

आप को चाहिए था कि उस न्याम में आमूलचूल परिवर्तन कर के उस को आज के युग के अनुकूल बनाते। आप उस को विक्टोरिया युग के अनुकूल न बना कर उस को आज के युग के अनुकूल बनाते, लेकिन आप ने ऐसा नहीं किया। इस में मैं आपकी अधिकार लेने की प्रवृत्ति का विरोध करता हूँ और अपना सशोधन प्रस्तुत करता हूँ।

*The question was proposed.*

PROF. S. NURUL HASAN : I am sorry I am unable to accept it for reasons already explained.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : The question is :

"That at page 1, lines 6 to 10 be *deleted*."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Now Clause 1, the Enacting Formula and the Title.

श्री गदम्बी प्रसाद यादव : इसमें मेरा अमेंड-मेन्ट है जो स्वीकार नहीं किया गया।

उपसभाध्यक्ष (श्री वी० बी० राजू) : इस समय उस के बारे में कुछ नहीं किया जा सकता।

श्री जगदम्बी प्रसाद यादव : मेरा यही कहना है कि इस में मेरा सशोधन है।

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

PROF. S. NURUL HASAN : Sir, I move :

"That the Bill be passed."

*The question was put and the motion was adopted.*

## **The Diplomatic Relations (Vienna Convention) Bill, 1972**

THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH) : Sir, I move :

"That the Bill to give effect to the Vienna Convention on Diplomatic Relations, 1961, and to provide for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Sir, the purpose of this Bill is to give effect to the provisions of the Vienna Convention on Diplomatic Relations, 1961, to which India acceded on the 15th October, 1965, particularly those provisions which should be given effect to under our law. So far we have been implementing the provisions of the Vienna Convention on Diplomatic Relations dealing with matters like exemption from dues and taxes by taking action under different existing laws. There are notifications issued, for example, under the Customs Act, 1962 and the Income Tax Act, 1961 to exempt diplomatic missions and their members from duties and taxes. The provisions of the Convention regarding the immunity of missions and their personnel from local, civil and criminal jurisdiction are based on established international customs and have been respected by our Government and the Courts. The intention now is to provide in a single statute a statement of the relevant rules on the subject in terms of Articles of the Vienna Convention itself. The Bill sets out the relevant articles of the Vienna Convention in the Schedule and clause 2 of the Bill states that they will have the force of law in India.

As hon. Members are aware, the Vienna Convention on Diplomatic Relations was adopted by a plenipotentiary conference convened by the United Nations in 1961. India participated in that Conference, and is a party to the Convention since October,

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1965. For the greater part, the Convention restates in concise form the well-organised rules of international law and practice which have existed from times immemorial, but on some points on which State practice was not quite uniform, it removes doubts, develops the law and provides uniform rules.

The subject dealt with in the Vienna Convention 1961 is an ancient one. Indeed, long before the development of modern international law in Europe, many of the basic concepts dealing with the position of a diplomatic envoy and the treatment which should be accorded to him were recognised in this country. In fact, ever since the dawn of history there have been in India numerous kingdoms and principalities which regularly employed what have been known in our earliest writings as the "Dutas" or envoys for carrying out inter-State negotiations and inter-state relations. Although the institution of permanent legation may not have been known in those days the vast literature in India in all the different languages refers to the subject of diplomacy and to the qualifications of a "Duta" and the immunities which must attach to him.

The Vienna Convention on Diplomatic Relations consists of 53 Articles. Broadly speaking, the scheme of the Convention is as follows :—

It deals with the establishment of diplomatic relations in general, including functions, size and location of diplomatic mission, in the first 20 Articles. Next, it deals with privileges and immunities which must be accorded to a diplomatic mission, its premises and its archives, like inviolability, exemption from all national, regional or municipal dues and taxes, freedom of communication, etc. This is covered in Articles 21 to 28. Thereafter, it deals with the personal privileges and immunities to be enjoyed by a diplomatic agent like personal

inviolability, inviolability of his residence and property, immunity from jurisdiction, exemption from social security, regulations, tax exemptions, customs privileges and so on (Articles 29 to 36). This is followed by provisions on privileges and immunities of the members of a family of a diplomatic agent, other members of the staff of a diplomatic mission, such as technical or administrative staff, service staff and private servants, as well as provisions on the duration of privileges and immunities, and duties of third States through those whose territory diplomatic agents may be passing (Articles 37 to 40). Finally, it contains certain provisions on the obligations of a diplomatic mission and its members towards the receiving State, provision on the termination of diplomatic missions, provisions on the effect of an armed conflict on diplomatic missions etc. in Article 41 onwards. Articles 44 and 45 relate to the situation arising in armed conflicts as well as when diplomatic relations are broken off.

