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**THE
PARLIAMENTARY DEBATES**

**(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT**

4169

HOUSE OF THE PEOPLE

Friday, 18th September, 1953

*The House met at a Quarter Past Eight
of the Clock*

[**MR. DEPUTY-SPEAKER** in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-27 A.M.

LEAVE OF ABSENCE

Mr. Deputy-Speaker: I have to inform hon. Members that Shri Muchaki Kosa is suffering from acute malaria and neuritis. He cannot at present even put his thumb print to a letter. At his request, the Deputy Commissioner of Bastar district has sent an application on his behalf for leave of absence for the current session of the House.

Is it the pleasure of the House that leave be granted?

Hon. Members: Yes.

Leave was granted.

PAPERS LAID ON THE TABLE

**STATEMENT SHOWING ACTION TAKEN BY
GOVERNMENT ON ASSURANCES ETC.**

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah nawas Khan): Sir, on behalf of Shri Satya Narayan Sinha, I

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beg to lay on the Table the following statements showing the action taken by Government on various assurances, promises and undertakings given during the various sessions shown against each:

- (1) Consolidated ... Fourth Session, 1953
Statement. of the House of the
People.

[See Appendix VIII, annexure No. 6]

- (2) Supplement- ... Third Session, 1953 of
ary State- the House of the
ment No. V. People.

[See Appendix VIII, annexure No. 7]

- (3) Supplement- ... Second Session, 1952
ary State- of the House of the
ment No. VI. People.

[See Appendix VIII, annexure No. 8]

- (4) Supplement- ... First Session, 1952 of
ary State- the House of the
ment No. VII. People.

[See Appendix VIII, annexure No. 9]

- (5) Supplement- .. Fifth Session, 1952 of
ary State- the Provisional Parlia-
ment No. IV. ment.

[See Appendix VIII, annexure No. 10]

- (6) Supplement- ... Third Session (Second
ary State- Part), 1951 of the Pro-
ment No. IX. visional Parliament.

[See Appendix VIII, annexure No. 11]

**DETENTION AND DEATH OF DR.
S. P. MOOKERJEE**

Mr. Deputy-Speaker: The House will now take up the discussion on the circumstances leading to the detention of Dr. Syama Prasad Mookerjee and his death in detention.

Shri N. C. Chatterjee: (Hooghly):
Sir,.....

Mr. Deputy-Speaker: I will fix a time-limit. There are only a few speakers. Let me see.

Shri N. C. Chatterjee: Sir, this session of Parliament began with a reference to the tragic death of Dr. Syama Prasad Mookerjee. That tragic death robbed this House certainly of one of the ablest Parliamentarians India has ever produced. Certainly this country still mourns the loss of one of the greatest sons of mother India who rendered conspicuous services both to Bengal and to India in moments of great crises, specially during the Bengal famine, during the dark days of relentless repression which followed the August 1942 movement and also the terrible days which we in Bengal had to go through under the League administration.

Millions of his admiring countrymen were literally stunned to hear the unexpected news of his death at Srinagar. In the city of his birth, there was a spontaneous outburst of public feeling and the demonstrations of popular homage and tribute were really remarkable. The city of Calcutta has never witnessed anything like that since the passing away of the great patriot Deshbandhu C. R. Das. Far, far away from his family, far far away from his friends, in the chilling atmosphere of a State hospital at Srinagar, died Dr. Syama Prasad Mookerjee. But, he died a hero's death, a true martyr to the cause which he held sacred, the cause of India's unity and integrity which he cherished all his life and for which he sacrificed his life.

But, what adds poignancy to the tragic death is that one of the greatest sons of India was robbed of his freedom, not by a Government run by alien usurpers, but by a Government which was manned by the children of the soil. The greatest tragedy is that he was kept as a prisoner behind the prison bars, without any trial and he was treated like an ordinary criminal in spite of his serious illness because he loved his motherland deeply and passionately and because he

sought in his own way to maintain, the unity of the country, and, if possible, to intensify and strengthen that unity and solidarity.

I am appealing today to all sections of this House to respond to the demand for a public enquiry. Dr. Jayakar, you know, Sir, was a Judge of the Federal Court of India and later on he was a Member of the Judicial Committee of the Privy Council in England. On the day of his death, 23rd June, Dr. Jayakar issued a statement from Poona. I am reading from a book published by Dr. Syama Prasad Mookerjee's brother entitled: *Syama Prasad Mookerjee: His Death in Detention A case for Enquiry*. I find the hon. Home Minister has got the same book in his hand. I refer to page 53. Dr. Jayakar said:

"To die in prison-house locked there by his country's Swadeshi Government, by persons with whom he shared power as a colleague only a few days ago, is a fitting termination of a warring life. Let us hope that this incident will make the Government of India realise, in their self-complacent enjoyment of the chits of American visitors, the deep enormity of their behaviour which ignored all the canons of fairness and justice accepted by civilised Governments."

I hope the Government of India appreciates the enormity of its behaviour and it will respond readily to this demand not merely put forward by the revered mother of Dr. Syama Prasad Mookerjee, but by all sections, by all parties, by all groups of people in Bengal and by millions of people outside Bengal.

It is not merely tragic but it is also mysterious, how the last chapter of Dr. Syama Prasad Mookerjee's life was written in detention, in the sub-jail, and in the hospital at Kashmir. The public feel that both Srinagar and New Delhi had badly bungled the situation.

The then Prime Minister of the State of Kashmir, Sheikh Abdullah, had issued a statement shortly after Dr. Syama Prasad Mookerjee's death, that is, on the 26th June. You will find that in page 36 of this book. You will find that statement printed there. Sheikh Abdullah categorically stated why Dr. Syama Prasad was arrested. It says:

"Referring to the circumstances under which the Jan Sangh leader was detained and arrested in the State for defying the permit system, Sheikh Abdullah said even though the permit system means some difficulty for us, we have to submit to the needs of the national security of India as defence of the country is paramount for every Indian."

Sheikh Abdullah was then thinking that he was an Indian and that Dr. Syama Prasad was being detained for the defence of India and for the security of India.

Now, Sir, this is a very peculiar position. Who introduced the permit system? When was it introduced? Whose responsibility was the permit system? The permit system was introduced by the Government of India, not by the Government of Sheikh Abdullah. Up to the point of time when Dr. Mookerjee was arrested there was no law in the State of Jammu and Kashmir making it an offence for any one to enter that State without any permit. After Dr. Mookerjee's arrest, the Jammu and Kashmir Government passed an Ordinance through the Sadr-e-Riyasat making this an offence. Therefore, up to the point of his arrest there was no law in that State of Jammu and Kashmir which required any one to produce a permit. This has been clearly recorded by Dr. Mookerjee in his own hand writing, in some notes made by him in connection with an application made before the Kashmir High Court. That note is printed in the booklet at page 70, paragraph 2. Dr. Mookerjee has recorded what happened:

"On 11th May Jammu and Kashmir Government passed an Ordinance through the Sadr-i-Riyasat making it an offence for anyone to enter the State without a STATE permit. My arrest was not under this Ordinance."

When a Member of this Parliament, Mr. V. G. Despande, wanted to visit Kashmir, the Government of India refused to issue a Kashmir entry permit to him in the month of April this very year. Mr. Despande immediately wrote to the Prime Minister of India on the 11th of April. On the 12th of April, the Prime Minister of India promptly replied to Mr. Despande's letter. I am reading out a portion of that letter of the Prime Minister. I have got the original letter with me.

"The system of issuing permits for entry into the Jammu and Kashmir State was introduced some years ago by the Government of India, and it is the responsibility of the Government of India exercised by the Defence Ministry of India."

Therefore, Sir, according to the Prime Minister, the permit system was introduced by the Government of India. The responsibility was that of the Government of India. The responsibility was to be exercised by the Defence Ministry of India. What right had Sheikh Abdullah to arrest Dr. Mookerjee? What right had Sheikh Abdullah's Government to arrest Dr. Mookerjee for the infringement of the so-called permit system?

The facts prove that on the 8th of May, Dr. Mookerjee, before proceeding to Jammu and Kashmir had telegraphically informed Sheikh Abdullah of his proposed visit and of the purpose of his visit. That is in an affidavit which Dr. Mookerjee himself affirmed, to which no objection was taken by the Kashmir State Government which was represented in the High Court. I am reading, Sir, pages 74 and 75—at page 74 is the petition which was filed in the High Court,

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the petitioner being Dr. Mookerjee; in page 75 you will find the affidavit of Dr. Mookerjee verifying the facts as being true to his knowledge.

In paragraph 2 he says:

"Before coming to Jammu and Kashmir I had intimated to Shri Sheikh Mohammed Abdullah by a telegram of my proposed visit and of the purpose of my visit, viz., to study conditions myself and to explore the possibilities of creating conditions leading to peaceful settlement and to see if possible Hon'ble Shri Sheikh Mohammed Abdullah. I had received a reply thereto."

That reply is set out at page 75 of the booklet. Sheikh Abdullah wrote:

"Thanks your telegram—I am afraid your proposed visit to the State at the present juncture inopportune and will not serve any useful purpose."

Dr. Mookerjee has left some notes which were kept in a portfolio. His diary and the biography of his father, Sir Ashutosh Mookerjee, which he was writing in jail have been unfortunately withheld. Fortunately the papers in that portfolio had not been removed because the key of that portfolio was attached to his sacred thread. That key was discovered when his dead body was placed on the bier at his Calcutta residence. When the portfolio was opened, in one of the notes found therein there was a charge clearly made by him in his own handwriting: That, Sir, is printed in this booklet at page 71. Item (2). This is the charge made by Dr. Mookerjee:

"Conspiracy between Government of India and Jammu and Kashmir Government—the circumstances under which my entry was facilitated by Indian officials."

This is a serious charge to make, but there seems to be good justification for Dr. Mookerjee making that

charge in writing. He has not recorded here something untrue, something fantastic, something unfounded. Not only the Government of India did not arrest him for the infringement of the so-called permit system which that Government introduced—it did not detain him for the alleged violation of the permit system—but the District Magistrate of Gurdaspur actually escorted Dr. Mookerjee and his party right up to the border, and it seems that he was pushed into the State of Jammu and Kashmir as a result of some understanding or some arrangement between the Government of India and the Government of Jammu and Kashmir State.

I have got here a statement issued by Mr. Gurudutt Vaid, a responsible citizen of Delhi, who has clearly stated the circumstances, and has stated that the District Magistrate of Gurdaspur and his officials were present at Madhopur check-post and actually wished Dr. Mookerjee good-bye. I am reading from page 38. Mr. Gurudutt Vaid says:

"At about 12 o' clock...

—12 o' clock, Sir, of the day when he was arrested—

"...a message came from the District Magistrate, Gurdaspur, to the place where we have been staying to the effect that he wanted to see Dr. Mookerjee. So he came at about 1 P.M. He informed Dr. Mookerjee that he had received a message from his Government to allow him and his party to proceed to Jammu, in spite of the fact that Dr. Mookerjee and his party had no permit. He offered help to procure conveyance etc., to us to go to Jammu. In fact, one of his subordinate officers took some of the persons of the party in his jeep up to Madhopur check post. At Madhopur check post the District Magistrate and all his officers were

standing and the District Magistrate wished us good journey."

But, Sir, there was one difficulty. The driver of the jeep was not a Member of Parliament, nor a big man. He got funky, and he got nervous. Mr. Vaid has stated—I am reading his statement:

"The driver of our jeep had at that time complained that he had no permit to enter Jammu State. We demanded a permit from the District Magistrate. He stated that we should proceed and the permit would follow us."

Sir, this clearly shows that there was some complicity, combination, co-ordination, conspiracy between the Government of India and the Government of Jammu and Kashmir. That was why he was trapped into Jammu and Kashmir. It may have been a perfectly good strategy to push him out of the jurisdiction of the Supreme Court of India in order to avoid a repetition of another legal discomfiture as had taken place on the occasion when the Supreme Court ordered Syama Prasad's release and my release. But that makes this Government of India equally responsible and they cannot shirk, nor shed, their responsibility for what had happened to Dr. Syama Prasad Mookerjee, after that day when he was in detention in that State. It is significant that Sheikh Abdullah made another statement immediately after Syama Prasad's death. On the 26th June, in a public statement at Srinagar, the Sheikh Sahib said that he was going to send Dr. Mookerjee back to Delhi immediately on the return of Pandit Nehru to India. If it was merely the concern of the Jammu and Kashmir Government, what was the point of the Prime Minister of that Government stating that he was practically acting as the jailor or custodian of Dr. Syama Prasad Mookerjee for the Government of India. Obviously, Sir, the two Governments were acting in consultation and combination, if not in conspiracy or complicity.

You remember, Sir, a criminal case for alleged violation of a prohibitory order was pending against Dr. Syama Prasad Mookerjee in the Delhi Court from the month of April. When the Delhi trying Magistrate wrote to the Chief Secretary of the Government of Jammu and Kashmir—send down Dr. Mookerjee because I have got to record his statement under section 342 of the Criminal Procedure Code—the Kashmir Government refused to accede to the request of the Magistrate of Delhi. The Government of Delhi who were prosecuting Dr. Syama Prasad Mookerjee along with another Member of Parliament in that case managed somehow to delay the hearing on the ground of the alleged illness of a Sub-Inspector of Police. That Sub-Inspector was trying to dodge the court from day to day and the case was being adjourned. He was the last witness in the case. The Magistrate was not satisfied. He went down to the Sub-Inspector's quarter and he found that he was almost all right. Therefore, he ordered that the Civil Surgeon should examine him and report. On the 2nd June, the Magistrate passed orders in writing that he had received intimation from the Chief Secretary of the Jammu and Kashmir Government stating that Dr. Syama Prasad Mookerjee was not likely to be produced in his court in the near future. Can you ever believe, Sir, that any Part B state could venture to deal with a Magistrate functioning in India in this fashion, trying Dr. Syama Prasad Mookerjee? Could it act in this contumacious manner unless there was connivance with the top men at Delhi, unless they had realised that that was the wish of the New Delhi lords? Unless there was some understanding between the ruling men of the two Governments, how could any Government of any State or any Part B State ever have the courage to behave in this fashion? In a letter which Syama Prasad wrote on the 12th May, he put in a significant sentence: "I was arrested yesterday, though the Government of India did

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not prevent my coming here without any permit. Under peculiar circumstances, my stay in Srinagar has come to be arranged". Sir, he knew that his letters were being censored and there was no chance of anything escaping the eagle eyes of Sheikh Abdullah, because he was taking a personal interest in all his correspondence. But, Sir, he put it in a very mild way; 'My stay in Srinagar has come to be arranged'. The question is: was anything else arranged? That is the public suspicion.

I accuse this Government of India, I charge this Government that Dr. Syama Prasad Mookerjee was illegally detained as a result of their abetment or conspiracy. As a citizen of India, as a Member of this Parliament, Syama Prasad had his fundamental right to go throughout the length and breadth of the territory of India and to find out conditions in any part of the territory of this country. Syama Prasad was deliberately deprived of that right and the orders of the 10th and 11th May really set out false grounds and, I am sorry to say, manufactured grounds. The orders, Sir, are printed in pages 76 and 77. The first order—page 76—says: "You shall not enter the Jammu and Kashmir State". The second order says: "Whereas you have acted, you are acting and you are about to act in a manner prejudicial to public safety and peace, it is necessary to make the following order: Therefore, I, Inspector General of Police, order that he be arrested"—Syama Prasad be arrested—"and removed under custody to Central Jail at Srinagar".

Sir, this is a funny order and you will be also amazed to know that in his affidavit Dr. Mookerjee had stated that the second order was served on him only one minute after the first order—practically both of them were served together. It clearly is a false statement in the second order that he had acted in any manner prejudicial to the public safety and peace. He

was given absolutely no chance to comply with the first order.

I know, Sir, that Dr. Mookerjee was expecting that he would be arrested by our Government and would be sent back to Delhi. Therefore, he had arranged with a distinguished foreign visitor that he would meet him on the 13th May in Delhi. But destiny decided otherwise.

I am charging that the Kashmir Government had been treating Dr. Syama Prasad Mookerjee as if he was a convicted fellow. The Health Minister's statement issued on the 1st of July fails to bring to light certain inconvenient facts. That statement does not disclose one important fact that after the arrest of Dr. Mookerjee on the 11th of May he was taken in a jeep car and in spite of his protest, he was forced to travel till 2 A.M. in the morning through mountainous regions.

Shri Purushottamdas Tandon, an hon. Member of this House did not share Syama Prasad Mookerjee's politics. But, Sir, he said something shortly after Syama Prasad's death. That is printed at page 54. Shri Tandon said that he felt that Dr. Mookerjee's treatment "was not properly done". Shri Tandon hoped the Government of India would explain the whole situation after due enquiry—"after due enquiry". My grievance is, Bengal's grievance is, the public grievance is, the revered mother's grievance is—and millions of people feel this grievance—that this Government of India has not explained the whole situation "after due enquiry". Really, Sir, no enquiry has ever been made at all, and that enquiry should be made in order to allay public suspicion.

Sir, you know Shri Jayaprakash Narayan did not share Syama Prasad Mookerjee's politics. But on the 8th July he made a statement—I am reading from that statement printed at page 54 of this book:

"I regret deeply that the Prime Minister of India, in his reply to Shri Atulya Ghosh, reported in the Press this morning, has stated so categorically that there was no negligence shown by the Kashmir Government in the case of the late Dr. Syama Prasad Mookerjee. I cannot say what facts have been placed before the Prime Minister, but the facts, as I know them, lead to an entirely different conclusion".

Then Shri Jaya Prakash Narayan further added:

"It seems to me that after such a national tragedy the least that the Indian Government can do is to institute a proper and impartial enquiry into the whole affair.Meanwhile it does not seem proper for the Prime Minister to pronounce judgment on such a controversial subject and to attempt to whitewash the guilt of those who seem to deserve severe punishment."

Sir, in a letter which Shri Jawaharlal Nehru wrote to Shrimati Jogmaya Devi, the revered mother of Syama Prasad, he stated this. I am reading the letter.

"I can only say to you that I arrived at the clear and honest conclusion that there is no mystery in this. Dr. Mookerjee was given every consideration."

The mother's prompt reply was on the 9th of July.

"It is a sad commentary on the whole situation. Instead of helping to clear up the mystery, your attitude deepens it. I demand an open enquiry; I do not ask for your clear and honest conclusion. Your reaction to the whole affair is now well-known. The people of India and I, the mother, have got to be convinced. There is a rooted suspicion in the minds of many. What is required is

an open, impartial and immediate enquiry.

The various points raised in my letter remain unanswered. I had clearly told you that I had positive evidence to prove certain very relevant and important facts. You do not care to know or look into them. You say that you had enquired 'from a number of persons who had occasion to know some facts'. It is strange that even we the members of his family are not regarded as persons who can throw at least some light on the matter! And yet you call your conclusion to be 'honest'!"

How could the Prime Minister of India be satisfied? How could he come to the honest conclusion and clear conclusion that there was no negligence and that Dr. Mookerjee was given every consideration? From whom did he make enquiries? Did he send for Mr. Trivedi, M.P. who was counsel of Dr. Mookerjee and who saw him on the last day? Did he send for any of the co-detenus who had spent days with him in the sub-jail? Did he send for any of the other persons?

Dr. Mookerjee's companion in jail has issued a statement in which he has pointed out that no medical assistance was available on the spot where Dr. Mookerjee was detained even when his condition had become serious.

Sir, I have not got time to go through all these. I will just read only one paragraph at page 42. Vaid's statement says:

"It is a matter of regret that a precious life was lost in circumstances which I feel could admit of more efficient handling.

- (a) Medical assistance was not available on the spot where Dr. Mookerjee was detained even when his condition became serious.

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- (b) No nursing arrangements were at all made in the place of his detention.
- (c) No laboratory tests were made so long as he was in the sub-jail.
- (d) None of his fellow detenus were permitted to be at his bed side when he was removed to the hospital.

Even after Dr. Mookerjee expressed the desire that his fellow prisoners should be brought to the hospital no information was sent to them till he passed away."

All this shows great cruelty, almost inhuman cruelty. When he realised that the end was coming he was shouting and appealing that his co-detenus should be brought to the hospital, but no one was allowed to visit him.

I am reading again from the book.

"(e) No intimation was at all sent by the Kashmir authorities to Justice Mookerjee, his mother and his other relatives nor was any attempt made to have the service of an independent competent medical practitioner."

It is a very significant charge, Sir. That charge itself shows that there is good *prima facie* case for an enquiry.

"(g) In spite of Dr. Mookerjee's protest based on competent medical advice during his previous illness at Calcutta streptomycin was administered to him without previous pathological examination or without consulting his Calcutta doctors who were available on the phone."

These charges, Sir, have been solemnly made; they stand and I am repeating these charges on the floor of this House.

