

Shri Dinesh Singh: If I may say so, I took the essence of this at the very beginning itself and dealt with it, knowing that through interpellations and interruptions, my hon. friends may not give me enough time, to prove that we had not done anything which was in any way against the interests of our people; it was in their best interests, as has been proved by the subsequent events.

Mr. Chairman: The half-an-hour discussion is now over. The House will now stand adjourned till . . .

Shri U. M. Trivedi: My specific question has not been answered by him.

Mr. Chairman: I am sorry. I cannot help it. The time allowed for the half-an-hour discussion is over.

16.31 hrs.

The Lok Sabha then adjourned till Ten of the Clock on Tuesday, September 21, 1965/Bhadra 30, 1887 (Saka).