In either case, the receiving State must respect the diplomatic immunities and privileges of foreign missions and their personnel until they have left the country. It should in fact provide facilities to mission staff to leave the country and protect the mission property and archives. Further, it must allow a third State acceptable to it to protect the interests of the sending State. Thus, the Vienna Convention of 1961 covers comprehensively the subject of diplomatic relations in its 53 Articles. Most of these Articles do not require legislation for implementation. They can be fulfilled by executive action, such as those regarding the establishment, continuation and termination of diplomatic missions. The Articles—in all 18 in number—which require legislation for implementation are included in the Schedule to the Diplomatic Relations Bill, and by clause 2 of the Bill the provisions of these Articles in the Schedule are sought to be given the force of law in India.

With the experience gained in the implementation of the Vienna Convention, 1961, both in India as well as in other countries abroad, where we have our own diplomatic missions, the Government of India feels that it is appropriate to enact a suitable legislation to implement all the provisions of the Vienna Convention which need to be given effect to under our own national law.

This Bill, as hon'ble Members will see, is a very short Bill containing only 11 clauses in all. It is not my intention to comment on each clause while making this motion for the consideration of the Bill. But I will briefly highlight some of the main features of the Bill. In Clause 2, as I stated a little while ago, the Bill seeks to give the force of law to the 18 Articles of the Vienna Convention set out in the Schedule. But it also reserves the power to the Central Government to amend the Schedule in future by a notification in the official Gazette in case amendments are duly made and adopted to the provisions of the Vienna Convention which are set out in the Schedule. In clause 3 the Central Government is given the power to apply the provisions of the Schedule, with such modification as may be required, to the diplomatic mission and members of a State which may not be a party to the Vienna Convention, 1961 but with which India may have a separate agreement, convention or other instrument under which similar privileges and immunities have to be mutually accorded. It would not be necessary, therefore, to enact a separate legislation by Parliament for this purpose. Similarly, where privileges and immunities analogous to those of a diplomatic mission and its members have to be accorded to any other *ad hoc* or Special Mission and its members, this can also be done by a notification in the Official Gazette by the Central Government. I might mention that the U.N. General Assembly has already adopted in 1968 a separate Conven-

tion on Special Missions which provides for privileges and immunities for a Special Mission and its members analogous to those of a diplomatic mission. That Convention has not yet entered into force and India has not yet become a party to that Convention. But if India becomes a party to that Convention later, a separate legislation will not be necessary to implement its provisions on the privileges and immunities of a Special Mission and its members.

To make it possible to take appropriate reciprocal and even retaliatory action promptly in cases where other countries do not accord the normal privileges and immunities which are required to be given under the Vienna Convention on Diplomatic Relations 1961 to our diplomatic missions abroad and to their members, a provision has been made in clause 4 of the Bill to enable the Central Government to withdraw the privileges and immunities conferred by this Bill from the diplomatic mission of such a State or its members in India by a notification in the official Gazette. We hope that the provisions of the Vienna Convention will be strictly observed by all States with respect to our diplomatic missions and their personnel abroad and no occasion will arise for Government to exercise its power in India under this clause. But in case such situations do arise, Government will have the fullest powers to act and insist on reciprocity. I should like to add that the Vienna Convention does not contain provisions regarding sanctions or remedies against its breach in times of normalcy or in times of armed conflict. An optional Protocol adopted along with the Vienna Convention provides that any disputes concerning the application of the Convention may be taken to the International Court of Justice. India is a party to this Protocol, while other countries may not be parties thereto. Pakistan, for example, is not a party. In view of this, it is all the more

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necessary to take power to withdraw the privileges and immunities as set out in clause 4 of this Bill.

While this Bill is mainly intended to give the force of law in India to provisions of the Vienna Convention dealing with matters like immunity of a diplomatic mission and its members from local jurisdiction and exemption from dues and taxes, etc. opportunity has been taken in the Bill to deal with a few related matters such as proper channel for serving any legal process, the manner in which the immunity of a diplomatic agent may be recognised and allowed, and the evidentiary value of a foreign office certificate. These matters are dealt with in clauses 8 and 9 which are intended to clarify doubts on these practical questions and state the correct practice which should be followed in such matters. Indeed the rules stated in these clauses are well recognised in most countries, including India and they have also been recognised and acted upon by our courts.