10 A.M.

Lot of propaganda has been and is being made that Dr. Mookerjee himself sent telegrams to the members of his family on the 22nd of June. Really it was one telegram addressed to his brother Mr. Justice Mookerjee and copies were sent to others. Lot of propaganda is being made that Mr. Trivedi, M.P., who was the counsel of Dr. Mookerjee, had long interview with him on that day, even on the evening of that fateful day. As a matter of fact, Sir, in some countries this is one of the methods of liquidation of political opponents. Dr. Mookerjee was made to undergo exertions which ought to have been avoided. Read the statement of Mr. Trivedi himself. Mr. Trivedi in his signed statements admits that the gravity of the illness had not been realised. I am just reading one paragraph on page 48 of Mr. Trivedi's statement.

Mr. Deputy-Speaker: I am calling upon him to speak. I am allowing him an opportunity to speak.

Shri N. C. Chatterjee: I will read only one portion of his statement:

- "(1) Dr. Mookerjee was not advised complete rest after the first attack on 22nd morning, 4 o' clock;
- (2) He was not immediately removed to the hospital while 7 valuable hours were lost;
- (3) He was not carried to the hospital in an ambulance but was carried in a small taxi and in uncomfortable position;
- (4) The immediate medical relief was not made available even after entry into the hospital;
- (5) The gravity of the illness was not noticed;
- (6) The Superintendent, Jail, was asked to remove Dr. Mooker-

jee to the hospital early morning but he wasted time and actually sat chatting with Mr. Raina for nearly one and a quarter of an hour."

Then he says something about medicine.

"(8) When the Doctors knew that he had heart trouble they failed in doing their duty to issue a bulletin immediately and to study the case with the greatest possible care specially when it appeared to be a case of heart trouble;

(9) All causes of mental pain ought to have been removed, the posting of police guards at his room and not allowing him the congenial company of one of those who knew him was also bad;"

Then, Sir, he says something about the treatment. Lastly, he says:

"(11) The diagnosing doctor left it in the hands of his junior to carry out his behest without reference to Dr. Mookerjee and notwithstanding his suggestions to give him smaller doses of streptomycin and avoiding the use of sedatives."

Sir, these are serious charges which Mr. Trivedi has made.

Apart from this, very eminent doctors have pointed out, after the Government communique was issued and after the medical report of the illness of Dr. Syama Prasad Mookerjee was published by the Kashmir Government, that the treatment of Dr. Mookerjee was faulty in many respects. Dr. Khare has clearly stated it. My friends are amused. I pity them. Dr. Khare has clearly stated that the nation-wide demand for a deep probe into the affair was fully justified.

Dr. Naliniranjan Sen-Gupta's report is very detailed and it is printed at

page 51. He is the biggest doctor of Calcutta next to Dr. B. C. Roy and now that he is the Chief Minister, he is the leading Doctor. Dr. Amal Kumar Roy-Chowdhury, M.D. is one of the best physicians known all over Bengal, whose opinion is on page 52:

"It seemed there must have been bungling somewhere and that proper attention had not been paid to the case."

Then, Sir, there is one eminent doctor, Dr. T. N. Banerjee, who was the Principal of the Medical College, Patna and he has also said that there was no proper treatment.

The most cruel phenomenon in this entire tragic drama was that no intimation was ever sent by the Kashmir authorities to Mr. Justice Mookerjee his brother, or to his mother or his relatives, not even to Dr. B. C. Roy. Certainly they knew that Dr. Roy was his physician and he was the Chief Minister of Bengal. They could contact him within two minutes on the phone. After his death he was informed in a short time, but not so long as he was ill.

Dr. Mookerjee was a strong critic of Pandit Nehru's Government, in particular of his Kashmir policy as well as his policy towards Pakistan and the refugees. The ablest Parliamentarian in India, however, has languished and capitulated to death in prison. The greatest menace to democracy is the feeling that a political opponent of the Government can be liquidated in prison when he is held in detention without trial. That suspicion should be removed. That can be removed only by an honest inquiry. I think it is in the interest of the Government that they should immediately respond to this demand. This is a demand which the mother of Dr. Mookerjee has made in very moving terms: She says:

"I had long dedicated my son for selfless service to the country, and my son sacrificed his life for the cause of the Motherland.

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He had the courage of conviction to oppose the Party in power. Am I to believe that in Free India to lead an Opposition is a crime? And yet my son suffered detention till death, as a condemned criminal with this difference that the criminal gets a trial, but for him there was not even a show of trial. It seems, malice and jealousy of persons in Authority, armed by the people with unlimited powers, pursued him persistently, and a huge machine of organised injustice was set against him. But my son's courage proved greater than their malice, stronger than any torment their cruelty could devise. And he shall ever live even in death, for while thinking of him I cannot but think of those martyrs who had died on the wheel, in the flames, under the sword, riddled with arrows, torn and devoured by wild beasts".

I honestly feel that it is desirable in the interests of the two governments concerned, if they have no guilty conscience, if they have not got anything to hide from the public, nothing to keep back from the public, that they should immediately respond to this demand. It is a tragedy too deep for tears that a man of his position was held under a "lawless law" which is a disgrace to any civilised country and specially to a country which proclaims itself a Republic. It is an Act much worse than the Preventive Detention Act, which stands to the discredit of my hon. friend under whom we have been enjoying for some months the taste of that statute. The least that he can do is to institute an impartial Commission of Enquiry and that has been demanded by the revered mother of Dr. Mookerjee and that demand has been endorsed and supported by millions of his countrymen throughout India. For under our Preventive Detention Act there are some grounds

furnished, some charges given, but under that wonderful Kashmir Government's Preventive Detention Act there are no grounds, no charges, no formulation, no knowledge of exactly what has happened.

He had fundamental political differences with New Delhi and with Kashmir. But he was no criminal who deserved no consideration even in his illness. Even under the British Imperial regime a leader of his status could not have been kept behind the bars when he was ill. He would have been restored to liberty in time. Kashmir Government's association with this grievous tragedy would not have been there, if he had been released before he was removed from the sub-jail. This lamentable lapse on the part of the Kashmir Government would need a lot of explaining and New Delhi cannot escape from its share of the blame. It should have been more alert than it actually had been. Dr. Mookerjee epitomised the Opposition in the Parliament and that is why the Government should have been more careful, more vigilant and more tactful. I ask when was the Government of India informed of his serious illness? What action had the Government taken? Did they make any offer to send any Doctor to Srinagar? It is in the interests of the two Governments that they should accede to this demand.

Nemesis has overtaken Sheikh Abdullah. The Divine retribution has been very swift. The detainer is now himself a detenu. That is how Divinity shapes the destiny of men and things. Yet, it is in the interests of the two Governments to accede to the demand for public enquiry and to probe into the circumstances which led to his death and explain to the country the whole position.

Shri U. M. Trivedi (Chittoor): I have not the command of the language which Mr. Chatterjee has and I may not be able to add flowery words to

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the demand that Mr. Chatterjee has made for an independent inquiry into the death of Dr. Syama Prasad Mookerjee, a giant in stature, a giant in mind and a giant in spirit.

It was my unfortunate mission on a demand made by him that I had to go and move the court about his release. On the day I wanted to go I made an application to the Defence Ministry in the ordinary course to allow me to proceed to take up the onerous task which was cast upon me. But, I may inform the House, that after nearly nine days I was informed by the Defence Ministry that I must apply to the Home Minister of Madhya Bharat, to which place I belong, for a permit to proceed to Kashmir. I immediately sent a telegram to Mr. Tyagi, our hon. Defence Minister, to just step in and see if I could get a permit which is generally granted within ten minutes to an ordinary citizen. Thanks to Mr. Tyagi, the necessary permit was issued to me but before that could reach me, I had already reached Pathankot in response to a telegram which I had received from Delhi.

There also a good deal of obstruction took place and ultimately I got a permit to proceed there. I give this with a view to indicate how and in what callous manner the Government of India was behaving. I do not talk of the hon. Ministers who personally sit here and had occasion of watching the whole affair but I am talking of the general policy that was adopted. Even today I am waiting for that permit from the Home Minister of Madhya Bharat. Dr. Mookerjee is dead in Kashmir and the Minister is still sending me that permit to proceed to Kashmir.

However, I proceeded and when I reached Kashmir I was first told one thing: that I would not be allowed to see Dr. Syama Prasad Mookerjee as his advocate without the District Magistrate being present and that I must talk with him in a language which the District Magistrate would understand. Such a thing was impossible for me as a lawyer and I had

to refuse to take instructions. Now comes the whole crux of the thing. I want to describe to you those facts which I never meant for publication in my statement which I had given. It was only a statement for Justice Mookerjee to read. I have never had a desire for its publication. I have certain facts which might affect some people and if disclosed now might ruin their careers. I must tell you and disclose to this House what makes me think that there was something fishy in the death of Dr. Mookerjee.

When I was refused this permission I thought of returning the following morning but then I was asked by some gentleman that I must make one more approach to Sheikh Abdullah and ask his special permission and tell him reasonably to accede to my request. I did try. I wrote to the Chief Secretary Mr. Kidwai about it and he promised me that perhaps the order will be rescinded and I will be allowed to see him.

On the 13th July at about 11-30—to be correct, I received a message that Sheikh Abdullah would not allow me to see him without the presence of the District Magistrate Shri Ghulam Nabi. As a lawyer, so far as I was concerned, it was my duty to come to Delhi and make an application in the Supreme Court and so I was thinking to leave for Pathankot by aeroplane on the following day when at about 10 o'clock, —at 10 P.M. when all the six guards who were placed at my doors, when all those six detectives who were placed there to watch my movements had withdrawn—they had been there upto 9 P.M.—at 10 o'clock, one man, a Kashmiri pandit in a yellow *pugree*, came and fell at my feet and told me "you have made up your mind to go away? We here, the whole of Srinagar public, demand that you should not go away. Do everything in your power to take away Dr. Mookerjee from here. He will be killed." These were the very words that that man uttered. It was this thing, Sir, which kept me away from going the very next day. On the 15th, I made an application, through a friend of

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Dr. Mookerjee, to the High Court for releasing Dr. Mookerjee. In that application of mine I had to disclose the fact, of my not securing an interview and when this application came up for hearing on the 17th, as soon as I reached the High Court the very first preliminary point that was taken up was that I was not allowed to interview Dr. Mookerjee, and therefore, that point was decided first. The hon. High Court ordered that I must be allowed to interview him within 48 hours. It was my idea—when I approached the Deputy Registrar—that I would be able to get the interview on the 17th. But to my surprise, I was immediately informed by the Government that Sheikh Abdullah was not going to sanction that. I was feeling very awkward. Who was Sheikh Abdullah after all, after the orders of the High Court? However, I was told—only at 11 o'clock at night—that Sheikh Abdullah had sanctioned the interview. In between I had come to know from the various Ministers—I met the Jail Minister in particular and the Home Minister also—and I was told that in this matter of Dr. Mookerjee's detention every action was taken by Sheikh Abdullah and Sheikh Abdullah alone. Every censorship of his letters was done by him. The Jail Superintendent was not trusted. The District Magistrate was not trusted. Unless these two officers were to go there together, nothing could be done. Even any change in the food arrangements if it had to be made, could only be done by Sheikh Abdullah. That was another aspect of it.

A very pertinent fact to which I wish to draw the attention of the House now is this: When I got the interview on the 18th, I talked with Dr. Mookerjee for nearly three hours. The case came up for hearing on the 19th. It is just an ordinary prayer for *habeas corpus* applications—that the detenu shall be produced before the court. And for this particular thing, the hon. Chief Justice had asked the Deputy Registrar of that court to convey to me not to press this request of mine because

the life of Dr. Mookerjee would then be in danger, and there was a chance of some riots being manipulated by Sheikh Abdullah and Dr. Mookerjee might be killed. That was another shock to me. This was the general opinion—I am not telling you this on my own, I do not know the facts myself, but I am just narrating to you what opinion I have come across and what I have heard from the people. If this was the general impression of the people who were living in Srinagar you can just imagine what can be the views of those who are so far away. Whenever people die in such circumstances those who are dear and near to him always think of so many things and it is but natural for those of us who are here and who loved Dr. Mookerjee to feel in the way in which we have felt—that something fishy did take place in the death of Dr. Mookerjee.

Let me proceed a little further, Sir. I do not want to talk of the other things which I have narrated in my statement. I will now come to the fatal day—22nd. On the 22nd morning when I went to Dr. Mookerjee, I found him reclining and he was quite jolly; he was cheerful also as was his wont. And so, when he was in a reclining position, we started talking about his case. He mentioned to me that he would have passed away that morning. These are his actual words: *Mere bhai, panch baje to chale jata tha.* I was surprised. At that time there was nobody by my side, and then Dr. Mookerjee narrated to me what had happened to him. When I saw him on the 22nd morning at that time, I had seen the Superintendent of Jails. He had told me that Dr. Mookerjee was to be removed to a nursing home. Then I realised that his illness had started so early in the day. I was talking to him till 11 o'clock. Till that time, nobody had removed him to a nursing home. I went away to the court. I had to argue the case; the arguments were continuing and then I came to know through Devki Prashad, the applicant

in the case, that Dr. Mookerjee was removed to some other destination at about mid-day on that very day, in a small taxi. Dr. Mookerjee had already had a heart attack, so to say, as Pandit Vaid had narrated to me. I do not know under what circumstances this arrangement was made. Further, at 5.30, when I was free from court work, I wanted to see Dr. Mookerjee again. I had to phone up the District Magistrate. He came down. I wanted to know from him where this nursing home was. He did not tell me, but said "I will take you there." When I was taken from my hotel to the place where Dr. Mookerjee was, I found that he was kept in the Gynaecological Ward. It was no nursing home. It was room No. 1 in the Gynaecological Ward of the State Hospital, with guards posted around it. I found Dr. Mookerjee was very ill. Although he tried to look cheerful, I remarked to him in very clear language "you are not as well as you were in the morning". He said, "no, no; you are a pessimistic fellow and so you are talking like this." I said, "pessimism or no pessimism, it looks on your face that you are not all right." Then I consulted the doctor who was there. There was one Hindu doctor Dr. Aly Jan did not come up with me. He was known perhaps in the newspapers as Ali Mohammed. But I was introduced to him as Dr. Aly Jan—I am sorry that I am repeating this. I had met that doctor downstairs. He did not come up with me. It was only one Hindu doctor who was with me. Then I met Girdharilal, the Medical Superintendent of that hospital. When I was just leaving at 7-30 P.M. I had conveyed to him that the condition of Dr. Mookerjee was not all right. "You must look up," I said, and he replied, "Oh, yes, Sir, I will look up, I will certainly look up, and I will pay whatever attention may be necessary, now." I am quoting this medical superintendent who was in charge of that hospital. When I was leaving in a jeep with the District Magistrate the medical superintendent got a lift in that very jeep. I wanted to know

from him where he was going. He said, "I want to meet some friend; you drop me on the way." So we dropped him at a cinema. What surprised me was that at 10-15 P.M. when I came out of the dining room of the hotel, I saw this gentleman Girdharilal in a staggering condition, drunk,—getting out of the hotel. What attention he had paid in the hospital when he was away, three and a half miles away, from the State Hospital of which he was the Medical Superintendent? Therefore, I say, Sir, that criminal negligence was there. If there was negligence, certainly there was criminal negligence on the part of the medical authorities and that criminal negligence was manoeuvred by Sheikh Abdullah who was in charge of everything that was to be done for Dr. Mookerjee's detention and for keeping him in detention. I do not know what further things had taken place. There are rumours that a particular medicine was purchased—I am not sure of it. There are rumours to this effect and this requires enquiry. These are the very facts which require enquiry. These are the things which require probing. It is said that at 10 P.M. this gentleman, Dr. Aly Mohammad, purchased some medicine. What was that medicine? It has been remarked that it was that medicine which was perhaps used for the injection at about one o'clock. I am not sure about these facts. I do not know myself any of these facts, because I was taken to the hospital only in the early morning at 3-45 A.M.

The Police Superintendent who came to call me told me that Dr. Mookerjee's condition was very serious and oxygen was being administered to him. When I was taken to the hospital I was asked to sit in a visitors' room. As I sat there I became rather uncomfortable. I came to see a very seriously ill person, but was kept waiting. I requested the Superintendent of Police: to enquire if I could go inside the room of Dr. Mookerjee. He went out of the visitors' room and returned a minute later to inform me that doctors told him that Dr. Mookerjee had

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passed away five minutes before my arrival. It was only then that I went into the room and saw the dead body of my leader.

It is these little things which I have to bring to your attention: the talks of the people, the carelessness of the doctor, the non-attendance of the doctor, this suspicion which was conveyed to me in so many words by a particular man, who will be produced if an enquiry is instituted, that Dr. Mookerjee would be killed. This suspicion had been lurking in the mind of people for some time and when I returned from the hotel to take the dead body of Dr. Mookerjee to the airfield the same gentleman again met me and said: "Look here, he has been killed, he has been killed, he has been killed; get a *post mortem*." I told him: "I am sorry I am nobody to ask for a *post mortem*; I will have to consult his brother when Dr. Mookerjee's body is taken there." This general feeling was so great in the mind of everybody that when I was passing into the hospital in a jeep, a crowd had collected and every one was crying in the same language: that "he has been killed." They know better than I do their countrymen; they know the people of the State much more than I do; they can read their minds better than I do. So, the suspicions expressed by those people—of the people who were in charge of the Government of the day in that State were there. It is these suspicions which require an investigation. If these suspicions appear cogent to the House, I say this House must insist on the demand that an enquiry must be made into the causes which led to the death of Dr. Mookerjee.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

I am not here to complain to you. You must realise yourselves that this detention law, wherever it is, whether it is in India or in Kashmir, must go. These are things that are happening behind detention. This is only one example—the greatest sacrifice that has been made to the cause of deten-

tion. The House would be serving the case of the country by driving out this detention law from the statute book of our country. It is a shame and a disgrace that such a law should be there. It is a shame and a disgrace that detention has been responsible for taking away the life of a great man, a great builder of our nation, one who was always taken as a stalwart not only of the Opposition but of the whole country. He was a champion of every right cause.

With these words, Sir. I repeat this demand that an enquiry must be made into the conditions leading to Dr. Mookerjee's death.

Mr. Chairman: The hon. Home Minister.

Shrimati Sucheta Kripalani (New Delhi): We would like to know whether the time is being extended? This is a matter on which all the parties would like to express their views.

Acharya Kripalani (Bhagalpur *cum* Purnea): Is it going to be an answer to the debate?

Mr. Chairman: It is not an answer to the debate. If necessary other Members will be allowed to speak.

Shri S. S. More (Sholapur): What is the meaning of 'if necessary'?

Shrimati Sucheta Kripalani: We object to it.

Mr. Chairman: It is just possible after hearing the Home Minister everybody may be satisfied. If the House so desires, other Members will be allowed to speak.

Shri S. S. More: Several Members who do not share the views of Dr. Mookerjee want to have a say on this very important matter: therefore they should be given an opportunity.

Mr. Chairman: It is premature to decide now. I have not said other Members will not be given a chance.

Shri S. S. More: I request you on a point of sentiment, not on the point of procedure.

Dr. Lanka Sundaram (Visakhapatnam): The Order Paper says that this particular discussion will be from 9-15 to 10-45. The discussion started at 9-30. I am asking what exactly is the time-table for this particular debate.

Mr. Chairman: I have already indicated that after Dr. Katju has made his remarks other Members will be given a chance to speak and it will depend upon the situation then to decide how much more time is necessary.

The Minister of Home Affairs and States (Dr. Katju): I rise with a sense of grief in my heart at the passing away of a great man, a friend of all of us, a friend of mine also of many years standing. His father was a great figure in our judicial history and to him personally I am under a very deep debt of gratitude. I knew the family very well. Therefore, I need not say that the grief that was felt at the passing away of Dr. Mookerjee all of us share. It was a great misfortune—a national misfortune. It is not a question of politics, this way or that way, because in parliamentary institutions we value men, we require men. It is a matter of no concern as to what opinions they hold: that is a matter for the electorate to decide.

But I must say that while I understand this only, I only beseech the House not to discuss it on an emotional plane. Let us discuss it calmly. As my hon. friend Mr. Trivedi said just now, death comes to all of us—it comes sooner or later. When I was in Calcutta, Mr. Chatterjee knows it, I rose one morning and was shocked, stunned, to read in the newspapers that our beloved Sarat Babu, Sarat Chandra Bose, elder brother of Subhas Chandra Bose, had passed away of heart failure, within twenty minutes, when he was discussing matters with friends. What can be done?

I am not talking platitudes—I am only saying: let us not be carried away by sentiment or emotion, because we are discussing very serious matters.

Shri R. K. Chaudhury (Gauhati): Is the hon. Minister comparing the death of Sarat Babu with that of Dr. Syama Prasad Mookerjee?

Dr. Katju: Very serious charges have been made by Mr. Chatterjee, to which I shall reply.

But three days ago we read, again a gentleman whom I had the honour to meet, that the Chief Justice of the Supreme Court of the United States, aged sixty-three had passed away after a few minutes of heart failure. Therefore, let us not discuss this on an emotional plane.

Acharya Kripalani: Is it a discourse on death?

Dr. Katju: Why are you getting angry about it.

Mr. Chairman: I would request the House to be patient.