I shall be glad to provide any further explanations on the clauses of the Bill to which I have referred, or on any other matter directly connected with the Bill which may be raised during the course of the debate.

Before I close, I might mention that the provisions of the Vienna Convention on Diplomatic Relations 1961 which should be given the force of law in India are set out in the Schedule to the Bill itself. As regards the Convention as a whole, we have placed 40 copies of the Convention in the Parliament Library for reference by hon. Members.

*The question was proposed.*

DR. K. NAGAPPA ALVA (Mysore) : Mr. Vice-Chairman, Sir, the Diplomatic Relations (Vienna Convention) Bill, 1972 is before the House. This is based on the Vienna Convention which was adopted in

1961. But India agreed to be a participant in this in 1965. It has taken seven years to give legality to this Convention. Things are moving so fast, the world itself is changing. I feel that a Bill of this restricted nature on the basis of the Convention which is restricted in every sense of the term, is a thing which has to be considered by the House with all seriousness. I am sure the Government will take note of the situation. This is based on our foreign policy as well as on our non-alignment policy. Sir, this mainly concerns the privileges, immunities, exemptions or amenities to the diplomatic mission, its head and its members. I must say that particularly these things are to be followed during war time when problems arise, when the different States of the world are expected to follow certain ethics in diplomatic relations between themselves. We have seen that certain States have behaved badly.

Sir, at the outset I must say that this ought to have been a very comprehensive Bill not only covering the main aspects of the Vienna Convention but also the aspects by which this could be implemented. And the defaulters or the guilty States which do not follow this Convention should be taken to task. That kind of thing ought to have been brought. Sir, here the main position is that a diplomat should be outside the control of the receiving State. I agree with this. But at the same time, it is very necessary that when he is outside the control of the other State, when he functions for the sending State, the entire mission with its staff should be completely controlled and guided by our country, by the Central Government. And as such it is very necessary that today we have to think in terms of staffing our embassies properly and to see that they function in a way that they depict the image of the country in such a way that there is a better understanding and a better relationship and to see very carefully that the image of our country is not tarnished

but it has been tarnished by some members of our own staff who have been functioning there. Certain countries had made it a policy, had made a determined effort, since we achieved independence, to tarnish the image of our country, to show that we are not growing, that we do not have the strength enough, that we are suffering from all sorts of disabilities and things like that. I feel it is my duty to bring to the notice of this House my own experience. I went in 1963 to attend a world Health conference at Geneva and I covered six countries. In my own humble way, and I had occasion to see how our embassies in different countries were working. It was so glaring, so painful, the way the High Commission in London was functioning. I also gave a report of it to our then Prime Minister, Pandit Jawaharlal Nehru and later on a copy of it to Shri Lal Bahadur Shastri. They had thanked me for sending that report and they said they would follow it up. I think the staff strength at that time was well over 1200. I do not know whether by now the quality has improved or only their number has increased or decreased. But what was the position there? I can say 50 per cent of them were growing vested interests and 50 per cent of them were such that their children were proving themselves to be foreign to this soil, with their imitation, with their way of behaving, their way of receiving us. Even when I went there as a Minister, the way they were behaving was most regrettable. Anyway, I do not want to go into those details. That is how they were functioning. The County Council arranged a dinner for us. They told us, "You see, you are not having contact with us, your High Commission people do not care to talk to us. If today we are something in the world it is because of our long relations with India, while on the other hand Pakistan's work is to simply tarnish the image of India." I will give you another example. In 1968 I went to Sweden. On

the previous day one of the officials told me they witnessed a cinema show entitled "The Eye of Bengal" and other members of the embassy also had attended and they enjoyed the show. But what was that show? It was showing the misery, the poverty, the degrading condition of our people, where foreign missionaries were giving alms to these people. I asked the official, "What was the reaction of your staff?" He said, nothing. I asked him, "Why was this film shown?" He said some charitable organisation had arranged that. To be short, he said, this is a game of these missionaries. They show such pictures and they want to prove to this country which is very rich that they are helping the poverty stricken people by collecting money from the rich people, that some institutions are there to give so much money, to the deserving cause of these missionaries who do all sorts of other work also. They want to create an impression that they are doing a very good work, so as to get more money from there. I am only saying this because there are not proper selections of personnel to most of our embassies. Our staff have not been also given proper training. I have also found that certain of our embassies were understaffed while certain others were overstaffed. A few of them have grown vested interests and have spread their branches and roots so wide and deep that even people in high positions could not mend their ways. I make a humble suggestion to the Government to have a fact finding commission to go into the working of all these Embassies and to see that they are set right and justice is meted out to some of them because I hear that a large number of staff are there because of favouritism. I understand that they are all related in one way or another to persons in authority in this country.