The Prime Minister (Shri Jawaharlal Nehru): We have been listening for over an hour to many things which are irrelevant to this discussion. I do submit we deserve some patience from the other side.

Acharya Kripalani: I submit we are not here discussing the general question of death: we are discussing the death of a particular person under certain circumstances.

Mr. Chairman: Order, order. I would request hon. Members to be kindly patient and hear. Nothing will be lost by it.

Dr. Katju: Sir, the issues as placed before the House come under two distinct compartments: events leading to the arrest of Dr. Mookerjee and secondly how he was dealt with, whether he was carefully looked after when he was in detention.

Now, so far as the first issue was concerned, my hon. friend Mr. Chatterjee said repeatedly in the words of Sheridan,—he was charging, charging, charging everybody concerned, charging the Government of India and charging the Jammu and Kashmir Government with complicity, and with

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conspiracy. For what purpose? For getting Dr. Syama Prasad Mookerjee into arrest and putting him into jail. Now, I say with confidence, Sir, that there is not the slightest foundation for that. It is a completely baseless charge. My hon. friend had put it in a very malicious way. But what was happening in the country for 3, or 4 or 5 months before this particular event? The arrest took place on the 11th May, I think. Here in Delhi, for months there were daily demonstrations. People were coming, and were being invited from all parts of India—Bengal, Bihar, Rajasthan and Madhya Bharat—to congregate in Delhi and to break the law and to defy the law. There were daily arrests and daily demonstrations. I am not now on this solemn occasion going into details as to the apportionment of the blame, but that is what was happening, and everybody knows which was the party which was organising this particular form of agitation—may be right or may be wrong, but that is quite a different issue. It was not confined to Delhi alone; it was also in the Punjab. Hon. Members will please remember that when Dr. Mookerjee went from Delhi, he declared openly his visit to Kashmir and stayed on in the Punjab and gave press conferences everywhere as to what he was going to do. Again, it was a fundamental right for him to say what he liked and I am not disputing that. But what had been happening in Jammu? Right from the 17th November 1952, the Praja Parishad had been carrying on a definite lawbreaking and subversive movement. I am not disputing against their aims—their aims may be very noble. There can be no doubt that there were episodes—burning of police stations, assaults, killing of people, non-officials, officials, police etc.

[MR. DEPUTY-SPEAKER in the Chair]

Shri S. S. More: On a point of order. Sir. Is it all relevant here?

Mr. Deputy-Speaker: This is quite relevant because the discussion refers

to circumstances leading to the detention of Dr. Mookerjee and his death in detention. The Minister is evidently trying to show the circumstances in which detention was found necessary.

Dr. Katju: Now, this is the background. Dr. Mookerjee was an honoured Member of Parliament. He goes there and declares "I shall enter into Jammu whatever may happen".

Very well. So far as the permit system was concerned, it was introduced on grounds of military security. It was introduced some time when war-like operations were being carried on, and it was not a question of permit as made out by Mr. Chatterjee that there two orders which were in the pocket of the Inspector-General of Police, Kashmir, and he produced them. Dr. Mookerjee had been proclaiming that he was going to enter Jammu and to defy any ban which would be placed against him. I suggest that while there was no question of any permit being given to him, the Jammu and Kashmir Government were justified—that is a matter of their business—in saying that, having regard to the local conditions then prevailing in Jammu and the area surrounding Jammu, and the lawlessness that was all spread over there, it would not be in the interest of peace and tranquillity in the land that Dr. Syama Prasad Mookerjee should visit that place. Now, I am a satyagrahi and all of us have been satyagrahis, but the difficulty has been that what we were taught when the British were ruling here, we have not forgotten that, and on the slightest ground everybody says "I am going to break the law." I should have expected a leader of the eminence of Dr. Mookerjee, when he was shown that order by the Inspector-General of Police that "for God's sake don't enter Jammu territory", he would have said "Very well, I will go back and I will raise hell against the order in Delhi and I will protest in Parliament and say that you were acting in a detrimental manner, but I

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will obey the law." He did not do so and, please remember, Sir, he had notified that whatever may happen, he would go there. I suggest that the Jammu authorities probably knew that he would not obey their order of not entering Jammu and they may be held responsible for not arresting him. Therefore, they kept both the orders. My hon. friend said that it was all a make-believe and it was all malicious on the ground that they kept both the orders in the pocket. They were entitled to do so because they knew what was going to happen. They did take, very likely, Dr. Mookerjee at his word. As Mr. Chatterjee said, they showed him the order and thereafter, under their Security Law, or Ordinance or whatever it is called, they took him under detention.

Then the other complaint was that they took him to Srinagar. What may have happened in Jammu if he had been taken there, I do not know, but it is a matter for speculation. I am again not justifying anything. If I had been there, very likely I would have broken the journey and stopped for the night at some dak bungalow. Nobody knew, but they took him. This is the entire matter. Now on this ground Mr. Chatterjee spent many minutes saying that the Government of India was in conspiracy—those were his very words.

Shri V. G. Deshpande (Guna): Not the Government of India, but it is the Punjab Government.....

Dr. Katju: The Government of India were charged with conspiracy for somehow wangling Dr. Mookerjee's arrest. So far as this point is concerned, it was entirely a matter for the Jammu and Kashmir Government. So far as we are concerned, we did not refuse him a permit, and as the permits were for military security, we let the Jammu and Kashmir Government decide as to whether they would admit him there or not. Now, what is wrong in this? Now we are asked to make an enquiry,—enquiry into what? Nobody could have thought at that time that by God's injunction

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Dr. Mookerjee was fated to die there. Nobody could have foreseen that. The two things stand on quite separate and distinct footings—(1) the fact of the arrest and (2) what happened afterwards. My respectful submission to the House is that so far as the first is concerned, it is a figment of imagination—I am speaking with great restraint because it is a solemn occasion and I do not want to bandy compliments with Mr. Chatterjee. I think we are entitled on this side to have a little sense of responsibility in these matters. Why should we do any such thing? Of course, here is the Supreme Court. If anything had happened here, the Supreme Court would have jurisdiction. There is the High Court there and it is a responsible, independent High Court and my hon. friend Mr. Trivedi can testify to what happened in that High Court. When consultation with his clients was refused to him, he went there and got it and he remained there for three hours. And I submit that the Jammu and Kashmir Government, whether it was presided over by Sheikh Abdullah at the time or it may have been presided over by anybody, from this point of view it could say with justification that at that precise time when the whole of India and Jammu particularly was in a sort of ferment, they would not allow the leader of a particular party who were deliberately organising all these demonstrations on an India-wide scale, to enter their territory. After all they were responsible for the maintenance of law and order there.

Now comes the second compartment, what happened after. I quite agree that it might have been desirable on the part of the doctors who were in charge to write a letter to the relations of Dr. Mookerjee. I shall come to that matter. But the most significant feature in the whole of this episode is that time after time friends of Dr. Mookerjee were seeing him and none of them wrote a single letter to his brother, Mr. Justice Ranaprasad Mookerjee or told me, anybody, the Prime Minister, that "we have

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seen Dr. Mookerjee and he was looking very pale, very ill and probably he requires medical attention". I am not making a point of complaint. But all of them had visited him. We have been in jail. My hon. friend the Leader of the Communist Party has been in jail for probably eleven years. But in jail you do not enjoy a sort of a complete spell of good health. You fall ill, it may be a cold, flu, this, that or the other, and you get well. It may be a case of a swelling in the leg or other cases. It may be a serious illness or it may be a casual, passing illness. But the fact remains this. On the 12th June—I would ask the House to mark the dates—on the 12th June my hon. friend Mr. Trivedi (the House knows that he is a Barrister with wide experience, wide knowledge and a man of Medical Jurisprudence also) he goes there and sees Dr. Mookerjee. finds him looking perfectly cheerful. Then he comes out. He never writes to Mr. Justice Ramaprasad Mookerjee or anybody that "I found Dr. Mookerjee looking jovial and it does not strike me that he was not looking fit". He went there on the 12th; I imagine, not on the 13th. And on the 16th my hon. friend Sardar Hukam Singh went there. He stayed with him for two or three hours and talked with him politics, talked with him as a patriotic individual that this matter should be brought to a settlement—all this Praja Parishad movement—it was so dangerous and detrimental to the country. And he issued a statement to the press in which he said that Dr. Mookerjee was all right. In that three hours' conversation if he had found any illness, even a suspicion in his mind, he would have sent word to his friends here, he would have communicated to his family that Dr. Mookerjee is not keeping well. Then comes the 18th, another significant date. We are now moving very close to the end of the chapter of poor Dr. Mookerjee's life. Mr. Trivedi gets sanction from the High Court at Kashmir, goes there and sees his clients and the House will know how much time he spent with

Dr. Mookerjee, three hours, getting deeds, documents drafted, getting petitions and affidavits drafted, discussed the whole thing, sat there, I imagine must have had a cup of tea, talked to him all sorts of things, comes back, never says a word about illness to anybody, never writes to Mr. Justice Ramaprasad Mookerjee that "I spent three hours with Dr. Mookerjee and it seems to me that his health is a bit unsatisfactory", never says so. That is the 18th.

Then we come to the 20th, dry pleurisy, a little attack of fever. In this book broadcast in the name of the mother, whoever may have organised the issue of this book, you get a temperature chart. Temperature does not exceed 102. But it is there, dry pleurisy, doctors' treatment. And then comes the 22nd. I ask the House to consider what I am saying. In the morning at 4 o'clock there is a sudden deterioration, sinking sensation, profuse perspiration, fall in respiration and everything. And by God's grace one of the fellow prisoners was a Vaid and something was immediately done and the patient got over it. A doctor came. The city is far away. The doctor came at 7 o'clock, examined him and said 'Something wrong with the heart; we will have to take him to the Nursing Home'. Mr. Trivedi again goes there. I say I am not a doctor of medicine but I am a doctor of human experience. I have had these illness in my family and in families everywhere. Let Mr. Trivedi consider how we behave in this matter. Here was a patient suffering from a heart disease, who had had a heart attack at 4 o'clock in the morning, and the Barrister goes there at 10 o'clock and spends one full hour in consultation with the client. I say I blame the doctor. The doctor should not have allowed any visitor to see the patient even for one minute.

Shrimati Sucheta Kripalani: Exactly.

Dr. Katju: Please wait a second. Just hear it. He went there, he talk-

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ed, he was with the patient for an hour and a quarter. The case was going on in the High Court. He has got his statement printed in the book. And he went to the High Court of Kashmir to argue the case; did not send one word by telegram or telephone to any one in Calcutta "this is what has happened". He knew that no information had been given. He suggested probably that information might be given. But Dr. Mookerjee said "I am quite all right now". He was all right, because he was talking with him for one hour. So everybody thought it was a passing sensation, for two minutes, and there was nothing very serious about it. Very well. Mr. Trivedi is very worried about it. comes back from the Court and goes again to this so called Nursing Home—everybody now mentions it in a very derisive language—he goes there, and would you believe it, Sir, again he stays with the patient. For how long? From 5-15 to 7-30.

Shri U. M. Trivedi: I am sorry; from 6-30.

Dr. Katju: I beg your pardon. I have got the times here. Let us say from 5-30 to 7-15 or 7-20.

Shri U. M. Trivedi: Sorry to interrupt. From 6-30 to 7-30. I left the High Court only at 5-15.

Dr. Katju: It does not matter when you reached there.

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): Yes and stayed there with a heart patient for at least one hour.

Shrimati Sucheta Kripalani: The Doctors should not have allowed that.

Dr. Katju: He says:

"I found Dr. Mookerjee in bed in a reclining condition. He looked very pale though smiling. I remarked to him that he was not as well as he was in the morning. But he would not accept that. He said that he was feeling a little better. Then, the

District Magistrate gave him all his letters."—about 15 or 20.

He went through them all. He dictated some answers to Mr. Trivedi, signed cheques and did some commercial business. He sat there and probably talked politics again, and talked about the case. Here was a heart patient. I blame the Doctors for allowing this interview. I blame Mr. Trivedi worse for going there.

Dr. N. B. Khare (Gwalior): Let us enquire into the conduct of Mr. Trivedi.

Dr. Katju: What is this affection? If there is a patient suffering from heart trouble, you leave him alone. You may go there, sit in the ante-room, take all care of him, supply him medicines and nurses and all that. But, the patient has to be absolutely silent. Is this the behaviour of a friend? Of course, I do not know what he talked about. He talked about the case; he talked about the Praja Parishad; he talked about the news in the current newspapers and everything. What happened then? He left him there at 7-30. At 9 there was noticeable deterioration and at 1, it got worse. The Doctors did what they could.

My hon. friend Mr. Chatterjee has read the statements of doctors and he is perfectly right in saying that I know many of them. One was our Consultant in the Government House there: a capable man. But, please remember, this was at one o'clock or a quarter to one in the night. How did Sarat Babu die? His brother Sunil Babu told me that his only grievance was that he could not reach him. Within half an hour he passed away. You are now putting it thick on everybody. I must say I would have expected better from a barrister: repeating and detailing all sorts of gossip that he heard in the bazaar. He said, so and so will be killed; so and so will be killed. But he was very careful to say, I only heard it. I know nothing about it; I can produce the man who told you about the gossip. In my profession, I have

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heard these gossips hundreds of times. It is remarkable that in this long statement which is printed in this book from pages 43 to 48, there is not one word of all this gossip. I am not blaming him. I am not saying that he is now saying this. Probably, he forgot all about it when he gave this statement. But, he does not say one word about it.

Then, everybody thought that information must be given to the relatives. Mr. Trivedi asked Dr. Mookerjee whether he wanted him to inform his family. Dr. Mookerjee said, I have sent telegrams at 2 o'clock, no further information is necessary. I again think,—this is my personal opinion—that it would have been better if the Doctors in spite of what Dr. Mookerjee was saying or not saying, had telegraphed to Calcutta. Dr. Mookerjee had sent these telegrams out of consideration for the feelings of his old mother, his son and his brother. He has put it mildly. But you ought to know that this was a case of heart trouble. Mr. Trivedi had been told. Did Mr. Trivedi send any telegrams to any one?

11 A.M.

Shri U. M. Trivedi: I am sorry to interrupt. The District Magistrate in my presence said that the Telegrams had been sent. What was the use of my sending other telegrams?

Dr. Katju: I am on another matter. Dr. Mookerjee's personal telegrams to the family were reassuring: Don't worry; I am much better; I am being looked after very well; everything that can be done on the face of earth is being done; Quite all right. But, if you go there and you find that the patient is suffering from heart trouble. I should have expected that something must have been done by you, by anybody, by every friend.

Now, you are laying thick on enquiry. Enquiry into what? What is the enquiry? Please remember, the object of an enquiry is three-

fold. If anybody has been guilty of a crime, he ought to be punished. Otherwise, if there is no crime, if there is no negligence, then an enquiry is directed to avoid mistakes. There is an air crash; an enquiry is made as to the causes of the air crash so that it may not occur again. What have I to enquire? What am I to enquire? Here is the treatment prescribed by learned doctors, competent efficient men. They say that the medicine that was given should have been given 18 hours earlier. That is Dr. Khare's opinion.

Dr. N. B. Khare: I say so even now.

Dr. Katju: They say that morphine should have been given, and so on, the Doctors did, I think, what they could best do. Events were moving so fast. Nobody thought this was coming.

Mr. Chatterjee put me a question as to when the Government of India came to know about it. The Prime Minister was away in Europe. I have not asked my hon. friend the Deputy Leader of the House as to when he was informed. I was informed of it by an intelligence report at about half past four in the morning. The report was that Dr. Syama Prasad Mookerjee was in a very bad way in health and his condition was causing grave anxiety. I was really woken up. I asked what should be done now. I told them, you better ask again how he is now; ask whether his relatives have been informed, and whether any telegram has been sent. Before I could get an answer, he had passed away. I tell you that the shock that the whole country felt was because of the delay in the delivery of the unlucky telegrams which Dr. Mookerjee had sent. I can imagine the state of the mother and the brother. They go to the telephone; they take up the telephone. Suddenly comes this news that Dr. Mookerjee has passed away. The Prime Minister has already told what had happened and about the break down of the contacts on account of

Mookerjee

the atmospheric condition. Therefore, everybody was surprised. But, I do say this. I do not want to go into the whole of this matter. Mr. Chatterjee knows the gentleman very well; so do I know. He is a writer in the *Hindusthan Standard*; he is a great friend of his and a friend of mine. His *non de plume* is Homa; Thomas. Dr. Mookerjee was writing to him and some letters of Dr. Mookerjee had been published. The correspondence is there; the letters are there. Everybody was writing. Dr. Mookerjee never himself suspected that he was in danger of his life. It came like a flood within 3 or 4 hours. I do say as a layman that that flood very likely came because one of the great dams was broken, namely silence was not observed and Dr. Mookerjee was troubled by his visitors twice on that day for three hours. That is my charge.

Shri T. K. Chaudhuri (Berhampore): And doctors did not prevent that.

Dr. Katju: Doctors did not prevent that. He got afraid of it. (*Interruption*).

Shrimati Sucheta Kripalani: Shame that you give such an excuse.

Shri U. M. Trivedi: Does the hon. Minister know that so far as I was concerned, I was only informed at 7-15 when I was talking to Dr. Mookerjee, that he was suffering from heart trouble?

Dr. Katju: Sir. I am closing now. Really, the House is entitled to expect something quite different from Mr. Trivedi. He is a member of my profession. He has dealt with lots of murder cases, lots of civil cases in Rangoon, in Neemuch, in Madhya Bharat, in different High Courts. Was it proper for him to trouble Dr. Mookerjee on that day in that state of health for three hours talking to him? That is what I want to ask.

Shri U. M. Trivedi: Only at 7-15 when Dr. Mookerjee placed his hand on the heart I was told by the doctor that he had heart trouble and he

should not be troubled. (*Interruption*).

Shri Gadgil (Poona Central): Every one was informed that it was a serious matter.

The Deputy Minister of Communications (Shri Raj Bahadur): He knew it in the morning.

Dr. Katju: I do not wish to detain the House any longer. Mr. Trivedi actually is forgetting himself. He is forgetting that Dr. Mookerjee had been removed from the bungalow on the Nishat Bagh to the Nursing Home because he had been taken ill. He had been informed before that that there was a heart attack in the morning. Now he says: "He put his hand on the heart and I was told that he had heart trouble".

Shri Bogawat (Ahmednagar South): The cat is out of the bag. He knew about the heart trouble.

Dr. Katju: I am very sad. I am not taking part in this debate in any spirit of hilarity at all. We are all very sorry. We are lamenting. It is a matter for lamentation. My heart goes out to the aged mother, everybody. But then, what is there to enquire? The facts are all there. Everything has been collected. What are you going to do? Mrs. Kripalani or Mr. More said that this is a sentimental matter. I say it is a sentimental demand for an enquiry, and there is nothing to enquire about.

Shri Kelappan (Poonnani): I want to have information from the hon. Minister...

Mr. Deputy-Speaker: I would like to know one thing from the House. We had fixed this time from 9-15 to 10-45. No doubt, the other four Short Notice Questions took about ten minutes. Therefore, I thought this might conclude at 11 o'clock. But a number of hon. Members including the Deputy Leader of the Communist group, Shrimati Sucheta Kripalani and others want to speak. So we have to encroach upon this non-official resolution. Then it will have to go to some other day, and it

[Mr. Deputy-Speaker]

will be continued, if we do not finish this. Or, if we finish this earlier, then we will continue discussion on the resolution, and then it will go on to some other day. I leave it entirely to the opinion of the House. Or, if the House is agreeable to fix half an hour more for the present discussion, I will allow ten minutes to each hon. Member to speak.

Some Hon. Members: No no.

Mr. Deputy-Speaker: One hour. I am absolutely in the hands of the House so far as this is concerned.

Shri Gadgil: What is there to be further discussed: Each side has completely and in great detail put matters before the House. It would be only repetition, and perhaps a little more emotional expression. (*Inter-ruption*). It should conclude.

Mr. Deputy-Speaker: We will have one hour more, and conclude at 12 o'clock, take up the resolution at 12 o'clock, and then continue it later on.

Shri Kelappan: I wanted to ask a question.

Mr Deputy-Speaker: What is hurry for this hon. Member while I am talking? Hon. Members on each side will have ten minutes, or 15 minutes. I have no objection. At 12 o'clock I will take up the resolution if it is the desire of the House. Let it not be understood that I am interested in closing the debate. This is a matter in which I am guided by the will of the House. I have no objection. If we do not finish, the Resolution will be postponed.

Shri S. S. More: Are we not meeting in the afternoon?

Mr. Deputy-Speaker: No. We are not meeting. Even if the resolution cannot be taken up today, it will not be a closed matter. It will stand over.

Shri R. K. Chaudhury: May I speak?

Mr. Deputy-Speaker: Shri H. N. Mukerjee.

Shri H. N. Mukerjee (Calcutta North-East): Sir....

Shri Kelappan: I wanted some information, Sir.

Mr. Deputy-Speaker: Mr. Kelappan wants to ask some information of the hon. Home Minister.