I also feel that it is very necessary that we must have a convention of our own. Ours is the biggest democracy in the world.

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Our democratic way of life must be shown to others by our actions. Those who work in our Embassies must know this country first. They must know the way of life of people of our country. They must know the problems of this country. It is not a question of politics alone. Unfortunately now everywhere politics is given the highest importance. For the political security and stability of the country, it is very necessary that international understanding in the fields of commerce, trade and culture should be promoted. If you look to the history of India, you will see that our country was the source of spiritual Science, political science, economic science and social sciences. Such a country today is in a very deplorable condition. It is very difficult for us to know who are our friends. So it is very necessary that we must have a convention here. Let that convention take important decisions. When I say convention, I do not mean to say that it should be attended only by those in Embassies and political leaders. Let leaders from all walks of life, such as trade, commerce, agriculture, industry, spiritual, cultural etc. participate in it. Let that convention decide as to how our embassies should function and how our staff members should be selected and how the heads of the embassies should function.

When I say that a comprehensive Bill ought to have been brought forward before this House, I know it is difficult at this stage. My suggestion, therefore, is that a comprehensive Bill should be brought at the earliest time possible so that we may place these things not only before the people of India, but also before the people of the world. Let them know how things have changed during the last few years. Today the entire political map of the world has changed. It is very necessary for us to ensure that in no way the image of India is tarnished by any force outside India. This will also help

us to have more weight to our words and arguments in the United Nations also. This is possible only when we have good relations with other countries of the world. It is necessary that some of the privileges should be curtailed of our embassy staff but, at the same time, protection to their life, property and other things should be there. Moreover, international law combined with moral law should be applicable to all the countries. And for that if only we strengthen ourselves through these embassies, we will be in a position to play our worthy role in the United Nations.....(*Time Bell*).

Sir, in the United Nations, so far as I can see, it is painful that we had a bitter experience during the Bangla Desh struggle: Only 9 or 11 countries supported our cause, whereas all the others—almost all the other, countries—voted against us. This fact we have to bear in mind. It is very necessary. I am saying this because India has shown to the world that India has got the inherent strength. It is not only the political relationship but the other relationship—socio-economic understanding and also cultural understanding—which is very necessary. These could be built up that way.

With these words, I once again suggest that a convention or a big seminar of this kind should be called at the earliest possible time in this country so that a comprehensive Bill may be brought at the earliest possible time to show that democracy should be built and Parliamentary democracy should grow from strength to strength, India will remain democratic in its way of life, thinking, and action to show to the world that this country will not only be the biggest democracy, but the strongest democracy, giving a message to the world for peace, understanding and friendship. Thanking you Sir.

श्री जगदीश प्रसाद माथुर (राजस्थान): उप-सभाध्यक्ष जी, इस विधेयक का आम तौर से समर्थन किया जा सकता है। एक बात जो मुख्य रूप

से इस को प्रस्तुत करते समय माननीय मंत्री जी ने कही और जिस के संबंध में वह कोई एक्सप्लेनेशन भी नहीं दे सके वह यह कि 1961 में एक कांफरेंस हुई और इस कांफरेंस के आधार पर कुछ बातें स्वीकार की गयी और आज 1972 में उन को कानून का रूप दिया जा रहा है, यह जो देरी की गयी उसके लिए माननीय मंत्री जी ने कहा कि जो विभिन्न कानून अपने देश में बने हैं, या जो अंतर्राष्ट्रीय कानून हैं, कस्टम्स के या टैक्सेज के, उन के आधार पर हम अन्य देशों के साथ अपना संबंध बनाये रखे थे और उन के आधार पर ही हम उन से व्यवहार करते थे। लेकिन उस के बाद अगर आज उन को इस कानून की आवश्यकता पड़ी है तो इस जिले का कोई भी रीजनेबिल एक्सप्लेनेशन वह नहीं दे सके और सरकार की ओर से इस विधेयक को लाने की दृष्टि से जो एक बहुत बड़ी देरी की गयी है, मंत्री महोदय इस का स्पष्टीकरण विस्तृत रूप से करेंगे अपने उत्तर में कि आखिर इस देरी का कारण क्या है।

जहां तक एक देश और दूसरे देश का संबंध है, आपस में व्यवहार का संबंध है, उपसभापति महोदय किसी दूत के साथ कैसा संबंध होना चाहिए इस के संबंध में सदा से कुछ परंपरायें रही हैं। हम ने तो रामायण काल में भी देखा है कि जब भगवान राम के दूत के रूप में अगद गये थे लका के अदर, तो वहां उन के साथ दुर्व्यवहार न हो उस समय भी इस प्रकार का प्रश्न पैदा हुआ था। अगद राम के दूत हैं और एक दूत के साथ में हम किसी प्रकार का दुर्व्यवहार नहीं कर सकते। इसलिये किसी दूसरे देश के राजदूत के साथ सद्व्यवहार किया जाय उसकी परम्परायें हैं, कुछ मान्यतायें अब नई बन गई हैं, तो उस नाते से उसका समर्थन करना चाहिये लेकिन इसके साथ ही हमारे दूतावास के कर्मचारियों के साथ किस प्रकार का व्यवहार विदेशों में होता है इस पर ध्यान देना चाहिये यह कोई विदेश-नीति के सम्बन्ध में या हमारे दूतावासों की किस प्रकार की नीतियां होती चाहियें उसके सम्बन्ध में विचार करने का यह विषय नहीं है लेकिन हमारे

दूतावास के कर्मचारियों के साथ भी जिस प्रकार का व्यवहार हम दूसरे लोगों के साथ करते हैं वैसा व्यवहार होता है या नहीं दूसरे देश इस प्रकार के कंवेन्शन मानते हैं या नहीं यह भी देखना है। हम दुनिया के अन्दर अन्तर्राष्ट्रीय जगत् के अन्दर, स्वयं को बहुत ज्यादा भला कहवाने के लिये —हिन्दुस्तान के लोग अति हुर काम में करते हैं तो इस नाते से हम बहुत ज्यादा बढ कर काम कर रहे हैं मगर दूसरा देश हमारे लोगों के साथ जिस प्रकार का व्यवहार करना है उसको भी हम नोट करते हैं या नहीं। मेरे विचार से यह नहीं होता। पाकिस्तान के साथ शिमला समझौता हो गया उसके बाद भविष्य में किस प्रकार का सम्बन्ध रहेगा वह देखा जायगा लेकिन इस लड़ाई के पहले हमारे दूतावास के कर्मचारियों के साथ पाकिस्तान ने जिस प्रकार का व्यवहार किया वह हमें मालूम है। माननीय मंत्री महोदय ने कहा था कि पाकिस्तान वाज नाट ए पार्टी टू दिम क्वेशन लेकिन फिर भी दूतों के साथ किस प्रकार का सम्बन्ध हो इस बात को पाकिस्तान भी मानना है उसके नाते क्या हमने अपने कर्मचारियों की प्रतिष्ठा की किसी प्रकार में सुरक्षा की। उस सम्बन्ध में देश को उस समय किसी प्रकार की सांत्वना नहीं मिली सारे देश ने शिकायत की कि हमने अपने कर्मचारियों की प्रतिष्ठा को नहीं बचाया। यहां पाकिस्तान का दूतावास किस प्रकार काम करता था और उसके सम्बन्ध में कहा गया कि किसी प्रकार का एकजुट लिया जाय लेकिन जैसा कि मैंने प्रारम्भ में कहा दुनिया में एक अच्छा लड़का कहवाने की दृष्टि से सरकार ने पाकिस्तान के साथ उस समय जैसा व्यवहार करना चाहिये था वैसा नहीं किया। उस समय की घटना सब को याद है कि बंगला देश के कर्मचारी थे जिन्होंने बंगला देश को आप्ट किया था पाकिस्तान के दूतावास से जिनका कोई सम्बन्ध नहीं था, हमने बंगला देश को सिद्धान्त रूप से स्वीकार कर लिया था, फिर भी बंगला देश के व्यक्ति के साथ पाकिस्तान के दूतावास में जिस प्रकार का व्यवहार हुआ, उसके बच्चों और उनकी पत्नी ने हमारी सरकार से शिकायत की, हमारी पुलिस से शिकायत की