Dr. Katju: Will you please put the question?

Shri Kelappan: It was given out by responsible representatives of the Government that Dr. Syama Prasad was kept in a fine bungalow overlooking a beautiful lake. May I know, Sir, if the biggest room in that so-called bungalow occupied by Dr. Syama Prasad measured exactly 8'×10', much smaller than the ordinary single cell in our jails occupied by ordinary prisoners?

Dr. Katju: I have not seen the house myself, but it is a beautiful cottage overlooking a very beautiful hill and a beautiful lake. You do not want very much space in jail as you require air and views and beautiful prospects. It may be from that point of view and inasmuch as the compound was small, that at the request of Sardar Hukam Singh, Dr. Syama Prasad was given the right or liberty to walk about in the whole of the Nishat Bagh. And please read his letters, his secretary's letters, that they were looked after most comfortably and most attentively.

Shri Jawaharlal Nehru: May I say a word? Sardar Hukam Singh has been there and probably he knows. I have not seen it, but at least I have seen pictures of the buildings, and I have seen the buildings from outside. These are small houses; of course, these are private houses. There are a number of these small houses and their rooms are small. Of course, if Mr. Kelappan realises, in these wintry places cottages have small rooms. They do not keep big rooms, they become very cold. It is not meant as a jail. What the exact

size is I cannot say. Sardar Hukum Singh might say.

Mr. Deputy-Speaker: Let it be clearly understood that this debate will not in any case go beyond 1-15. It will be ended by 1-15 and if we conclude earlier, we take up the resolution. Otherwise, it will stand over.

Shri S. V. Ramaswamy (Salem): I saw the room. It was about 12'×15'

Shri Jawaharlal Nehru: I may inform Mr. Kelappan that the room was 12'×15'.

Sardar Hukum Singh rose—

Mr. Deputy-Speaker: Let him speak. Thereafter Mr. H. N. Mukerjee.

Sardar Hukum Singh (Kapurthala—Bhatinda): I had no desire to participate in this discussion because I saw my revered leader one week earlier. It was on the 16th that I went there. It is correct that I had a talk with him about this Praja Parishad agitation and other things also. I stayed there for more than two hours. It is also correct that I did not find anything in his appearance that should have caused any anxiety to me. He did not complain of anything against the Government, but the only complaint that he made was that if he were allowed morning walks, perhaps he would be much better and feel happier.

So far as that bungalow is concerned, we sat outside. I did not go in, and I cannot say what dimensions the rooms were. So far as beauty is concerned, nobody can doubt that. It was certainly overlooking a beautiful lake—the Dal lake as it is called—and therefore we sat outside. The only complaint made by Dr. Mookerjee was that the enclosure of the cottage outside was rather a small one and there were vegetables growing and he had no place or room to walk about, and that certainly he was feeling very much. The same evening I met Sheikh Abdullah in the Nehru Park. I happened to meet

him. He came there incidentally, and I was walking there, and I complained to him that this much at least should be allowed, and I must say that immediately he agreed that that would be allowed from the next morning, though I learnt afterwards that these orders could not be executed and Dr. Mookerjee was not having those walks for the one or two days that he remained there. I am not sure about it. I was told that those orders had not been executed, but so far as Sheikh Abdullah was concerned, the same evening he assured me that this would be permitted. They had done it on account of the fear that perhaps people might gather together in large numbers when he came out, and there might be some trouble, and they might have to look after the security or other things. That was the reply that he gave me.

So far as his health is concerned, I cannot say what happened. I cannot contribute anything as to what was the cause of his death, because on the 20th I went away to Phalgaon and there on the 21st, one day after my departure, the Deputy Prime Minister met me and he informed me that the Government would be calling me again to discuss the whole thing with Dr. Syama Prasad Mookerjee. Because when I had suggested to him that he should review the situation and that I thought that something should be done, he said that he alone could not decide it, but if Pandit Premnath Dogra was brought from Jammu perhaps together they might review the whole situation and might together come to something positive. I suggested that to the Government and that was also agreed to. Pandit Premnath Dogra was brought there during the night, within 24 hours. What discussions they had I could not know. Whether they had agreed to do something, I cannot tell. But on the 21st I was told that Dr. Mookerjee had some slight trouble and the Deputy Prime Minister then told me that he had deputed certain doctors to look after him and that perhaps in a day or two he would be all

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right, and then the Government would be calling me to intervene if I could be of any assistance to them. Further than that, as to the dimensions of the room or about any other thing. I have no personal knowledge.

Shri H. N. Mukerjee: I take part in this discussion with some hesitation. I do so, Sir, because I feel that in the course of this debate nothing should be said or done which would have the repercussion of affecting for the worse our relations with the people of Kashmir, affecting for the worse the secularity of our democracy and affecting for the worse the position of the minorities in this country and in Pakistan. I say this because, Sir, the day Dr. Syama Prasad Mookerjee's body was brought down to Calcutta, the day when the news spread, there was a danger which we had to confront, a danger of the deviation of public sentiment into a communal demonstration which would have done terrible damage to the morale of our people and to the economy of our country—the entire set up of our life today. And that is why, Sir. I feel that we should proceed in this discussion with all possible caution and circumspection. And that is why we should concentrate our attention on those matters which are really of major significance as far as the safeguarding of the liberties of the citizen in India is concerned.

Now, Sir, this matter has been discussed fairly exhaustively and, as the Home Minister said, we can divide this point into two compartments, as it were. As far as the first compartment is concerned, we can say that the movement which Dr. Mookerjee was supporting was a movement about which we have expressed ourselves very strongly, and possibly, if we were the Government, we would have certainly tried to see to it that that movement did not get any further encouragement because we thought it was mischievous. But if we were the Government, surely we would not have done what the

Congress Government had done, namely, put him in detention without trial. We would certainly not have done it, if we were the Government. (*Interruptions*).

Shri G. H. Deshpande (Nasik—Central): You don't know what you would do.

Shri H. N. Mukerjee: If we were the Government, as I said, certainly we would have a Coalition Government. Even if we had the majority vote in the country, we would have a Coalition Government, and we would not have practised detention without trial. And we say, Sir, there was no justification for the Government of this country to put a man like Dr. Syama Prasad Mookerjee in detention without trial when he was already placed on trial for something which he had done in Delhi, when further prosecution, if necessary, could certainly have been continued against him. The Government chose for its own reasons—which I am not supposed to know—to put him in detention without trial, and that is something about which we wish to express our stern disapproval.

Then the next thing happened. He died. He died in detention. Now, Sir, it is good in a way, though it has its own irony—that we are discussing today a death in detention, because it is the death of a man of the stature of Dr. Syama Prasad Mookerjee. Deaths in detention have happened earlier in so many other cases. Deaths have happened in detention here. People have been taken out of detention and shot in Telengana. People have been shot in detention inside the jail in Salem and in the Presidency Jail, Calcutta and in the Dum Dum Jail. All that sort of thing, has happened. This is not the time to rake up all that, but it is very necessary for this House to remind itself that when a person is in detention without trial, it is obligatory on the Government to see to it that at least his health is

looked after properly. Deaths in detention do give rise to some kind of suspicion. And therefore I say, Sir, in spite of what the Home Minister has said, there are certain very serious misgivings in our minds. I repeat that in spite of the very regrettable loss which the country has suffered by the death of Dr. Syama Prasad Mookerjee. I repeat that this is an issue which should not be exploited for communal reactionary purposes. But I say, Sir, at the same time that there is a definite impression in the minds of the majority of our people—if the Government is really concerned to ascertain what the views of the majority is today—there is a very definite impression that things did not go rightly in the case of the treatment of Dr. Mookerjee. I was astounded, Sir, that the Home Minister accused my friend, Mr. Trivedi, for having gone and seen him for three hours. He, of course, Sir, is not a medical man; he had a job of work to do. He had to go and find out things and ascertain points from his client who happened to be Dr. Syama Prasad Mookerjee. If Mr. Trivedi was allowed by the doctor in charge of Dr. Syama Prasad Mookerjee to stay longer than 15 minutes or so, what business could he have to interpose his imaginary opinion regarding Syama Prasad Mookerjee's health? He had no business to approach him that way; he was there because, as I have said, he had a job of work to do. That is why, Sir, I said that I did not understand why Dr. Katju said this.

Dr. Katju gave other comparisons—with the death of Sarat Chandra Bose, for example. It was highly misleading. There have been cases of heart failure, of course. Cases have occurred and especially when a person is suffering from some kind of heart affection, naturally death would occur suddenly. But in this case, what happened? Dr. Syama Prasad Mookerjee had already had a heart attack or something very like a heart attack sometime in 1946. He was nearly dead, by all calculations. He told the doctors in Srinagar that he

did have certain kinds of heart complaints which might lead to serious complications later on. As far as the record goes—I have not got it at hand now—the doctors said: "Medical science has advanced very greatly since you found out certain things. We know what should be done in regard to your health and, therefore, we treat you as we want to treat you". Yet nobody had the slightest sense, or the simple courtesy, to send a call to Calcutta and get Dr. Bidhan Chandra Roy—Dr. Katju's great friend—who, in spite of being a political imbecile, is a great physician. Nobody had the sense to send for Dr. Bidhan Chandra Roy and tell him: "Dr. Roy, you know Dr. Syama Prasad Mookerjee. You have treated him well many a time before. So you should know. This is what Dr. Mookerjee says". Nobody had that slightest sense or that courtesy.

Sir, here was a person with whom I had my fundamental differences. Personally, we have been friends. If you will allow a personal reference, for three generations our families have been friends. But that did not prevent my attacking Dr. Syama Prasad Mookerjee's ideas and ideologies, and policies and principles much more sharply than anybody on the Treasury Benches had the gumption to do. I have done that. But that is no reason for me to keep quiet today. That is why I say that the Government of this country has, for some peculiar reason, come to certain extraordinary impressions about the Opposition. I know it. I know that that is the reason why so many things that have been said here are treated in a completely cavalier fashion by Members of the Treasury Benches, and that is why they have developed an indifference towards their critics. It is that kind of sentiment which led them to give him medical treatment of a sort which has been so sharply criticised by other medical experts. I know Doctors differ. I am not going to say, Sir, that the medical gentlemen who treated Dr. Syama Prasad Mookerjee did it all negligently and deliberate-

[Shri H. N. Mukerjee]

ly. But there are certain charges of inefficiency regarding the medical treatment. Those charges of inefficiency have been seconded and supported by the Home Minister in the speech which he has made today.

Therefore, Sir, we only want this, that since death in detention is a very serious matter, since many people in detention in our country especially in the Congress regime have lost their lives either by shootings or for other reasons,—sometime ago the case came up of the Manipur prisoners who were in detention in the Midnapore jail and who died of heart failure and the Home Minister made some facetious remarks about their death—we know these things happen—but since death in detention has happened of a very important and powerful man, with whose politics, I in particular, had the most basic differences,—but that is neither here nor there,—but since death in detention has happened of this very important public figure in our country, if the Government really cares a tinker's curse about public opinion in this country, it should try to satisfy public opinion and place before the public certain facts which possibly are in the possession of Dr. Katju but which he could not produce in the open. He should try to have a thorough investigation into the medical side—I do not say there is any case for a judicial enquiry, I do not say there is any need for finding out why Dr. Syama Prasad Mookerjee was arrested and put in jail—all that is not the kind of thing which we are in a position to do—but as far as the facts of the death are concerned, as far as the allegations regarding the negligence or inefficiency or both are concerned, there must be an investigation. If you do not have that investigation, you are setting up a precedent, this Government would be setting up a very very bad precedent and that would be a most disastrous infraction of the rights of the citizens of India.

श्रीमती सुचेता कृपलानी : मैं बहुत कुछ

कहने को सोच कर आई थी, लेकिन अब ज्यादा कहने की जरूरत नहीं रही है, क्योंकि श्री एन० सी० चटर्जी ने जो कुछ वाक्यांश कहा था, वह बहुत बारीकियों से उन्होंने वयान किया। हमारे माननीय गृह मन्त्रीजी ने कहा कि यह जो विषय है इस में बहस करने के लिये क्या खास जरूरत है। उन्होंने कहा कि हम को "इमोशन" को ला कर इस के बारे में बातचीत नहीं करनी चाहिये। तो मैं सोच रही थी कि उन के बोलने के पहले जो दो भाषण हो चुके थे, उन में कोई बहुत जोश नहीं दिखाया गया। दुःख का इजहार जरूर किया गया था। वह जोश उन्होंने नहीं दिखाया था, जिस के वास्ते हमारे माननीय गृह मन्त्री को यह कहने की जरूरत हो। यह बात ठीक है कि जब डाक्टर श्यामा-प्रसाद मुकर्जी की यकायक मृत्यु की खबर सारे देश में सुनी तो सब को बहुत दुःख हुआ। हम में बहुत लोग हैं जो श्यामा प्रसाद मुकर्जी की राय से अलग रहते थे। कम्युनिस्ट भाई अलग राय रखते हैं। लेकिन हम सब लोग चाहते हैं कि यह जो नया जम्हूरियत मुल्क में हम ने स्थापित किया है इस में हर एक को पूरा अधिकार इस बात का होना चाहिये कि वह आजादी के साथ चल सके। आप लोग कहते हैं कि हम ने बड़ी भारी लड़ाई लड़ कर आजादी हासिल की है। लेकिन जब हम लोग आजादी की लड़ाई लड़ रहे थे और आप लोग लड़ रहे थे तो जो सब से अधिक लड़ाई हम लड़ रहे थे वह व्यक्तिगत आजादी के लिये, "सिविल लिबर्टी" के लिये लड़ रहे थे। उसी के लिये हम आज कह रहे हैं। लेकिन हमारी आजादी आने के बाद पहले पहल आप लोगों ने क्या किया? आप ने कहा कि हम "प्रिंक्टिव डिटेंशन ऐक्ट" के बिना काम नहीं चला सकते। उसी के मुकाबले का जो क़ानून काश्मीर में है, उसी क़ानून का शिकार हो

कर आज श्यामाप्रसादजी हमारे यहां से चले गये ।

इस सिलसिले में अभी डाक्टर काटजू साहब कहने लगे कि शरत् बाबू का "हार्ट फ्रेंड" हो गया था, फ़लाना आदमी का "हार्ट फ्रेंड" हो गया था । इस लिये इस मामूली बात के लिये जांच की मांग क्यों ? हम लोग जानते हैं कि "हार्ट फ्रेंडोर" से यकायक लोग मर जाते हैं, यह कोई नयी बात नहीं है । हम जांच की मांग इस लिये कर रहे हैं कि एक बड़े से बड़ा नेता जो आप के विरोधी श्ल का आदमी था, उस को आप लोगों ने "डिटेंशन" में रखा और "डिटेंशन" में उन की मृत्यु हुई । मृत्यु के बारे में क्रिस्म क्रिस्म की राय लोगों ने बताई, क्रिस्म क्रिस्म का वाक़आ सुनाया । यहां पर मैं यह भी बता दूँ कि जो पहले ब्रिटिश सरकार थी वह भी हम लोगों को यह "कर्टसी" दिखलाती थी कि कोई बहुत ज्यादा बीमार हो जाता था, जेल में, कैदखाने में, तो ब्रिटिश सरकार भी हमें मरने के पहले छोड़ देती थी, ताकि हम आज़ाद हो कर मर सकें । यह इतनी सी "कर्टसी" भी श्यामाप्रसाद जी को नहीं दिखलाई गयी कि उन को आज़ादी से मरने दें । दो दिन पहले से बहुत ज्यादा उन को तकलीफ़ हो गयी थी, उन को डाक्टर लोग "आक्सीजन" दे रहे थे । लेकिन यह भी नहीं सोचा कि मरने से कुछ घंटे पहले एक आदमी को आज़ाद कर दें, आज़ाद हो कर उस को मरने दें ।

बहुत बातें काटजू साहब ने कहीं । मुझे उन से बड़ा अफ़सोस हुआ । मेरे दिल में काटजू साहब के लिये बड़ी इज्जत है । लेकिन जब वह सरकार की ओर से बोलने लगते हैं तो भूल जाते हैं कि बात क्या कर रहे हैं ।

डा० काटजू: आप मेरे साथ बड़ी नाइन्साफी कर रही हैं ।

श्रीमती सुचेता कृपलानी : वह सारी बातें भूल जाते हैं । उन्होंने भी (काटजू साहब) बहुत जेल काटी लेकिन उस सब को भूल कर वह एक "लायर" की हैसियत से बातें करने लगते हैं । किस तरह की छोटी बात ठे कर उन्होंने श्री त्रिवेदी जी पर अटक किया । उन्होंने क्या आरग्यूमेंट दिया ? It passes my comprehension how the Home Minister could bring forth that argument उन्होंने क्या आरग्यूमेंट दिया कि त्रिवेदी साहब क्रूर-वार हैं, श्यामाप्रसादजी की मौत का वह कारण हुये । त्रिवेदी ने आख़री दिन जा कर तीन घंटे बातचीत की । यह तो बकालत की चालबाजी की बात है । होम मिनिस्टर को ऐसा आरग्यूमेंट देना ठीक नहीं है । त्रिवेदी साहब क्यों गये ? वह उन के वकील थे, उन का फ़र्ज था उन के पास जाने का । त्रिवेदी साहब श्यामाप्रसादजी का कस्टोडियन नहीं थे, आप कस्टोडियन थे । श्यामाप्रसाद जी के इलाज के वास्ते त्रिवेदी साहब जिम्मेवार नहीं थे, उस के लिये वहां की सरकार जिम्मेवार थी । उन्होंने उन का जो कुछ इलाज किया उस के सारे डिटेल् में मुझे जाने की ज़रूरत नहीं है । मेरे पास दिखाने को सब कुछ लिखा हुआ है, लेकिन मैं उस में जाना नहीं चाहती, क्योंकि चैटर्जी साहब सब कह चुके हैं ।

यह दिखाई पड़ता है कि श्यामाप्रसाद जी काश्मीर जाने के तीन दिन बाद बीमार पड़े । उन के पैर में दर्द हुआ, और बुखार हुआ । फिर १५ दिन बाद बीमार हुये और फिर तीसरी दफ़ा १९ तारीख को बीमार पड़े । जब से काश्मीर गये, एक न एक कुछ न कुछ बीमारी उन को रही और आज डाक्टरों को भी यह अन्दाज़ा पड़ता है कि यह जो उन को शुरू से बीमादी थी वह सारी बीमारी

[श्रीमती सूचेता कृपलानी]

हार्ट की तकलीफ़ से मिली हुई थी। कोई हार्ट की डिजीज से वह सफ़र कर रहे थे। मैं समझ सकती हूँ कि डाक्टर लोग पहचान न पायें, जान न पायें कि बीमारी कितनी ज्यादा खराब है। मगर जब इतने बड़े आदमी को आप लोग डिटेंशन में रखते हैं, जो लोग किसी आदमी को डिटेन करते हैं तो उन का यह फ़र्ज है कि अच्छा डाक्टर बीमार के लिये रखे, कोई तजुर्बेकार डाक्टर बुलायें। यहाँ किसने देखा? एक कोई महम्मद अली साहब ने उन का इलाज किया। मैं जानना चाहती हूँ कि क्या हिन्दुस्तान भर में मैडिकल प्रोफेशन में इतने बड़े आदमी के इलाज के लिये कोई डाक्टर नहीं मिल सकता था? क्या कश्मीर इतनी दूर है कि दिल्ली से कोई डाक्टर नहीं जा सकता था? क्या कश्मीर में मिलिटरी डाक्टर नहीं बेंठे हुये थे, जिन से इलाज करवाया जा सकता था?

एक माननीय सदस्य: समय नहीं था।

श्रीमती सूचेता कृपलानी: समय कैसे नहीं था? यहाँ मेरे पास चिट्ठियाँ पड़ी हैं, तीन दिन से खराब हालत थी, वक्त कैसे नहीं था? मैं ज्यादा वक्त नहीं लेना चाहती—चिट्ठियों से साफ़ जाहिर होता है कि वह बराबर बीमार रहे और आप लोगों ने लापरवाही कर के, उन के इलाज करने के लिये ठीक डाक्टर को दिखाने की ज़रूरत को नहीं समझा। किस डाक्टर को आप ने दिखाया? अगर मैं त्रिवेदी साहब की बात को मानूँ तो जिस अस्पताल के अन्दर उन को रखा, जिस डाक्टर को आप ने इतने बड़े भारी आदमी को, जिस को डिटेंशन में रखा, उस को देखने के लिये रखा, उस की क्या जिम्मेवारी है कि जिस रात को वह आदमी मर रहा हो उस रात वह शराब पीये हुये

धूम रहा है। इतना बड़ा जिम्मेवार डाक्टर आप ने रखा। और फिर आप कहते हैं कि जांच किस बात की? मैं तो यह सुन कर हैरान हो जाती हूँ कि यह डाक्टर काटजू साहब क्या कह रहे हैं? हम लोग कोई उस वक्त ब्रिटिश सरकार के जमाने में होते, आप लोग कोई होते, तो सारे हिन्दुस्तान में एक हलचल मच जाती, कश्मीर से कन्या-कुमारी तक हलचल हम मचा देते। मगर क्योंकि आज हमारे भाई राज्य कर रहे ह, इसलिये अगर वैसे ही हालत होती है तो हम चुप बैठे। इस तरह की लापरवाही करके इतने बड़े आदमी की डिटेंशन में मौत हुई। उस की जांच के लिये जब कहते हैं तो माननीय गृह मन्त्री कहते हैं कि जांच किस बात की? यह बात मेरी समझ में नहीं आती। जांच इस बात की, पहले तो इस बात की कि डिटेंशन में आप ने एक आदमी को रखा। जैसा डाक्टर हीरेन मुकर्जी ने कहा, मैं उन की राय से इत्तिफ़ाक़ करती हूँ कि हम इस को बिल्कुल ग़लत समझते हैं कि एक आज़ाद मुल्क में प्रिवेंटिव डिटेंशन ऐक्ट, सेफ्टी ऐक्ट, रहे। ऐसे ऐक्ट का रहना एक अपमानजनक बात है। ऐसे कानून को रखना हमारे मुल्क के लिये अपमानजनक है। फिर आप ने एक ऐसे आदमी को, जो बड़े से बड़ा आदमी आप के विरोध में राय रखता था, और जो आदमी कुछ ही महीने पहले ऐसी राय का था कि वह आप के साथ गवर्नमेंट बेंचेंज पर बैठता था, उस को आप ने डिटेंशन में रखा और जब उस डिटेंशन में उस की मौत होती है और कहा जाता है कि उस की जांच करवायें तो आप कहते हैं कि किस चीज़ की जांच करवायें?

मेरी समझ में नहीं आता और मैं बहुत अदब से आप लोगों से पूछना चाहती हूँ

कि जरा सोचिये और सोच विचार करके इस बात का जवाब दीजिये कि क्या यह डेमोक्रेसी है या प्रजातन्त्र है। आखिर आप लोग जो यहां हुकूमत की कुर्सियों पर बैठ हुये हैं, वह प्रजा के द्वारा ही तो यहां पर भेजे गये हैं और तो प्रजा की राय से आप को काम करना चाहिये। निष्पक्ष जांच होनी चाहिये या न होनी चाहिये इसके ऊपर सारे देश भर की राय ले लीजिये। यह आपका कर्तव्य हो जाता है कि प्रजा की इच्छानुसार आप चलें और अगर प्रजा की मांग इस वाक्य की जांच कराने के पक्ष में हो, तो अगर आपको जरा भीजनमत की परवाह है, तो आप को इस मामले की जांच जरूर करानी चाहिये। इसके विरुद्ध आप जो आरग्यूमेंट देते हैं, वह तो मुझे बचपने के आरग्यूमेंट मालूम पड़ते हैं, और एक गैर जिम्मेदारी के आरग्यूमेंट मालूम होते हैं। अगर आप इस तरह के फिज़ूल के आरग्यूमेंट देने की अपेक्षा कुछ न कहते तो अच्छा होता। और आपने जिस ढंग से उनके आक्षेपों का जवाब दिया, उस ने मेरे दिल में यह डर पैदा किया और आपके जवाब सुनकर तो यह मालूम हुआ कि आपको कतई जनमत और पब्लिक ओपीनियन की परवाह नहीं है। जम्हूरियत के जिन उसूलों पर लड़ कर हमने आजादी हासिल की है, आज हम उन्हीं उसूलों की अपेक्षा करें और उनकी परवाह न करें तो डेमोक्रेसी फिर कहां रह सकती है। सरकार के इस तरह के बर्ताव से तो लोगों का जनमत या डेमोक्रेसी में फेथ *faith* जाता रहता है, अगर आप डेमोक्रेसी की हत्या नहीं करना चाहते तो आप कृपया ऐसा आचरण न करें जिससे लोगों का विश्वास डेमोक्रेसी में से जाता रहे। आप हमको यह समझाते हैं कि जो व्यक्तिगत स्वाधीनता सिविल लिबर्टी है, वह एक मामूली चीज है और उसे जैसे आप चाहे हटा सकते

हैं, आपके विरोध में जो यहां एक आदमी बैठता था उस आदमी को आपने क्रैद किया, जेल में ठूसा और आपकी जेल में ही वह खत्म हो गया और उसके मृत्यु के कारणों की जांच करने की कोई जरूरत नहीं है, ऐसा कह करके तो आप हमारे *faith* इन डेमोक्रेसी को हटाते हैं मैं आप से पूछना चाहती हूं कि अगर हम अपनी व्यक्तिगत स्वाधीनता को नहीं बचा सके, तो आखिर यह जो हमने आजादी प्राप्त की है, वह किस लिये ?

डाक्टर श्यामा प्रसाद मुकर्जी की मृत्यु के बारे में जांच कराना बहुत जरूरी है जिससे सारी बातें उनकी गिरफ्तारी से लेकर, उनका डाक्टरी इलाज और उनकी मृत्यु तक सब साफ हो जायें। आप कहते हैं कि डाक्टर मुकर्जी की काश्मीर में गिरफ्तारी में भारत सरकार का कोई हाथ नहीं था। अगर उनका कोई हिस्सा नहीं था तो मैं पूछना चाहती हूं कि आपको क्या जरूरत थी कि जिस समय डाक्टर मुकर्जी पठानकोट पहुंचे तो गुरुदासपुर के डिस्ट्रिक्ट मजिस्ट्रेट ने उनको माधोपुर चैक पोस्ट तक पहुंचा दिया और जब उन से कहा गया कि हमें *jeepdrive* के लिये परमिट दो, तो परमिट न दे कर इतना क्यों वह श्यामा प्रसाद के दोस्त बन गये और यकायक उन को इतना क्यों ओबलाइज किया कि उन को माधोपुर चैक पोस्ट तक पहुंचा दिया ? इस से तो जैसा चटर्जी साहब ने कहा एक ही नतीजा निकलता है कि आप लोग उन को गिरफ्तार करने की जिम्मेदारी अपने ऊपर नहीं लेना चाहते थे और इसलिये उन्हें अपने वहां से हटा कर काश्मीर भेज दिया। परमिट का कानून हिन्दुस्तान की सरकार का बनाया हुआ था और उस परमिट के कानून को डाक्टर मुकर्जी तोड़ रहे हैं, तो क्रायदे से उनकी

[श्रीमती सुचेता कृपलानी]

गिरफ्तारी करने की जिम्मेदारी भारत सरकार पर होनी चाहिये और मालूम यह होता है कि आप अपनी इस जिम्मेदारी से बचना चाहते थे। क्योंकि जैसे पहले आपकी डाक्टर मुकर्जी को लेकर सुप्रीम कोर्ट में पोजीशन फ़ाल्स हो चुकी थी और सुप्रीम कोर्ट ने उनको बिल्कुल छोड़ दिया था, आप उस पोजीशन को दुबारा फिर नहीं लाना चाहते थे, इस लिये आप लोगों ने सोचा चलो बड़ी अच्छी बात है डाक्टर मुकर्जी को गिरफ्तार करने का यह जो डर्टी वर्क है यह शेर अब्दुल्ला ही करे। लेकिन मैं आपको बतलाना चाहती हूँ कि आप इस तरह एक्सप्लेन करके छुट्टी नहीं पा सकेंगे। यह भी मैं साफ़ कर दूँ कि प्रजा परिषद् के आन्दोलन से हमारा कोई सरोकार नहीं है, अगर वह कोई मूवमेंट चलाते हैं और वह देश के हित में नहीं है, आप को पूरा अख्तियार है कि आप उनको गिरफ्तार कीजिये लेकिन क़ायदे से कीजिये, चार्ज कीजिये और गिरफ्तार कर के मुक़दम चलाइये और तब क़ायदे से उनको जेल में रखिये। आप कहते हैं कि जो कुछ हुआ उसमें गवर्नमेंट आफ़ इंडिया की कोई जिम्मेदारी नहीं है, मगर जब देहली के मजिस्ट्रेट ने डाक्टर मुकर्जी को उनकी अदालत में पेश होने के लिये काश्मीर सरकार को लिखा तो उन्होंने ऐसा करने से इन्कार कर दिया, लेकिन जब उनकी वहीं काश्मीर में नज़रबन्दी की हालत में मृत्यु हो जाती है, तो काश्मीर के प्रधान मंत्री शेर अब्दुल्ला यह बयान निकालते हैं कि हम पंडित जवाहर लाल नेहरू की भारत में बापिसी का इन्तज़ार कर रहे थे। मतलब यह है कि शेर अब्दुल्ला बिना जवाहरलाल की इजाज़त के डाक्टर मुकर्जी के बारे में कोई फ़ैसला नहीं कर सकते थे, इस स्टेटमेंट से लोगों के दिल में शक पैदा होता है और इसकी सफ़ाई

करने की ज़रूरत है। मैं आप को एक सच्चे मित्र के नाते सलाह देती हूँ कि आप लोग इस मामले की जांच करायें और जैसा आप कहते हैं कि आप बंक्रूसूर हैं, उसको जांच द्वारा साबित कराकर पब्लिक के सामने रख दीजिये कि भाई जो कुछ हुआ हममें हमारी कोई जिम्मेदारी नहीं है और हम लोग बिल्कुल बंक्रूसूर हैं और अगर ऐसा साबित हो जाय तो हम से ज्यादा कोई खुश नहीं होगा। हम लोग नहीं चाहते कि काश्मीर में कोई गड़बड़ी हो या परेशानी पैदा हो, मगर मैं इतना ज़रूर कहूंगी कि काश्मीर सरकार को खुद अपने भले नाम को बचाने के लिये इस जांच को कराना चाहिये और जांच द्वारा अपनी स्थिति साफ़ करके संसार के सामने रख दें। फिर आज तो मैं नहीं समझती कि उनको जांच कराने में क्या मुश्किल है, सब से ज्यादा इस केस में जिनकी जिम्मेदारी थी, यानी शेर अब्दुल्ला वह आज गवर्नमेंट में नहीं है और चटर्जी साहब की इजाज़त से वहाँ के जो वर्तमान प्रधान मंत्री बरूही साहब हैं उनके पास से अभी जो एक पत्र आया है, उसका मैं एक पैराग्राफ़ आपको पढ़ कर सुनाना चाहती हूँ उससे आपको मालूम हो जायगा कि इस मामले में बरूही साहब का एटीच्यूड आप से कहीं अच्छा है। बरूही साहब ने यह लिखा है :

"I sincerely sympathise with the sentiments of the mother of late Dr. Mukerjee and the members of his family. The tragedy occurred with such suddenness that a good deal of misgivings have risen in the minds of many people in India. Personally, I have no objection to afford means of satisfying the minds of these friends in regard to the conduct of the concerned authorities, but it is to be seen whether at this time an open enquiry will be con-

ducive to the promotion of the larger interests for which all of us are making sincere efforts."

उनको एतराज ओपन इनक्वायरी से है, लेकिन साथ ही वह यह भी समझते हैं कि अगर किन्हीं और जराये से हिन्दुस्तान और काश्मीर गवर्नमेंट्स का गुड नाम बचाया जा सके, तो उनको इसमें कोई एतराज नहीं है।

Shri N. C. Chatterjee: Would the hon. Member kindly read the next sentence?

Shrimati Sucheta Kripalani: It says:

"Anyway, I shall have occasion to discuss this matter with you when I have an opportunity of meeting you."

Shri N. C. Chatterjee: He is still willing to consider it.

श्रीमती सुचेता कृपालनी: But it is our Government which fights shy of making an inquiry. मेरी समझ में नहीं आता कि फिर भारत सरकार क्यों ऐसी इनक्वायरी कराने से घबड़ा रही है। मैं कहती हूँ कि आप लोग जांच के नाम से घबराइये मत, जांच आप अवश्य कराइये ताकि लोगों के दिल में जो एक शक है, वह साफ हो जाय। वस और अधिक न कहकर मैं केवल एक बात कह कर खत्म करना चाहती हूँ। जुलाई के पहले हफ्ते में मैं जब कलकत्ते गयी थी और पहले पहल जब मैं डाक्टर मुकर्जी के घर में गई थी, तो मैं ने डाक्टर मुकर्जी की बूढ़ी मां जिनकी अवस्था ८३ साल की होगी, कम्बल बिछाय फर्श पर बैठी थीं, जैसे हमारे हिन्दू घरों में शोक किया जाता है, यह मत समझिये कि वह कोई बिल्कुल पागल सी हो रही थीं, वह शान्ति से बैठी हुई थी, आखिर एक वीर बेटे की

माता होने का उनको सौभाग्य प्राप्त है और उनकी जवान से सिर्फ यही लफ्ज निकल रहे थे कि मुझे इन्साफ चाहिये "आमी बिचार चाई"। उन्होंने कहा मेरा लड़का चला गया है, मेरा लड़का कोई क्रिमिनल नहीं था उसने कोई क्राइम नहीं किया था, मेरा लड़का कोई भिखारी नहीं था, उसके पास अपना इलाज करने का कोई साधन नहीं था ?" मेरा लड़का बिना कानूनी कार्यवाही के एक कैंदखाने में लापरवाही से मरा है। उन्होंने यह शब्द कहे कि एक गरीब और भिखारी भी अपना छोटा थाली बेच कर इलाज कराता है, लेकिन मेरी लड़के की कैंसी दुर्दशा हुई, इतना सब कुछ होते हुए भी मरते वक्त उसके पास कोई नहीं रहा, मरते वक्त उसे कोई न देख सका। यह मां की जो पुकार है उस को आप भूलिय मत, उसको सेंटीमेंट कहकर मत टालिये। उनकी मां ने कहा कि मेरा तो जो कुछ होता था वह हो गया लेकिन मैं चाहती हूँ कि भविष्य में इस तरह किसी दूसरी मां के आंसू न बहें और इसलिय आप मेरी आवाज को बढ़ाइय और इस मामले की जांच करवाइय ताकि इस क्रिस्म के काकयात दुबारा न हों।

Kumari Annie Mascarene (Trivandrum): Sir, may I ask a question from the Home Minister by way of clarification?

Mr. Deputy-Speaker: Yes.

Kumari Annie Mascarene: I wish to know whether Dr. Mookerjee's ill health and rather disquieting situation had given rise to any information being sent to his people in Calcutta and whether the Government of Kashmir thought it necessary to release him when he was found to be dangerously ill as was done during the British days of detention?

Dr. N. B. Khare: I shall take only three minutes. In my opinion this unfortunate death of Dr. Mookerjee, who was a great friend of mine, is

[Dr. N. B. Khare]

nothing but a medico-political liquidation of a most inconvenient and determined political opponent. I should say, Sir, that for the medical part of it, Srinagar is responsible and for the political part of it, New Delhi is responsible; and I say it from my personal experience of the attitude which my friends in the Government hold in their minds about their political opponents. Sir, I have said so many times publicly but never on this platform. So, I may tell you, Sir, that after the assassination of Mahatma Gandhi I found myself also placed in the same category as of Dr. Mookerjee, that is of a determined political adversary I do not know whether the Government wanted it, but their police did want to get me hanged. Therefore consequent on the assassination of Mahatma Gandhi they tried to create false evidence against me to implicate me in the crime.

An Hon. Member: Is it relevant?

Dr. N. B. Khare: It is quite relevant. It is for the Speaker to say. You are not in the Chair.

So this is the mental attitude of the Government. They want to liquidate anything that they find inconvenient, and a similar attitude might have prevailed in the case of Dr. Mukerjee.

I am disclosing it here today that after the 11th May, when the news was flashed that Dr. Mookerjee was arrested and detained in Srinagar jail, on the 13th May, I expressed my fear and sentiment or presentiment—whatever you may call it, because it is my own experience in the Mahatma Gandhi assassination investigation—I said, "he is in Srinagar in the hands of enemies, and I am doubtful whether he will ever come back alive". I have said so to several friends, and I say so in this House today.

श्री नन्द लाल शर्मा (सीकर) : हमें आज स्वर्गीय डा० श्यामा प्रसाद मुकर्जी

की मृत्यु के सम्बन्ध में इस वार्तालाप के समय आज से लगभग साढ़े पांच वर्ष का समय फिर याद हो आता है जब इस देश में इस देश के महान नेता श्री गांधी जी की किसी की गोली का शिकार होना पड़ा और उस के फलस्वरूप सारा देश एक भयंकर खेद और शोक की लहर में डूब गया था ।

एक माननीय सदस्य : आप का उस समाज से कोई सम्बन्ध नहीं है ?

श्री नन्द लाल शर्मा : मैं दुःखपूर्वक और क्रोधपूर्वक उन महानुभाव का विरोध करता हूँ जिन्होंने पूछा कि मेरा उस सम्प्रदाय से कोई भी सम्बन्ध नहीं है । मेरा सम्प्रदाय वही है जो हमारे विरोधी महानुभावों का है और मैं उसी के अनुसार चलने वाला हूँ । यदि वे अपने पिता, पितामह, सम्यता और संस्कृति को मानने वाले हैं तो मैं भी अपने पिता, पितामह, सम्यता और संस्कृति का मानने वाला हूँ और मैं कहता हूँ कि जो किसी भी प्रकार इस कुवृत्ति के साथ सम्बन्ध रखता है वह दोषी है, वह अपराधी है और वह स्वयं अपने मन के पाप को प्रकट कर रहा है । उन महात्मा की मृत्यु के अनन्तर खुली अदालत में एक अपराधी पर नहीं, अनेक अपराधियों पर केस चलाये गये और उन के अतिरिक्त सैकड़ों व्यक्तियों को जेलों में डाला गया, जिन को पीछे किसी प्रकार से निरपराध समझ कर छोड़ दिया गया ।

आज हमारे सामने डा० श्यामा प्रसाद मुकर्जी की मृत्यु का दूसरा प्रश्न है और मैं सरनाम : इ ति प्र इ को ई [छोः मोः प्र न नः] है । अब को जहाँ उस महात्मा का शोक था, देश को शोक था, विश्व को शोक था, वहाँ ऐसे महात्मा की मृत्यु का शोक आप के मन में न होना, मैं समझता हूँ कि कहीं न

कहीं कोई रोग अधिक बढ़ रहा है। मैं इस लिये निवेदन करूंगा कि ऐसे महात्मा के, ऐसे देश प्रेमी के लिये, और देश के लिये अपने आप को बलिदान करने वाले के लिये अपनी पार्टियों की दलबन्दी को छोड़ छाड़ कर के निष्पक्ष भाव से आप को विचार करना चाहिये।

दूसरी बात में यह कहना चाहता हूँ और आप इस को अच्छी तरह से सोच लें, क्या डाक्टर श्यामा प्रसाद मुखर्जी काश्मीर में गये अपने किसी स्वार्थ के लिये? काश्मीर के या यहां के किसी जेल में पड़े तो क्या किसी अपने स्वार्थ के लिये अथवा अपने भारतवर्ष को या भारतवर्ष की सरकार को कोई हानि पहुंचाने के लिये? यदि यह बातें हम अपने मन में सिद्ध न कर सकें, और ऐसी अवस्था में यदि उन की मृत्यु के सम्बन्ध में जांच का प्रश्न आये तो हम को दलबन्दी से काम नहीं लेना चाहिये। यह भेरा आप से नम्र निवेदन है। उन की मृत्यु के सम्बन्ध में अथवा उन की गिरफ्तारी के सम्बन्ध में मैं समझता हूँ माननीय श्री चैटर्जी से बढ़ कर कोई इस केस को नहीं रख सकता। इस के साथ साथ जो पुस्तिक उन की मृत्यु के सम्बन्ध में और उस के केस के सम्बन्ध में अपील करने के लिये छपाई गई वह आप लोगों के हाथ में है, उस में भी बहुत सी बातें स्पष्ट रूप से दी गई हैं। इसी वर्ष के ६ मार्च को हम लोगों की गिरफ्तारी हुई, सुप्रीम कोर्ट न हमें छोड़ा और उस के बाद हम पर जो केस चला वह केस, मैं बड़ी नज़रता के साथ निवेदन करता हूँ आज तक किसी कोर्ट ने हमारे विरुद्ध सिद्ध नहीं किया और अन्ततोगत्वा उसे वापस ले लिया गया। आपने श्री चैटर्जी के मुख से सुना कि किस तरह से एक धानेदार आप का डिसेन्ट्री का

बहाना बनाता है और अपने आप की बीमारी का सर्टिफिकेट भेजता है। ए० डी० एम० उस की बात को अस्वीकार कर के सिविल सर्जन की रिपोर्ट मांगते हैं, इस पर वह अपने केस को टालता इधर उधर भागता फिरा। ऐसी परिस्थिति में मि० गोयल, ए० डी० एम० की अदालत से डा० मुकर्जी के लिये वारंट इश्यू हुआ : काश्मीर गवर्नमेंट को लिखा गया कि उन को इस कोर्ट में भेजना चाहिये। लेकिन काश्मीर गवर्नमेंट ने इसे स्वीकार नहीं किया। मैं पूछना चाहता हूँ कि भारतवर्ष संविधान के आधीन भारत के साथ सम्मिलित होने वाला एक राज्य अपने प्रदेश में से भारत के एक आदमी को, एक मुल्तियम को भेजने से इन्कार करता है। आप का कान्स्टीट्यूशन काश्मीर पर लागू होता है या नहीं। यह प्रश्न आप के सिर के ऊपर भी वैसे ही है जैसे कि मानवता पर है।