[श्री जगदीश प्रसाद माथुर]

लेकिन उस समय सरकार ने डिप्लोमैटिक इम्प्यूनिटी के नाम के ऊपर पाकिस्तान के खिलाफ में कोई कार्यवाही करने को तैयार नहीं हुई। इस्लामाबाद में या मरी में हमारे कर्मचारियों के साथ व्यवहार किस प्रकार का हुआ उसकी ही बात नहीं बल्कि यहाँ आ कर उन्होंने किस प्रकार का व्यवहार दूसरे देश के नागरिकों के साथ किया लेकिन उसके इस तरह व्यवहार करने के उपरान्त भी हमारी सरकार किसी प्रकार में कुछ भी नहीं कर सकती केवल इसलिये कि दुनिया की नजर में हम अच्छे रहे, हमको दुनिया बहुत अच्छा कहे कि जहाँ तक हमारे सम्बन्ध की बात है वह बहुत ही अच्छा है और इसलिये यह सरकार कोई किसी प्रकार का कदम नहीं उठाती। इस प्रकार की स्थिति सरकार ने पैदा की। यहाँ तक कि जो अब्दुल रशीद चौधरी है जिन्होंने पाकिस्तान के यहाँ के दूतावास से त्यागपत्र दे कर बंगला देश की मेवाये की थी उन्होंने अपना रहस्योद्घाटन किया था कि किस प्रकार से पाकिस्तान के लोग हमारे दूतावास पर अटक करने के लिये वहाँ घुसने के लिये तैयारी की थी और उन्होंने उसमें किस प्रकार में रुकावट डाली। तो इस प्रकार की जहाँ स्थिति है वहाँ हमारी सरकार ने कौन सा कदम उठाया है। इस सम्बन्ध में जैसी स्थिति है जो देश की मान्यता है उस नाते से सरकार कोई कदम नहीं उठा पा रही है। हमारे दूतावास के कर्मचारियों की सुरक्षा और प्रतिष्ठा की रक्षा नहीं कर सकी। हमें वीयना कन्वेंशन मानना चाहिये इस नाते से किसी को कोई विरोध नहीं और मैंने कहा कि इस वास्ते इसका समर्थन करना चाहिये क्योंकि अंतर्राष्ट्रीय जगत में यह एक सवाल है लेकिन हमारी सरकार का भी कर्तव्य है। जब चीन में हमारे दूतावास के कर्मचारियों का प्रश्न आया था कि हमारे कर्मचारियों के साथ पीकिंग में कैसा व्यवहार किया और देश में हमारे कर्मचारियों के लिए बड़ी चिन्ता रही, उनकी सुरक्षा के बारे में लेकिन उनकी सुरक्षा के बारे में कोई सूचना तक हमारे देश के लोगों को अच्छी प्रकार से उपलब्ध नहीं हो सकी। उनके साथ चीन में दुर्व्यवहार

हुआ लेकिन यहाँ कोई रिटैलियेशन के रूप में कुछ नहीं किया, उनके कर्मचारी यहाँ थे, उनको सेवाओं के लोग यहाँ पर थे। अगर हमारे लोगों के साथ दुर्व्यवहार होता है, तो हम कहेंगे कि वी आर पार्टी टू दि वीयना कन्वेंशन और उसके बाहर एक कदम भी जाने के लिये तैयार नहीं चाहे हमारे देश के कर्मचारियों के साथ किसी प्रकार का व्यवहार हो। तो इस प्रकार का व्यवहार इस प्रकार की दुतरफा बात जो सरकार की ओर से इस सम्बन्ध में हुई है उसका क्या कोई एक्सप्लेनशन मंत्री महोदय देगे ! लेकिन आज तक की जो स्थिति है उसमें लगता है कि सारे कन्वेंशन, मारे नियम, उपनियम, मानने की कही जिम्मेदारी आई है, तो केवल हिन्दुस्तान की सरकार की है, बाकी दुनिया के देश है वे हमारे साथ किस प्रकार का व्यवहार करे, किस प्रकार हमारी उपेक्षा करे, इसके नाते से दुनिया के देशों को कभी नहीं बताना मकी हिन्दुस्तान की सरकार कि अगर हमारे नागरिकों के साथ हमारे कर्मचारियों के साथ इस प्रकार का दुर्व्यवहार होगा तो हम भी उसका कड़ा प्रतिरोध कर सकते हैं। आज भी दुनिया के कई स्थानों से हमारे देश के नागरिकों को निकाला जाता है। यूगैण्डा के अंदर भारतीय नागरिकों के साथ जैसा व्यवहार हुआ है वह मारे देश को पता है। तो हमारी सरकार अपने देश के लोगों के सम्मान की और सुरक्षा की दृष्टि से क्या कदम उठा रही है इस संबंध में मंत्री महोदय सदन को जानकारी दे।