हमारे उस आन्दोलन के सम्बन्ध में साम्प्रदायिकता कहना, भले ही किसी कम्युनिस्ट के मुख से शोभा दे, लेकिन मैं नम्रता से निवेदन करता हूँ कि वह चार्ज, वह आरोप सर्वथा मिथ्या है। उस के अन्दर कोई साम्प्रदायिक विरोधी भावना नहीं थी। किसी मुसलमान के विरुद्ध कोई शब्द नहीं कहा गया, कभी हिन्दू मुसलमान का प्रश्न नहीं छोड़ा गया। हम स्पष्ट रूप से कहते रहे कि हम जम्मू का कभी बटवारा काश्मीर से नहीं स्वीकार करेंगे। मैं ने इस हाउस में, इस संसद् भवन में खड़े हो कर कहा है कि काश्मीर और जम्मू का एक एक हिन्दू और सिख क़त्ल हो जाय तो भी हम जम्मू का काश्मीर से बटवारा कभी नहीं मानेंगे। ऐसी परिस्थिति में उस को साम्प्रदायिक आन्दोलन कहना केवल निरन्तर अपनी

[श्री नन्द लाल शर्मा]

भूल को छिपाने के लिये दूसरे को खराब कहते जाना है ।

इसलिये मैं निवेदन करूंगा कि आप साम्प्रदायिकता की भावना न आने दें । कल के अपने जिस भाषण में हमारे प्रधान मंत्री ने स्वीकार किया है हम वही बात बार बार कहा करते थे कि जिस पर आप विश्वास करते हो, जिस को अपना परम प्रिय मित्र मानते हो, वही तुम्हारी आस्तीन का सांप है, वही तुमको बाटेंगा । जिस वक्त उसने आप को काट लिया तो आप कहते हैं कि उसकी मैजारिटी भी नहीं है, उसकी पार्टी भी नहीं है, उसकी गवर्नमेंट भी नहीं है । अगर यही भूल आपने आज से कुछ दिन पहले स्वीकार की होती तो भारत वर्ष का एक दिव्य पुत्र, जिससे न केवल भारतवर्ष को लाभ हो सकता था बल्कि दूसरे देशों को भी लाभ हो सकता था, वह हमारे और आपके लिये बच जाता । हम यह कहना नहीं चाहते थे । मैं स्पष्ट कहता हूँ कि पंडित जवाहरलाल पर या डाक्टर कलशानाथ काटजू पर किसी इस प्रकार के आरोप का लगाना कि इन का यह भाव था कि डाक्टर मुकर्जी का शरीरान्त हो जाय, यह सर्वथा मिथ्या है, इसको हम कभी भी स्वीकार करने को तैयार नहीं हैं । मैं आज कह रहा हूँ कि वह आज भारत के एक एक व्यक्ति की, गलियों की, बाजारों की, शहरों की, गांव गांव की बात है । हर जगह के लोगों की यह आवाज है कि अब्दुल्ला ने ज़रूर कुछ किया है और इसकी जांच होनी चाहिये । यह भारत की जनता की मांग है । मैं बहुत नम्रतापूर्वक कहूंगा कि हमारे गृहमंत्री ने अपने तर्क को श्री चटर्जी की ओर न ले जाकर, और उसको केवल इमोशनल और सेंटीमेंटल कह कर, श्री त्रिवेदी जी

की ओर मोड़ दिया और उनको यह बार बार कहा कि वह इतने स्टेंडिंग के बैरिस्टर थे, उन्होंने यह नहीं किया वह नहीं किया । मैं पूछता हूँ कि क्या त्रिवेदी जी के तार न देने से काश्मीर सरकार अपने उत्तरदायित्व से बरी हो जाती है ? क्या काश्मीर की सरकार का, या वहां की आषारीटीज़ का, अथवा वहां के डाक्टरों का बुलेटिन इश्यू करने का कोई कर्तव्य नहीं था । फिर मैं कहता हूँ कि त्रिवेदी जी भारत के एक मात्र बैरिस्टर नहीं हैं, वह जन संघ के कार्यकर्ता हैं । वह श्री मुकर्जी के एक प्रेमी, श्रद्धालु और भक्त हैं । उनके मन में दर्द आया तो वह वहां चले गये । अगर डाक्टर मुकर्जी को डिफ़ेंड करना होता तो भारत में और भी बड़े बड़े बैरिस्टर थे जो कि जा सकते थे । उस समय भाग्य से, सोभाग्य से या दुभाग्य से श्री चटर्जी भी जेल में थे । वह भी नहीं जा सकते थे ।

अगर श्री त्रिवेदी जी गये और डाक्टर ने उनको यह नहीं कहा कि श्री मुकर्जी का स्वास्थ्य इस योग्य नहीं है कि आप उन से बातचीत करें, और यदि जेलर ने उन को किसी प्रकार की चेतावनी नहीं दी, तो क्या यह श्री त्रिवेदी का उत्तरदायित्व है कि वह स्वयं सोच लेते कि डाक्टर मुकर्जी भयंकर कष्ट में हैं इसलिये मुझे उन से बात नहीं करनी चाहिये । वह तो नई दिल्ली से चल कर काश्मीर इसीलिये गये थे । तो डा० काटजू अपने तर्क को एक अच्छे केस से हटा कर दूसरे केस की तरफ ले गये । हम स्वयं उस समय बाहर नहीं थे, हम उस समय जेलों में थे । वह हमारे बीच में से स्वस्थ गये थे । यहां लोगों ने उन को स्वस्थ अवस्था में जाते देखा । उनको पार्लियामेंट में से लोगों ने स्वस्थ जाते देखा । ऐसे व्यक्ति की अचानक मृत्यु हो जाती है । उसके लिये शरद चन्द्र बोस की मिसाल दी जाती है और

अमरीका में किसी की मृत्यु हो गयी उसकी मिसाल दी जाती है कि क्या वह मृत्यु अपने देश से बाहर हुई थी।

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

काश्मीर को हम अपने देश का अंग मानते हैं। ऐसी परिस्थिति में काश्मीर की सरकार को हमारी सुप्रीम कोर्ट की या हमारी कोर्ट की आज्ञा मंजूर करनी थी। लेकिन अगर हम उसको विदेश मानते हैं तो हमने दूसरों के हाथ में फंसा कर अपने बन्धु को मरवा दिया। अगर हम ने जान बुझ कर नहीं मारा तो हम ने ऐसा भूल से किया। हमका यह समझ लेना चाहिये था कि वहां क्या चीमीगोइयां हो रही हैं। डाक्टर काटजू स्वयं स्टेट मिनिस्टर होने की हैसियत से वहां जा सकते थे। हमारे प्राइम मिनिस्टर की अनुपस्थिति में यहां से दूसरे दूसरे व्यक्ति जा जाकर परदों के पीछे चीमीगोइयां करते रहे और फिर उन्होंने क्या कर डाला। यह मेरी आवाज नहीं है कि यहां से आपके लोगों ने जा कर वहां जो बातें की हैं और उनसे डाक्टर मुकजी की मृत्यु के लिये कोई षड्यंत्र रचा गया। मैं इस बारे में बिल्कुल कुछ नहीं कहना चाहता। जैसा मैं ने कहा यह जनता की आवाज है और आपको इसका विश्वास रखना चाहिये कि मैं असत्य भाषण नहीं करता हूं।

12 NOON

एक भ्रान्तीय सबस्य : बिल्कूल असत्य है।

श्री नन्द लाल शर्मा : असत्य शब्द कहने से मन में दलबन्दी की भावना आ जाती है क्यों कि क्या सत्य है और क्या असत्य है यह न मैं जानता हूं और न आप जानते हैं। मैं ने आंखों से कुछ नहीं देखा है। मैं ने स्वयं जा कर सुना नहीं। आपकी भारतीय जनता

इस बात की मांग करती है। मैं फिर आपसे निवेदन करूंगा कि राजर्षि टंडन जी जैसे निष्पक्षपातपूर्ण व्यक्ति ने और श्री कृपलानी जैसे निष्पक्षपातपूर्ण व्यक्ति ने इस बात की मांग की है। आपके अन्दर भी ऐसे निष्पक्षपातपूर्ण व्यक्ति हैं जिन्होंने अपने मन में शान्ति से सोचा है। इतने बड़े व्यक्ति की मृत्यु हो गयी, और मैं तो उसे हत्या कहूंगा, लेकिन फिर भी आप यह बतलाना नहीं चाहते कि वह हत्या हुई या मृत्यु। हम चाहते हैं कि आप जांच करें। वह या तो हत्या सिद्ध होगी या मृत्यु सिद्ध होगी। अगर मृत्यु सिद्ध होगी तो काश्मीर के बन्धुओं के लिये अच्छा होगा और हमारे मन स्वच्छ हो जायेंगे और यदि हत्या सिद्ध होगी तो आपको कोई न कोई कदम उठाना पड़ेगा। केवल नपुंसकतापूर्वक यह कहने से काम नहीं चलेगा कि हम कुछ नहीं कर सकते हैं। आपने इस क्षेत्र को भारत का अंग मानकर उसको अपने साथ सम्मिलित किया है। जिन को आप अपना मित्र मानते थे उन प्रच्छन्न शत्रुओं के कामों को देख कर अब आपने अपनी भूल को स्वीकार किया है। आप की उस भूल को जताने वाले डाक्टर मुखर्जी के प्रति आपको फिर सम्मान प्रकट करना चाहिये कि उन्होंने आपको निद्रा से जागृत कर दिया। इसलिये आज मैं भारतीय जनता की ओर से न्याय की मांग करता हूं कि आप जांच करें। बख्शी गुलाम मुहम्मद का पत्र भी आपको पढ़ कर सुना दिया गया है कि उनको जांच से इन्कार नहीं है। उनको बातचीत से इन्कार नहीं है। जब दूसरा इसके लिये तैयार है तब भी आप कहते हैं कि क्यों कि तुम कह रहे हो इसलिये हम ऐसा नहीं करेंगे। वह तो स्वयं इस जांच के लिये तैयार हैं। पर आप बार बार खड़े हो कर बकालत करते हैं। डाक्टर मुखर्जी की अचानक मृत्यु किन छिपे हुये कारणों से हुई है इसका कुछ पता नहीं है। इस परि-

[श्री नन्द लाल शर्मा]

स्थिति में वजू भी टूटने लगता है, पत्थर भी रोने लगते हैं पर अगर उनका हृदय न पसीजे तो इससे बढ़ कर और कोई दुर्भाग्य नहीं होगा ।

Shri Frank Anthony (Nominated—Anglo-Indians): I rise to support the demand for an enquiry on behalf of the Independent Parliamentary Group. I am going to attempt in a few minutes to take this whole discussion out of the plane of emotion and of legal technicalities into which it has got entangled.

We are not, in supporting this motion, concerned with the politics of the late Dr. Mookerjee. Personally, I did not agree with his politics. I am going to make an appeal to every Member of the House. I am one of the most senior Members of the House and have always been extremely jealous of the rights and privileges of the Members of this House and I am going to ask every Member to look at this issue purely from the point of view of parliamentary convention. We are still in a formative stage so far as our parliamentary democracy is concerned and it should be the concern of all of us, particularly the senior Members of the House, to see that we build up salutary conventions. I am going to ask a question to the Congress members. Are you going to look at this from the point of view of a necessary, salutary parliamentary convention, or are you going to be regimented by your Congress Party whip into throwing conventions overboard? I am looking at it purely from the point of view of parliamentary conventions to which we must subscribe. If this House is going to progress along healthy parliamentary lines, we must necessarily cut across all party lines, we must cut across all party affiliations. I say that this demand for an enquiry, even if it had been made by the most humble, the most obscure, the most

junior Member of this House, I would have supported it, irrespective of his party affiliations.

Sir, although I am a lawyer, I am not going to enter into a legal controversy with the Home Minister. I say that this controversy, this argument and counter-argument, is a most unseemly thing. It is going to lead us nowhere. These charges and counter-charges will neither prove nor disprove anything. I say: don't look at it from a party or partisan point of view. I say this that I have been one of those who have always been bitterly opposed to preventive detention without trial, but even then, I am not going into the merits or demerits as to whether Dr. Mookerjee was rightly or wrongly detained. Let us assume for the sake of argument—I am not conceding the Government case—that he was rightly detained under some Public Safety Act. May I say in passing that I regard all these Acts—Public Safety Act which is the twin of the Preventive Detention Act and I would call them so with the utmost of repugnance—offend the very principles of democracy. I say that detention without trial in times of peace does offend the fundamental principles of democratic jurisprudence. You should have framed an elementary rule for this democratic convention, and that is the convention I am asking every Congressman to look at so far as every Member of Parliament is concerned. Government arrogates to itself extraordinary powers. When any Government acts either under a Public Safety Act or under a preventive detention Act, it supersedes the ordinary law of the land. In the words of Mr. Chatterjee, you are acting under a lawless law when you choose to supersede the ordinary law of the land and when you arrogate to yourself extraordinary powers in order to deprive one of our citizens of his liberty. Therefore, I say, whether you recognise it or not, you also assume the added responsibility of

Mookerjee

taking extraordinary care of the health and life of every person whom you detain without trial. That is the principle I want every Member of the House to consider. You have handed over to your Government extraordinary, ruthless powers—I say that only under a lawless law a Government has this extraordinary power and it chooses to deprive a man of his liberty. Dr. Mookerjee was not charged for any offence under any law. He was just detained without trial. Since you have arrogated to yourself this extraordinary power, you have the responsibility, which you cannot escape, of taking extraordinary care of his health and his life, and that is the convention I am sure every Member of this House will subscribe to. I do not wish to place the Members of Parliament above the ordinary citizens of the land. Here we are a House, which must guard jealously the rights and privileges of every Member of this House. A Member of Parliament was preventively detained, detained for no alleged offence, detained under a lawless law, there is not the slightest suspicion—the suspicion may be absolutely baseless—that his death had occurred under extraordinary circumstances, and every one of us, irrespective of party affiliation, must insist that the Government institute an enquiry into the circumstances under which he died. The allegation has not come only from the Hindu Mahasabha party. If it had come from that party only, I would not hesitate to brush it aside saying that they were merely trying to make a political capital out of this.

These charges have come from almost all parties except perhaps the Congress and they have asked for an inquiry. Does the Home Minister for one moment delude himself into the illusion that merely because this discussion has been raised by Mr. N. C. Chatterjee, the country will regard the Government as having exonerated itself? No, Sir. You owe a duty to yourself. The Government should hold an enquiry in order

to remove the suspicions. The charges are there—the gravest perhaps—and in your own interest, I ask you “Why should you shirk an enquiry?” The charges are essentially in respect of the medical treatment which Dr. Mookerjee had received. Why should you shirk a medical enquiry? I admit medical men may look at the question from a narrow professional point of view, but you have the Supreme Court here. Do you doubt the integrity or impartiality of the Chief Justice of the Supreme Court? Why then are you afraid of an enquiry? You say in such emphatic terms that all these charges are utter poppycock, but the country, in terms of millions of people, except the Congress Party, is making these charges. Your own leaders, some of your most respected and learned leaders like Tandonji and Dr. B. C. Roy had asked for an enquiry. Your own reputed leaders are asking for it, and here in the face of all these demands from your own party people, from every other party and from millions of people, why are you shirking an enquiry? What is the difficulty? Any judge of the Supreme Court could do the enquiry. You are not in doubt about the integrity or impartiality of the Judges of the Supreme Court or any High Court, and so if your case is that all these charges are baseless, there is not the slightest suspicion that the Judge will completely exonerate you and the people also will be shown that their charges were baseless.

Dr. Jaisoorya (Medak): The matter actually would not have been so complicated if the death had happened in a normal way. But what happened here is that it became complicated because a man died as a prisoner without trial. If he had died travelling in a train or driving his car and smoking a cigarette or talking to his wife, we would have said that it was a sudden heart failure and we know hundreds of such cases. I know five thousand more cases than Dr. Katju. I would not have risen to speak but for the fact that this is really an important point.

[Dr. Jaisoorya]

while I do concede that Dr. Katju knows all about law; even with the utmost charity I am not in a position to concede that he knows anything about medicine and yet he has passed opinion as to how a man may die of heart-attack, what is the nature of heart disease and what will be his condition on the first day of the disease, on the second day, on the third day and so on. Ignorant people or ignorant doctors think they know everything about the heart. That is the important point. We are saying that death is inevitable. In many cases it is normal, but to die in detention without trial in a place which is not near and not even under our jurisdiction, is the unfortunate part of it. It is neither inevitable nor normal. Whenever a person dies in Europe, it is the law there that *post mortem* must be done. Here, unfortunately, there is no law that *post mortem* should be done. Unfortunately also cremation prevents exhumation. Here, in India, if one says that so and so was given some poison and was murdered, we can prove nothing, because there is no *post mortem*. We can prove neither 'for' nor 'against', because after the body is cremated, the ashes can't prove anything. Whether or not he died of poisoning can only be said on the law of probabilities.

The experience of medical men is that the more we see, the more we know how little we know about the behaviour of the heart. As you know, the heart is controlled by various factors like strains, emotions etc. and it is not only the heart that is sick, but the entire person that is sick. There is no doubt about the fact that Dr. Mookerjee was a sick man when he went to Kashmir. I do not doubt that for one minute. I do not doubt also that he died of natural causes. But we have a right to know that to this man who was a prisoner of society everything was done that could save him. This is important. But my hon. friend won't concede this point. This is where my objection arises, that every one has a right, and especially

the cry of a mother's anguished heart has a right to know whether everything was done to save him—much more than all of us put together. It is not to placate a political party. It is not to placate you and me. We have to tell her, the mother, that in the name of the people of India we have made enquiries, we are convinced that he died of natural causes. I care two hoots as to who is convinced or not convinced. Our demand is that the people of India whom we represent must be convinced that he died of natural causes. This is all I ask.

Now, about the question of law. I am not able to understand one or two points. I confess my ignorance. I therefore ask you for information, and that is on what day did the law—the law relating to the permit system in India with regard to going to Kashmir—when did it lapse? Did Dr. Syama Prasad Mookerjee go with the knowledge, though not the consent, of the Government of India to the border? Is it a fact or not that the police of the Punjab Government not only allowed him to go but also aided and abetted him? On what day exactly did the Kashmir Government make the law or the permit system with regard to entry into Kashmir? What precise time was it? When did you make an announcement or publish any notification? Did you tell Dr. Syama Prasad Mookerjee "You can go, we have now abolished our law, but they have made laws"? This is the only point.

I am not interested in that question as a doctor, but I believe it is our essential and human right, our inalienable right to know how a man dies. Why? Because, it is possible, though undesirable, that a man can die normally in detention, but it is not only the case that a man dies normally in prison, there are to my knowledge six cases where people who were prisoners of society in detention without trial did not come out alive. Not only that, there is no evidence to show where

their bodies are. For instance I will just refresh the memory of my hon. friend who unfortunately was only the successor to the crimes of his predecessors. I will give you the names: Rangachari, Raju Reddi, Padma Reddi, Ramachandra Reddi, Sitarama Reddi and Sanardhanachari. What happened to them? Where are the corpses, where are the bodies? I think one official sitting up there should know all about it, any my hon. friend should know. I fully confess that he is only a successor to things that have happened previously. But I can ask him to enquire about it, tell the people of India what happened about it. That does not apply here. What does apply is the fact that it is the right and duty of relatives, whose people have been taken in detention as prisoners of society, that they shall be assured that these prisoners have been given protection in every form. No doctor is infallible. We all make mistakes. And to think that in a third class place like Kashmir there will be a heart expert when in Delhi there are none and in Calcutta and Bombay and London and Berlin people are "done" in spite of medical aid—is to think too much! I feel that there have been instances and evidence of carelessness, I am pointing only to that. I have seen my own father die of the same heart failure though he was attended on by five devoted men of the medical profession. And my brother died. In both cases the approach to the line of treatment was wrong. Are we going to hold those doctors responsible and say they deliberately killed their patients? They did their best. But in this case where suspicions have arisen I think the best thing you can do is to clear those suspicions by asking for a medical enquiry into the circumstances that have attended his Death. The political issue does not interest me.

श्री बी० जी० देशपांडे : मैं इस सदन को यह विश्वास दिला देना चाहता हूँ कि डाक्टर मुकर्जी के दुःखद निधन से किसी क्रिस्म का राजनैतिक फायदा उठाने के लिये

यह प्रस्ताव सदन के सामने नहीं रक्खा गया है। मैं सदन को यह आश्वासन देना चाहता हूँ कि हमारी राजनैतिक लड़ाई राजनैतिक रंगमंच पर जारी रहेगी और हम विश्वास रखते हैं कि राजनैतिक क्षेत्र में हम अवश्य विजयी होंगे। यह लड़ाई डेमोक्रेसी, लोकतंत्र और जनतंत्र की रक्षा के लिये हम यहां लड़ रहे हैं। देश के एक महान् नेता और बिरोधी दल के नेता को जिस प्रकार से आपने क्रोध किया, और उसके बाद जिस परिस्थिति में उनकी मृत्यु हुई, उन सब बातों पर विचार करने के लिये आज यह विषय सदन में रक्खा गया है।

सब से पहले मैं एक बात बताना चाहता हूँ जिसके बारे में यहां बहुत विचार हुआ। हमारे गृह मंत्री जी ने यह पूछा है कि भारत सरकार का और काश्मीर सरकार का इसमें पड़यंत्र क्या था? उस सम्बन्ध में मेरा कहना है कि भारत सरकार का पहला अपराध यह था कि अनुमति पत्र की पद्धति काश्मीर जाने के लिये भारत सरकार के सुरक्षा विभाग ने निकाली थी और इसका स्वयं मुझे अनुभव है कि जब मैं और श्री त्रिवेदी जम्मू जाना चाहते थे और उसके लिये हमन भारत सरकार के सुरक्षा विभाग के पास आवेदन पत्र भेजा, तो हमको जवाब मिला कि आप को काश्मीर जाने के लिये परमिट नहीं दिया जायगा। इसके पश्चात् मैं ने पंडित जवाहरलाल नेहरू को पत्र लिखा और यह लिखा कि मैं नहीं समझता हूँ कि आपकी अनुमति से हमको यह अनुमति पत्र देने से इन्कार किया गया है। पंडित जवाहरलाल नेहरू ने जवाब दिया कि जब तक जम्मू में आन्दोलन चल रहा है आपको या आपके दल के किसी भी व्यक्ति को, डाक्टर मुकर्जी को या उन के दल के किसी भी व्यक्ति को मैं जम्मू और काश्मीर में जाने की अनुमति नहीं दूंगा। इस पर भी मैं ने और श्री त्रिवेदी

[श्री बी० जी० बेशपांडे]

ने जम्मू जाने का निश्चय किया और फल-स्वरूप पंजाब सरकार के डिस्ट्रिक्ट मजिस्ट्रेट जालन्धर ने हम दोनों को प्रिवेन्टिव डिटेन्शन ऐक्ट में क़ैद किया, जहां तक मुझे याद पड़ता है १६ अप्रैल को हम लोग पकड़े गये और ८ मई को यहां ही सुप्रीम कोर्ट ने यह क़ैसला सुनाया कि चूंकि हमारा इरादा इस परमिट सिस्टम को तोड़ने का था और हमारा इरादा जम्मू और काश्मीर में जाने का था. हमें सरकार इसके लिये क़ैद नहीं कर सकती है और उन्होंने हमारी उस गिरफ्तारी को अवैध ठहराया और सुप्रीम कोर्ट ने हम को छोड़ दिया।

मेरा आक्षेप यह है कि डा० मुक़र्जी को अन्दर भेजा गया तो वह इसी के लिये भेजा गया कि डा० काटजू साहब उन को प्रिवेन्टिव डिटेन्शन ऐक्ट में बन्दी नहीं कर सकते थे। मैं आप को बताना चाहता हूं कि एक भी व्यक्ति ऐसा नहीं था जिस को सुप्रीम कोर्ट ने कहा हो कि सरकार का आर्डर जायज़ है। उन्होंने बताया कि जितनी अनुज्ञायें निकाली गई सब ग़लत थीं और सब को इसी बात पर छोड़ दिया। मुझे भी जब यहां छोड़ दिया तो सोचा कि डा० मुक़र्जी को अब प्रिवेन्टिव डिटेन्शन ऐक्ट में नहीं क़ैद करना चाहिये क्यों कि यहां तो लोगों के अधिकारों की रक्षा करने के लिये बहुत सख्त सुप्रीम कोर्ट मौजूद है। इस लिये उन को सुप्रीम कोर्ट के अधिकार क्षेत्र से बाहर भेज कर क़ैद करो ताकि सुप्रीम कोर्ट उन की मदद न कर सके। इस के लिये उन्हें जान बूझ कर काश्मीर भेजा गया। मैं कहता हूं जिस तरह से कि जनसाधारण कहते हैं कि आप का डिस्ट्रिक्ट मैजिस्ट्रेट वहां भेजा गया और उस ने वहां जा कर कहा कि ऊपर से हम को आज्ञा मिली है कि आप वहां जा सकते हैं। और अपनी जीप में बैठा कर वह

ले गये। जब तक डा० मुक़र्जी यहां रहते हैं तब तक उन की रक्षा करने के लिये यहां पर सुप्रीम कोर्ट मौजूद है इस लिये उन को बाहर भेजना चाहिये। इसी लिये मैं कहता हूं कि यह भारत सरकार की साजिश थी काश्मीर गवर्नमेंट के साथ कि डा० मुक़र्जी को पंजे में लिया जाय। आप को पता होगा कि यहां की सरकार के सामने उन के ऊपर अभियोग चल रहा था और उस अभियोग के समय में ही डाक्टर मुक़र्जी ने साजिश पकड़ ली। वह यहां पर पर्सनल बांड पर छूटे थे। उन्होंने पर्सनल बांड कैंसेल कराना चाहा, लेकिन यहां के मैजिस्ट्रेट ने कहा कि जब तक उन पर अपराध सिद्ध नहीं होता है तब तक उन्होंने कुछ नहीं किया। यह कह कर उन्होंने उन के बांड को कैंसेल करने की इजाज़त नहीं दी। डा० मुक़र्जी काश्मीर शोख अब्दुल्ला से मिलने जा रहे थे। मुझे पता है कि जिस दिन खबर आई कि डा० मुक़र्जी को इजाज़त मिलती है कि जा सकते हैं, शोख अब्दुल्ला ने उन को बुलाया है, हम लोगों ने समझा कि अब कुछ बातचीत होगी। यह समझ कर ही हम लोग उन को वहां ले गये, लेकिन ले जाने के पश्चात् क्या हुआ यह बात आप के सामने आ चुकी है। हम लोग जांच का काम कर रहे हैं। हम लोगों के पास काफ़ी इन्फारमेशन है जिस से हम लोगों के दिल में पक्की तौर से यह बात आ गई है कि काश्मीर में जो कुछ हो गया है, जो उन की मृत्यु हो गई है वह उनकी नैसर्गिक मृत्यु नहीं है। इस के सम्बन्ध में हमारे पास जो चीज़ है वह हम दिखाना नहीं चाहते, लेकिन प्राइमरी फ़ेसी कैंस हेंज़ बीन मेड आउट। मैं समझता हूं कि जिस तरह से एक एक बात हम को बताई गई, अभी गृह मंत्री जी ने बताया कि डा० मुक़र्जी को घूमने की इजाज़त दी गई थी। इजाज़त दी गई थी लेकिन प्रत्यक्ष घूमने को नहीं मिला। शोख

अब्दुल्ला ने सरदार हुकम सिंह साहब को बतलाया कि वह आज्ञा दे देंगे, बात तो ठीक है। बंगला अच्छा नहीं था लेकिन दूर दूर बड़ा अच्छा था। बड़े सुन्दर सुन्दर सपने दिखाई देते थे। सृष्टि सौंदर्य दूर से देखने के लिये बहुत अच्छा था, लेकिन वहाँ घूमने के लिये जगह नहीं थी, क्षितिज तक दूर दूर से देख सकते थे। बात तो यह थी कि वह कमरा छोटा था, घूमने के लिये जगह नहीं थी। बाद में जब डा० मुकर्जी बीमार पड़े उस के पश्चात् हम देखते हैं, अगर हम सब बातों को छोड़ दें क्यों कि मैं बाज़ार की रूबरू पर विश्वास नहीं करता, लेकिन मैं सरकार के भाषणों पर भी विश्वास करने के लिये तैयार नहीं हूँ। किस तरह से मिस इंटरप्रेट करके, किस तरह से कंटेक्ट छोड़ कर उन्होंने बातें की हैं। इस को देख कर किस तरह से सत्य प्रदर्शन के लिये सरकार अपनी बाज़ी रख रही है, मैं मानने के लिये तैयार नहीं हूँ। लेकिन खैर मैं इस को यहाँ छोड़ देता हूँ कि डा० मुकर्जी के बारे में कब मुझे पता लगा कि उन को हार्ट अटैक हुआ है। हमारे गृह मंत्री जो बड़े भारी वकील हैं उन्होंने दो बातों का ऐडमिशन किया। डा० काटजू ने कहा अगर डाक्टर ने पत्र भेजा होता तो बहुत अच्छा होता। यानी डा० काटजू साहब मानते हैं कि उनके रिश्तेदारों को उन्होंने पता नहीं दिया; लेकिन यह गलती किस की हुई? जेलर की हुई। आगे चल कर उन्होंने त्रिवेदी साहब पर आक्षेप करते वक्त यह भी गलती मंजूर की कि डाक्टर को इजाज़त नहीं देनी चाहिये थी। वह खुद कहते हैं कि त्रिवेदी को नर्स लाना चाहिये था। नर्स का लाना त्रिवेदी का काम नहीं है। बात यह कि वहाँ की जेल अथारिटी और गवर्नमेन्ट अथारिटीज के चार्ज में डा० मुकर्जी थे। और मैं यह कहना चाहता हूँ कि इट इज़ नाट ओनली:

नेग्लिजेंस, यह डेलीबरेट तरीका है राज्य विरोधी को नुकसान पहुंचाने का। दुनिया में जो डिक्टेटोरशिप वाले देश हैं उन देशों में यही तरीका होता है। वहाँ पर अगर कोई ब्लड प्रेशर का रोगी हो, या हार्ट का रोगी हो, उस को हार्ट का अटैक होता है तो जितने एलिक्ट्रिक लिपट होते हैं वह बन्द कर दिये जाते हैं। यह समझा जाता है कि रोगी को ज्यादा परिश्रम करना पड़ेगा और श्रम के कारण उसकी मृत्यु हो जायेगी। मैं केवल यही सजेरिचन रखना चाहता हूँ किसी चीज़ का अतिरेक नहीं करना चाहता हूँ। लेकिन जिस तरह से सरकार वकीली ढंग से कहती है कि त्रिवेदी जी के कारण डा० मुकर्जी की मृत्यु हुई, जो चीज़ डा० काटजू समझते हैं कि परिश्रम के कारण उन की मृत्यु हुई, यदि यह सत्य भी हो तो क्या वहाँ के डाक्टर को पता नहीं था, वहाँ के जेलर को पता नहीं था? यह जानते हुये, जान बूझ कर इस प्रकार के परिश्रम करने की आज्ञा क्यों दी कि जिस से हार्ट अटैक होने के कारण डाक्टर मुकर्जी की मृत्यु हो जाय? मैं समझता हूँ कि हत्या करने की बात अनेक बार हुई है। मैं ने एक फ्रेंच स्टोरी पढ़ी थी, उस में यह दिया है कि एक आदमी का पड़ोसी अपनी पत्नी पर बहुत अत्याचार करता था, और उस के हृदय में उस के लिये बड़ा क्रोध था। एक दिन एक तालाब के किनारे वह घूमने के लिये जा रहा था और उस ने देखा कि तालाब में एक आदमी डूब रहा है। और पकार रहा है। बहुत पुकारने के बाद उस को निकालने के लिये जाते समय इस आदमी ने देखा कि वही पड़ोसी है जो पत्नी पर अत्याचार करता है। उस को निकालना चाहिये था, लेकिन नहीं निकालता है और बैसे ही घर चला आया। दूसरे दिन पता चला कि पानी में डूब कर उस का पड़ोसी मर गया। उस

[श्री वी० जी० देशपांडे]

कहानी के अन्त में उस ने सवाल पूछा है कि क्या उस पड़ोसी ने यह काम अच्छा नहीं किया ? उसे किनारे निकालना चाहिये था ? मेरी समझ में उस का कान्ग्रेस उस को बतला रहा था कि उस को जो चीज करनी चाहिये थी वह उस ने नहीं की बाई बाल्ट आफ ओमिशन । उसी प्रकार से डा० मुकर्जी के डाक्टर को जो परवाह करनी चाहिये थी, जिस प्रकार की चिन्ता उस को करनी चाहिये थी और उन को परिश्रम नहीं करने देना चाहिये था, इस को जान बूझ कर जब ऐसा करने दिया जाता है तो उन पर हत्या का दोष लगता है । उन्होंने जान बूझ कर ऐसा किया है मैं ऐसा नहीं कहना चाहता हूँ, लेकिन इस प्रकार की परिस्थिति यहां पैदा हुई है, इस प्रकार का संशय पैदा हुआ है और खासकर डिमा-क्रेसी के अन्दर हम देखते हैं कि हम उसी हालत में कायम हैं जिस प्रकार से डिक्टेट-शिप में होता है । उसी प्रकार से डिमाक्रेसी के अन्दर अपोनेन्ट के साथ बर्ताव होता है । मुझे एक मित्र ने बताया और गृह मंत्री जी को बताया कि आप लोगों ने पार्लियामेन्ट के मेम्बरों को सी क्लास दिया है । तो उन्होंने कहा कि क्या हो गया अगर सी क्लास दिया । जिस प्रकार से यहां बातें होती हैं, या अपो-नेन्ट के साथ जैसा बर्ताव होता है, मैं समझता हूँ कि उस से एकतन्त्रवाद की बात सिद्ध होती है । जनतन्त्रवाद में अपने विरोधियों को कुचलना और यहां तक कि उन के बड़े से बड़े आदमी की मृत्यु होने के पश्चात् भी उसकी जांच करने के लिये तैयार न होना यह भावना जिस देश में पैदा हो जायेगी उस देश में जनतंत्र का विकास नहीं हो सकता । और इस लिये मैं जनतंत्र की सुरक्षा के लिये यह मांग करता हूँ कि डा० मुकर्जी की मृत्यु के सम्बन्ध में पूरी जांच होनी चाहिये ।

Shri Meghnad Saha (Calcutta—North-West): I support wholeheartedly the demand of my hon. friend Mr. N. C. Chatterjee for a full enquiry into the circumstances which led to the death of Dr. Syama Prasad Mookerjee, in detention. I have heard the arguments on both sides. I was very sorry to find that my friends on the opposite side have opposed this very simple demand for an enquiry. I am also sorry that in spite of private opinion which I have heard from thousands of Congressmen about the death of Dr. Syama Prasad Mookerjee, none of them have risen to speak their mind on this matter and have left it to Dr. Katju, the Home Minister.

I come from the city of Calcutta from which Dr. Mookerjee was also elected. Dr. Mookerjee was born and brought up in Calcutta. He is well known almost to everybody in Calcutta, and during the last one month when I was in Calcutta, hundreds of men who visited me have requested me that there should be a public enquiry into the circumstances of Dr. Mookerjee's death. I do not know why Dr. Katju brought all his legal acumen just to argue against this simple thing. I am sorry that in spite of the great esteem in which I hold Dr. Katju, the Home Minister, his legal arguments have not convinced me in the least. It was a very simple thing. Millions of his countrymen believe, whether rightly or wrongly I cannot say, that Dr. Mookerjee's death took place under very suspicious circumstances. Here we listened to the arguments of Mr. Chatterjee, the counter-arguments of Dr. Katju and arguments on all sides. It would have been a very simple thing to have a public enquiry, and to place all the circumstances about his death before the public. I think if the Government accepted this motion, it would have raised them in the estimation of our countrymen. But they have not done so. I was particularly surprised when Dr. Katju wanted to fix the responsibility on my hon. friend Mr. Trivedi. Mr. Trivedi is not a medical man, and everybody knows that when a man is

very ill, his friends flock to his bed side just to offer him comfort and just to satisfy their own curiosity. He said it was Mr. Trivedi who hastened Dr. Mookerjee's death by being at his bedside. This appeared to be a very queer argument.

Shri U. M. Trivedi: Ridiculous.

Shri Meghnad Saha: I think it will not convince anybody in the world—this kind of crude arguments—.....

Shrimati Sucheta Kripalani: Very crude.

Shri Meghnad Saha:.....to shift the responsibility to somebody else. one of his friends. He knows him well. This will not satisfy anybody.

Dr. Mookerjee was a very eminent man. I have known him since his boyhood. I had worked with him. He was one of the most lovable men I knew. As a matter of fact, when he announced here that he was going to Kashmir. I went to him and I remonstrated with him that he should not go to Kashmir. I was not acquainted with the legal aspects of the thing. I was not a sympathiser with the particular cause which was responsible for the making up of his mind to go to Kashmir. I simply told him: "You are placing yourself in the power of your enemies, and no sensible man should place himself in the power of his enemies". He said he was not going to be detained in Kashmir. He said: "I am going to be detained in India, because the Indian Government will prevent my entry into Kashmir." He was never under the impression that he would be allowed by the Indian Government to go into Kashmir.

I think the legal aspects have been dealt with very fully by Mr. Chatterjee. I need not enter into them, and I think it must have been a great surprise to Dr. Mookerjee when he was allowed, helped and abetted by the agents of the Indian Government to enter Kashmir. And I think all these movements must have come from a master mind, and one can see who that master mind is.

Anyhow, I do not want to treat this House to a long discourse. I think

the country demands and millions of his countrymen demand that there should be a full and open enquiry into the circumstances of the death of Dr. Syama Prasad Mookerjee, and I would urge the other side—the Government—to accept this motion of Mr. Chatterjee and once for all allay the doubts which are, whether rightly or wrongly, poisoning the minds of millions of people in this country against the Government of India as well as the Government of Kashmir.

Shri Joachim A'va (Kanara): This is one of the gravest and saddest occasions in this House when we are asked to mourn the death of the greatest orator of the Indian Parliament, a titan, a giant who lived amongst men. Who does not know that quite many of us have shed tears on the death of Dr. Mookerjee? Though we fundamentally opposed his policies—policies that perhaps cut at the root of nationalism—we had respect for his personality. Sir, I am glad you have given the fullest chance for the Opposition to ventilate their feelings, sentiments and grievances, and Government need be congratulated for boldly and squarely facing this charge and trying to rebut it.

What is the use of saddling the Bakshi Government with the sins of Sheikh Abdullah's Government? The Bakshi Government today is in saddle, and they have a serious responsibility to discharge. They have a life and death struggle in Kashmir. The enemy is within the door, and it is not possible perhaps when the enemy is at the gates to have any agitation which will affect their course of national existence there. *(Interruption)* Only yesterday, Sir, my hon. friend Mr. Fotedar from Kashmir said that they had a charge against this Government, that the Government of India never interfered in any shape or form in Kashmir; and here now the Opposition states that our Government should interfere. Revolutionary changes have occurred since the death of Dr. Mookerjee both in our national life and international life. The Kashmir

[Shri Joachim Alva]

issue is a very grave issue in the forefront of world politics today. Abdullah's Government has been liquidated. Bakshi's Government has come in. As I said it would be wrong and improper and unjust to saddle the Bakshi Government with the wrongs of Sheikh Abdullah's Government, and things with which the India Government had nothing to do. The misdemeanours or the sins of Abdullah cannot be visited upon the shoulders or upon the head of his successor who is waging a great battle of keeping Kashmir going and to decide finally which side to choose.

As I said, we are deeply mourning Dr. Mookerjee's death. Unhappy is the lot of Bengal that they lost their titans and great heroes one by one. Netaji Subhas Chandra Bose had to walk miles and miles when he beat a retreat from Rangoon to Singapore. The British gave him a hunt and he had to walk miles and miles into the hills and lay down his life finally. So also the case of Sarat Chandra Bose to which hon. the Home Minister referred. C. R. Das also died like that. He died when he was down in the heat of the campaign in the South. I remember asking Shrimati Basanti Devi as to how he died. She said: "The food there was very hot, and he passed away soon after he returned from his tour in the South". Years after I remember telling Shrimati Sarat Bose, "Be careful about your husband. The food may go away", and she said, I remember, "I go with my husband wherever he goes." He went to Europe, and the hon. Minister has graphically described the circumstances in which beloved Sarat Babu died.

The Government of Kashmir as at present constituted should not be burdened with this enquiry. The Government of India is not responsible in the sense, that Mr. Chatterjee has charged it. I have great sympathy with Mr. Chatterjee's demand. As I said, I remain a fervent admirer of Dr. Mookerjee. Long after the din and bustle of political life will have been forgotten, long after we shall have gone

away from this Parliament of India, all of us will remember Dr. Syama Prasad and his name will always flit across the gallery of our minds.

Today, neither the Government of India, nor the Government of Kashmir can be saddled with an enquiry. We do not know what even the constitutional position is. The Government of India can only take over the administration through the President if the State is in disorder. Only Communications, Defence and Foreign Affairs are in our hands. We do not know what powers we possess even over the Government of Kashmir. Quietly and departmentally people may be punished, departmentally the doctors responsible may be punished.