उपसभाध्यक्ष महोदय, पिछली बार पाकिस्तान के साथ हमारी लड़ाई हुई, तो पाकिस्तान ने पहल की, हमारे कर्मचारियों को पर्सनो नान ग्रेटा घोषित करने में। हमारी सरकार ने कोई पहल नहीं की। आज किस प्रकार से दुनिया के देशों के लोग डिप्लोमैटिक इम्प्यूनिटीज के कारण अनेक प्रकार में जासूसी का काम करते हैं। तो क्या हमारी भी जासूसी सेवाएँ इतनी अच्छी नहीं हैं कि पहले से उनकी गतिविधियों का पता लगा सकें। पाकिस्तान ने अगर हमारे किसी अमिस्टेंट सेक्रेटरी को निकाल दिया तो हमने भी अमिस्टेंट सेक्रेटरी को निकाल दिया, तो इसमें कोई बड़ी बात नहीं। हमने तो उनको सब प्रकार की छूट दे दी मामान लाने को ले जाने की, अपने लोगों से व्यवहार करने



की, लेकिन यह भी देखना है कि कहीं इस नाते से स्मगलिंग तो नहीं होती है। आपने बाजार में सामान बेचे जाने की दृष्टि से प्रतिबन्ध लगाया है लेकिन फिर भी विदेशी वस्तुओं का, विदेशी सामान का साधन विदेशी दूतावास नहीं बने, इसके नाते से आपने कौन से उपाय अपनाए हैं। इस दृष्टि से आज जो एक बहुत बड़ा साधन स्मगलिंग का है इसको भी आप बंद करें।

इसके अलावा विदेशी दूतावास त्रिज प्रकार की गतिविधियों में सलग्न रहते हैं उसका एक उदाहरण है कि उत्तर कोरिया का दूतावास बड़ी मात्रा में विज्ञापन देता है। अब सरकार कहती है हम उस पर कैसे प्रतिबन्ध लगाएँ? लेकिन उसके माध्यम से किस रूप में हिन्दुस्तान के अंदर घन बिखेर रखा है, या यह भी डिप्लोमेटिक इम्युनिटीज में आ जाता है? अगर हम इसमें भी बच कर चलना चाहते हैं, इस प्रकार अगर कोई विदेशी दूतावास हमारे देश में काम करे, तो क्या सरकार उसे रोक नहीं सकती? अगर इस प्रकार देश में कर्प्शन बढ़ाने और कुछ लोगों को आर्थिक महायत्ना पहुँचाने की कोशिश हो तो उसको दूर करने के लिए विधेयक में क्या व्यवस्था है। तो इस विधेयक में माननीय मंत्री जी इन प्रश्नों पर भी विचार करें। अगर हम केवल दुनिया की नजर में आने के लिए यह बताना चाहें कि हम बहुत बड़े अंतर्राष्ट्रीयवादी हैं, हम दुनिया में सर्वश्रेष्ठ कहलाने वाले हैं अपनी विदेश नीति के कारण अगर इसके नाते से हमारे देश के नागरिकों या कर्मचारियों के हितों पर आघात होता है, तो हमें अपनी नीति पर कायम रहते हुए भी अपनी तरफ से पहल करनी चाहिए क्योंकि मुझे लगता है आज तक इस दृष्टि से जो काम हुआ है उसमें लुट रही है। तो जैसा मैंने पहले कहा हम विधेयक का समर्थन करेंगे लेकिन साथ ही साथ उन सारी लुटियों के संबन्ध में माननीय मंत्री महोदय ध्यान दें।

SHRIG. A. APPAN (Tamil Nadu): Mr. Vice-Chairman, Sir, I support the Bill with the following observations. The Vienna Convention on diplomatic relations adopted

by the United Nations on 14th April 1961 and accepted in 1965 has taken seven years for us to act upon. The diplomatic relations Department and the officials are the conscience-keepers of the sending nation. They are the people, they are the noble institution, who have to build and develop and increase the image of the sending country in the receiving country. As such our people, the diplomatic mission officials have to be above want. I have seen at least four or five embassies of India in other countries. It is really very unfortunate...