I may recall the great episode when, I think, from the very seat of Dr. Syama Prasad, the late Pandit Motilal Nehru fought and heatedly discussed the rights of political prisoners for whom the late Jatindranath Das gave up his life—fighting, so that political prisoners may not die and suffer in the prison yards of the land. Thereafter the classification of political prisoners in Indian jails started with some kind of amenities being granted to them. Most of us, Sir, have received the benefits of the supreme sacrifice of the life of Jatindra Nath Das through hunger-strike. I do not think that the son of the late Pandit Motilal Nehru, that great patrician of Indian politics, would be a party to the physical liquidation or murder of Dr. Syama Prasad Mookerjee either by thought, word or deed, especially when he has been always magnanimous towards opponents, especially when he has forgotten all the harsh words that have been said against him. Hence I beg of my friends, with whom we have much in common, but with whom we have also some differences, that they shall not press for an enquiry. We shall keep the memory of Dr. Syama Prasad Mookerjee ever treasured in our minds, so that whenever any visitor, any patriotic visitor goes to Kashmir, he will remember: Here died a patriot.

Mookerjee

fighting for his own principles—though we did not agree with them—with none of his own nearest and dearest ones with him.

Sir, I want to say one word about political prisoners before I sit down. There is a moral in the death of Dr. Syama Prasad Mookerjee. Let it be the first and the last of its kind in our history. As I said, our patriots have watered the tree of our national life and freedom and fought at great sacrifice of their lives. This Congress nurtured in the fight for freedom shall not be frittered away by being made liable to the charge of liquidating political prisoners or of not meting out good and decent treatment to them. We have seen what kind of fights we have waged in prison yards. We have seen what fights we have waged inside prisons as well as outside—prisoners who refused to put down their hands on their toes in indignity, prisoners who refused food for 15 days, prisoners who were subjected to lathi charges and so on. All these sacrifices are not in vain. We shall not allow any one of our political prisoners to undergo this torture. Thank God, the Jail Manual has been very drastically revised, especially in the State of Bombay where even criminal or habitual prisoners are treated in a decent manner, allowed many facilities and if they behave well, are even allowed to go back and see their wives and children. These are concessions which were once drawn out by hungry, fighting, resolute patriots in the course of the national struggle. We shall hand them over to our successors. In this democratic State, we must ever keep these principles and practices green.

It is said of the 'Iron Curtain' countries that they liquidated their opponents. It is said equally of democratic America that if anyone of their officials even possess a book on Communism, he shall be hounded out of office.

Shri Gidwani (Thana): How are our Socialist friends being looked upon? Read the statement of Mr. Ashok Mehta.

Shri Joachim Alva: We shall do our very best to minimise these troubles. As I said, let this be the first and the last episode of its kind.

Once again I reiterate that I deeply mourn the death of Dr. Mookerjee. Whenever we look at his seat, we miss his great personality. He was a man, a towering personality, the greatest orator, as I said, of the Indian Parliament, though we basically differed from his policy. Especially in this great debate, I want to know whether it was open to any political party—any minority party—to wage a raging and tearing campaign after a great democratic party has been set in office by the votes of the majority of our people. Was it open to any party to wage a raging and tearing campaign in the streets of Delhi, reiterating the conditions of 1948 when we lost the Father of the Nation? These activities, Sir, we shall not support, but resolutely oppose. We shall not sympathise with these aims and objectives, however noble they may be considered to be by the Opposition. We have lost a great and prominent figure in the death of Dr. Mookerjee; we deeply regret his departure from our midst. But his name shall live for ever in our minds as a great personality.

Shri R. K. Chaudhury: Before the hon. Minister in charge of this debate replies, I would like to ask him a few questions.

Dr. Katju rose—

Shri R. K. Chaudhury: I should like the hon. Minister of Home Affairs to stay.

I want to know certain facts. First of all, it was given out in the Press by Sheikh Abdullah himself that he was prepared to release Dr. Syama Prasad Mookerjee, sometime—a long time rather—before his death, but in the absence of the Prime Minister from India such a release could not be effected. I was always wondering why it was necessary for Sheikh Abdullah to consult the Prime Minister of India about the release of Dr.

[Shri R. K. Chaudhury]

Syama Prasad Mookerjee. It certainly is not the concern, I believe, of the Government of India to get him arrested by the Kashmir Government.

If that is so, Sir, I do not understand why Sheikh Abdullah could have the temerity to state that he was not released because the Prime Minister of India was not here. I would like to know from the hon. Home Minister if during the absence of the hon. Prime Minister he was consulted by Sheikh Abdullah about it and, if so, whether he also told Sheikh Abdullah that no order could be passed in the matter because of the absence of the Prime Minister.

Then, Sir, I also want to know this, if it is possible to know; normally when a person enters upon a land when his entry is banned, all steps are taken by that Government who bans the entry to send him, to extern him from that country. Why, Sir, in this case, why in the very first instance when Dr. S. P. Mookerjee broke the law and entered Kashmir, why no steps were taken to extern him from that country. Why was he detained there? I should also like to know, to clear the position of the Government of India and to assure its fair name, whether as a matter of fact—if it is not a high secret—any consultation was held with the Government of India regarding the detention and arrest of Dr. S. P. Mookerjee. If these two points are cleared, I think there will be nothing so far as I know for which the Government of India should be held responsible for the subsequent events. First of all, nothing was done by the Government of India to persuade the Government of Kashmir to arrest and detain him and then the statement which Sheikh Abdullah made that his release was dependent on the wishes of the Government of India. If these two points are cleared, I submit that there is nothing for which we can say anything against the Government of India for what has happened subsequently.

We should all be rather thankful to Mr. Chatterjee for his having brought this motion before the House and to Mr. Trivedi for his stating the facts as he knew. I think Mr. Trivedi has done a great public duty by telling this House what he really knows. Whatever we had heard in the Press may have been mere gossip but what he has stated in this House cannot be gossip. Now, I think, Sir, with my limited knowledge of law, that if the statement which he had made before the House today was made before any magistrate, he would have been satisfied of a *prima facie* case though not under section 302, nor under section 304, first part, at any rate under the second part of 304 or 304A of the Indian Penal Code. Sir, who is going to have cognisance over this case? The Indian Court is not competent to try this case because the occurrence took place in another land and the accused is also in another land. Then the question is, who is going to take the trouble of having a case against the authorities in Kashmir.

I am always confused about the position of Kashmir. I consider that Kashmir is neither fish, nor flesh nor good red herring.

Acharya Kripalani: Nor even *dat bhat*.

Shri R. K. Chaudhury: In every legislation which we pass in this House we say that this law shall not be applicable to Kashmir. What is the remedy? I take it for granted that whatever has been said in this House by the supporters or by the followers of Dr. S. P. Mookerjee is quite correct; but what is the remedy? Kashmir is a part of India all right and if we have stated in certain legislation that it would not be applicable to Kashmir it is all right. Then the position is that in ordinary matters Kashmir is in India. In the matter of legislation unless you state that this law will not be applicable to Kashmir, that law becomes applicable to Kashmir. I think that is the position. Because you say that certain laws are

not applicable to Kashmir, therefore, all other laws which are not mentioned, become applicable to Kashmir; in all other matters Kashmir is a part of India and the Prime Minister of India has the fullest control over Kashmir.

Dr. Syama Prasad Mookerjee said that he does not understand how there can be two Prime Ministers in India, one of Kashmir and the other of India. It is very difficult for us to understand what recommendations this House can make to the Government. What can they do? Can they hold an inquiry themselves? Or because Kashmir is independent of them in certain matters, can they merely request the Government of Kashmir to hold an inquiry in the absence of the people of Government of India? What can really be done? Is it only that we can express resentment?

Dr. Syama Prasad Mookerjee may have died of heart failure or may not have died of heart trouble; he may have an accelerated heart failure but we should not be heartless in conducting this debate. We should not make light-hearted remarks so far as this debate is concerned. All that the Government can do in this matter is, if the Kashmir is a part of India the Prime Minister may request the Kashmir authorities to go into the question of his death and hold an inquiry. If Kashmir is not part of India, then the Government of India can take action under the international law for Kashmir having done something that deprived us of the life of a valuable citizen and for that reason we can take such steps as are prescribed by law. But the fact remains that this should be the attitude of the Government of India.

We regret, the Government of India regrets as much as anybody else the premature death of Dr. Mookerjee. The Government of India regrets also the acts of so-called indifference of the Kashmir Government, at any rate the medical authorities of Kashmir. That must be our attitude.

Then, Sir, I felt very much pained when some Members like my friend. Mr. Alva gave us a catalogue of the names of the persons who died of heart failure as if the death of Dr. Mookerjee should be treated in the same way.

Shri Joachim Alva: I did not say that. All that I said was the great leaders of Bengal died under tragic circumstances.

Shri R. K. Chaudhury: The great man of Bengal died of heart failure, but did anybody ask the Government or anybody to enquire about the reason how Sarat Chandra Bose died or how other persons who died of heart failure? Nobody questioned. This is a very intolerable thing and should not have been indulged in by Members of Mr. Alva's position. We are sorry not so much for the death of a particular individual—Mahatma Gandhi died just at a time when the country needed him most. We were sorry for him, we did not make any complaint but the death under those circumstances was certainly deplorable.

Dr. Syama Prasad Mookerjee was the Leader of the Opposition. For that reason the Prime Minister never showed any disrespect to him. The Prime Minister always held him in esteem and affection. He never said anything undesirable regarding Dr. Syama Prasad Mookerjee because he was the Leader of the Opposition. We forget party affiliations and say "Here is a valuable Member of the Parliament, one of the leading Members of the Parliament, who has contributed a great deal in the cause of this country, who had built up the education system at least in Bengal and Assam; we deplore his death".

1 P.M.

Certain things have come to light about his death. The public is entitled to know, even if we have no control over Kashmir, the exact position. Let us know this, Sir. If Dr. Mookerjee had himself protested against a certain injection—it is reported in

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the newspapers that some injection was given to him and that Dr. Mookerjee had said that he was prevented from having this injection by Calcutta doctors—and in spite of his having told the doctors so, as is reported in the papers, if this injection was given, we must find out whether it is a fact or it is not a fact. The hon. Home Minister should welcome this opportunity of explaining things which he knows and given an assurance to the House that, on the things which he does not know himself and on the things which we are not in a position to contradict, he will make some enquiries and apprise the House. That is the only position which we can take up.

Dr. Katju: I would like to say at the outset that my esteemed friend, Mrs. Kripalani, has done me great injustice. I am not here to argue any case and unfortunately my being a lawyer is always being brought up against me about five times in the week. I do not know why. Now, I did not bring an argumentative frame of mind on this question at all. Here is this book which has been circulated. Passages were read by hon. Mr. Chatterjee and I ventured to read other passages from this book. That is all. Now, some question have been put. Just now, Mr. R. K. Chaudhury said, well, here are these three questions for you:—one: why was not Dr. Mookerjee externed. Now, I do not exactly know whether there is any power in that ordinance or not. But I would ask you to consider that Dr. Mookerjee—we all acknowledge—was not an ordinary citizen. He was a leader of a great party. He was one of the leaders of this Parliament and he had been saying over and over again that he had made up his mind to go to Jammu. I am not now going into the matter except to say that an externment, the Jammu and Kashmir Government may have thought, would be a very idle performance.

Acharya Kripalani: Why?

Dr. Katju: Please wait and listen. You extern a man. What does externment mean? You put him across the Indiaq border. He walks across again. You arrest him. It goes on like a game. Dr. Mookerjee—you all know him for years and I also knew him. Prof. Mookerjee said that he had known Dr. Mookerjee's family for three generations. Dr. Mookerjee was a man of determination. When the Inspector-General of Police told him, "Please do not go. Here is an order." Dr. Mookerjee said: "No, no. I am going" Then two minutes later they brought out that order and he was arrested.

My friend Mr. Chaudhury asked why not extern him? Don't you think it would have been an idle game, like a children's game?

Acharya Kripalani: Did not the Government consult you?

Dr. Katju: I take objection to that. Mr. Kripalani, I know that you are a journalist. You are always putting forward different points of view. I am putting forward an argument. I am saying, Sir, here is the question, and here is the answer. The question is, why was he not externed? I say that an externment, in the circumstances, would have been a completely idle performance. That is my answer. You may contradict it or accept it.

The second question was....

Shri R. K. Chaudhury: Was that the idea of the Kashmir Government?

Dr. Katju: You put that question, and I have got to answer. You consider it. Does it appeal to you or does it not appeal to you? They never consulted me. My hon. friend has just now said that he does not know whether Kashmir is a fish, fowl or a little red herring. You ask the Kashmir people. They would say that Kashmir is under article 370 of the Constitution. We are not going to enter into a constitutional discussion about the position of Kashmir.

The second question was this. In a statement issued, I believe after the death of Dr. Mookerjee, Sheikh Abdullah expressed his great sorrow. He said it was a great misfortune and he himself was considering the question of releasing Dr. Mookerjee after the return of the Prime Minister from England. The inference is sought to be drawn that the Prime Minister was a party to his detention. It is a matter of common knowledge that at that time discussion was going on about calling off of the agitation by the Praja Parishad, I do not know in what terms and under what circumstances.

[MR. DEPUTY-SPEAKER *in the Chair*]

Now, Sardar Hukam Singh had discussed this matter with Sheikh Abdullah many times and he had discussed it with Dr. Mookerjee also. The understanding was that Sardar Hukam Singh was to go again to discuss the matter with Dr. Mookerjee and, as he himself told us, on the 21st of June he was informed at Pahalgam that Dr. Mookerjee had been taken ill and therefore this meeting might be postponed. I had not consulted Sheikh Abdullah about that, so far as that message was concerned. But at that time we were trying—I was anxious myself—to settle this Praja Parishad Agitation. No body liked it. If the Praja Parishad agitation had been called off, Dr. Mookerjee would not have been interned; he would have been an honoured guest in Jammu and in Kashmir. I am only speculating—I have not discussed this matter with him—Sheikh Abdullah might well have thought that this wider question as to whether the Praja Parishad agitation was to be called off or not to be called off would require consideration here and on this settlement would depend the question as to whether Dr. Mookerjee should go to Jammu and meet the people there. That is why the Prime Minister's name has come; otherwise, so far as we are concerned we had nothing to do with Dr. Mookerjee's detention.

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The third question that was specifically put was, was there any prior consultation between the Jammu and Kashmir Government and us? None whatsoever.

I have given specific answers to specific questions.

Then my hon. friend Mrs. Kripalani read out extracts from a letter—I do not know address to whom—probably to Mr. Chatterjee, by Bakshi Ghulam Mohammad. Now conditions in Kashmir have changed considerably. Sheikh Abdullah is now in detention and I have not been in touch with him about this matter at all, but don't please forget to do him justice. As soon as he heard from no less a person than Dr. B. C. Roy, one of the most renowned physicians of India, that there was this point, that point and so on and that some deficiency in treatment was also indicated. Sheikh Abdullah wrote to him "Will you kindly come and make an enquiry?" That was within a few days of the death of Dr. Mookerjee. Therefore, to do justice to the Jammu and Kashmir Government and also to Sheikh Abdullah, there has never been any anxiety on their part to avoid an enquiry into the specific points raised by Dr. Jaisoorya as to the nature of the treatment. We know that lawyers differ in their opinion and doctors also differ in their opinion. The whole question was whether the medical treatment given to Dr. Mookerjee was satisfactory or not. Sheikh Abdullah asked Dr. Roy to do this inquiry. Unfortunately we were subjected to all sorts of misfortunes in this matter. It so happened that Dr. Mookerjee died on the 23rd June, then there was this demand for an enquiry and Dr. Roy had himself to leave for treatment and for other personal purposes for Europe, but Dr. Roy, when he left for Europe, said "I shall have to come, but I shall not come alone, I shall bring three or four companions with me." Sheikh Abdullah said "Quite all right". Then Dr. Roy said that some papers should be preserved—prescriptions and other papers. Now,

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all that was done. Dr. Roy went to Europe. Do you know what happened in Calcutta now? Dr. Roy had to cut short his visit and, I think, he returned by the end of June. He was himself immersed in his own affairs. I do not want to make an inaccurate statement, but my recollection is that Dr. Roy himself published a statement in the press that having seen the subsequent documents and having been informed of the details of the treatment, he had changed his opinion.

Shrimati Sucheta Kripalani: It was not a Press statement, but a private letter and in that letter there was another phrase to the effect that the enquiry was not necessary 'at this stage'.

Dr. Katju: If I am wrong, I withdraw that. Whatever it is, I do not want a controversy and give an inaccurate impression to my hon. friends here.

Shri N. C. Chatterjee: May I correct one statement, Sir? The statement actually is that "I have never said that there should be no enquiry. On the other hand in spite of that letter, I do maintain there is room for enquiry and the enquiry should be done."

Dr. Katju: By all means, let it be so. My point is that Dr. Roy made a demand for an enquiry and Sheikh Abdullah acceded to it and there was correspondence between Dr. Roy and Sheikh Abdullah on this point. When Dr. Roy returned for Europe, he was immersed in his own troubles and then the troubles broke out in Srinagar. Shrimati Sucheta Kripalani read out portions of Bakshi Ghulam Mohammed's letter and Bakshi Ghulam Mohammed says that he would like to have an enquiry into this. It was not my intention to allocate blame in this matter on anybody's part. As it is, the whole dispute has now centered round as to what happened on those last three, four or five days. **Sardar Hukam Singh** saw Dr.

Mookerjee on the 15th, my hon. friend Shri Trivedi saw him on the 18th, and Dr. Mookerjee fell ill on the 20th. Hon. Members will remember that on the 21st June, a day before his death, there was a news item issued from Srinagar which it so happened was published in the newspapers on the very day on which in the morning edition the news of his death was published. The news item just consisted of two lines and dated the 21st, stating that Dr. Mookerjee was reported to be suffering from an attack of dry pleurisy but his condition was satisfactory or something like that. That was in the newspapers and it came out in the morning news on the 23rd and by that very date, there was the news of his death splashed all over the land. Therefore, we shall confine ourselves only to what happened during these two or three days just before his death. Why should I? It is a matter for Bakshi Ghulam Mohammed.

I do not know, there has been a long discussion about the Preventive Detention Act. That is all very familiar discussion. (*An hon. Member:* To you also). You know the pros and cons of the Preventive Detention Act. That is not relevant here.

Shri Raghavachari (Penukonda): Why was this big elephant drawn into the *keddah* enclosure by the Government of India? That is the whole point.

Dr. Katju: Sir, I cannot understand what he is saying.

Mr. Deputy-Speaker: He is referring to Dr. Syama Prasad Mookerjee as having been entrapped into some enclosure in Kashmir.

The Minister of Law (Shri Biswas): The suggestion is that he was pushed into Kashmir. (*Interruption*)

Mr. Deputy-Speaker: Order, order. I am not going to allow any more interruptions. Let us not part in that mood. I have allowed sufficient

time. Hon. Members took sufficient time. Ultimately he is winding up. There is no good going on asking questions.

Dr. Katju: You ought not to joke with a serious subject like this.

Shri S. S. More: He is not.

Dr. Katju: You are joking.

Mr. Deputy-Speaker: He may address the Chair.

Dr. Katju: I am sorry, Sir.

Acharya Kripalani: Sir, it is a simple question. Why did not the Government of India arrest Dr. Syama Prasad Mookerjee when he was violating their law?

Shri K. D. Malaviya: Why should we have?

Mr. Deputy-Speaker: It has been put four times.

Shrimati Sucheta Kripalani: We have not got an answer.

Dr. Katju: Sir, I speak with all the profoundest respect to the memory of Dr. Mookerjee. I do not want to say one word about him. When the case was going on he was most careful not to break the law in India. He never attended any meeting. He went to Punjab. There, meeting was forbidden. He never addressed any meeting. The press people are available. Then he gave out his views. He broke the law only in Kashmir. He said "I am going to Kashmir to break the law".

Shri Frank Anthony: Why did you not arrest him under the Preventive Detention Act?

Shri K. D. Malaviya: It is a silly question. (*Interruption*)

Mr. Deputy-Speaker: Order, order. What is the good of these interruptions.

Shri Meghnad Saha: It is very important. (*Interruption*)

Mr. Deputy-Speaker: Order, order. The hon. Member will resume his seat. I will have to ask him not to rise hereafter.

Dr. Katju: Sir, I beg to say in conclusion that many things have been said about millions of people and about there being demands by millions. I am also a person...

Shri Meghnad Saha: Crocodile tears.

Dr. Katju: I know that great passions have been roused. But I have invincible belief in the common-sense and the sobriety of the ordinary man in our country, and in spite of the confusion that is sought to be created on the floor of the House the people are satisfied that everything was done by Government.

Some Hon. Members: No.

Mr. Deputy-Speaker: So far as the resolution on unemployment is concerned it will stand over to the next session.

Shrimati Renu Chakravarty (Basirhat): Sir, it is very important question and I would therefore request you to allot one or two days for the discussion of the resolution on unemployment in the next session. The subject is so important...

Mr. Deputy-Speaker: They can discuss it with the Government. So far as non-official measures are concerned I have brought them before the House every week. If the Government agrees I have no objection.

The House then adjourned sine die.