SHRI BHUPESH GUPTA (West Bengal): What is unfortunate your having seen them?

SHRI G. A. APPAN: I may just point out that in a country like GDR the Indian diplomatic mission has only two people.

You may know that at times 4 P.M. there is only one peon or an attendant, and if any message or any good work has to be done, the Ambassador has to go himself and do the work himself. This is not the way; if at all you have diplomatic relations in any country, have them full-fledged. Staff the Mission nicely. Don't put them under meagre resources and in a state of dire necessity, in a state of dire poverty, simply because our country, people say, is a poor country. At least in the comity of nations let us exhibit the poverty of our country and I request the Foreign Affairs Department here to increase, to upgrade our diplomatic relations with G.D.R. to the level of of an Embassy. And it is another pity, you know. Diplomatic relations between two countries go a long way to do not only this public relationship, but they can go a long way to develop our business. Some people say we should only export and not import. Import and export can be only a two-way traffic. If a person is meagre in his giving, naturally he cannot expect anything more than

(Shri G.A. Appan)

what he gives. This is human nature. As such, the diplomatic relations people can be not only conscience-keepers of the sending country. They should also develop all the cultural relations, cultural activities, business relations and business activities, and they should also be able to create and inculcate in the minds of the receiving country. . .

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : Mr. Appan, we are not discussing about our Missions abroad. We are discussing the Bill to give effect to the Vienna Convention on Diplomatic Relations.

SHRI G. A. APPAN : All right, Sir. The immunities accorded by the Vienna Convention in matters of diplomatic relations and to diplomatic officials are embodied in the Convention itself. Why then should we take such a long time to act upon it and enact a legislation on the lines of the Convention ? In the words of my revered friend, Dr. Nagappa Alva, an all-embracing detailed comprehensive Bill should come before us sooner than later. I also feel—the Minister said that the Bill has only 11 Clauses—that it is not the Clauses contained that matter in an enactment like this but it is the spirit that underlies these Clauses. And no doubt the Indian, spirit in this enactment is very noble. But, as Dr. Nagappa Alva put it, it should be an all-embracing comprehensive Bill rather than a Bill of a narrow nature, of a very minute nature or a small nature. Mr. Vice-Chairman, Sir, as you know, the conventions, the immunities, the duties, the functions and the responsibilities of the diplomatic Missions people can also go a long way in the matter of how to treat their own people who come from their own country. If our diplomatic people in other countries cannot treat even the Members of Parliament who go to their countries on some parliamentary delegations or on other work, they will cut a very sorry figure

in the eyes of the public. After all, you know, Sir, there were certain cases when our people were stranded in other countries and they were ill-treated at the air-port. In such cases our diplomatic people should immediately have come to the rescue of our people. Even an M.P. was harassed at an airport—it was mentioned there. And you know, Sir, when even our Members of Parliament went to see our Prime Minister when she was in Russia—perhaps it was in 1971—our diplomatic people then in Russia could not make the arrangements.

Twenty-four Members of Parliament were. Supposing the Members went and received our Prime Minister at the airport, that would have enhanced the prestige of our country, not that Russia is wanting that. It is our greatest helper, greatest friend. Whatever it is, I can only support the Bill. The calibre of our people not only in the diplomatic missions but also in the trade missions should be of a higher order. One more thing. I went to one mission. One of the diplomatic mission officers had one or two daughters. He was on a meagre salary. He wanted a job for his daughter and she was fully qualified. They could have given her a job. He was on the verge of want. We should see that our diplomatic people in other countries are above want at least though they may not live in a luxurious way.

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : How is it relevant to this Bill ?

SHRI G. A. APPAN : As you know, the status of our diplomatic people should be kept high.

THE VICE-CHAIRMAN : (SHRI V.B. RAJU) : You have already supported the Bill.

SHRI G. A. APPAN : One more thing. After all, our Chairman used to say : Mr. Appan never ends his speeches without mentioning the claims of the Scheduled

Caste. The conventions are there and the reservations are there, but how many of our diplomatic people are from the Scheduled Caste and Scheduled Tribes? It is really unfortunate. At least the Minister should please make a request to the Prime Minister and the Minister of External Affairs and see that we are given our own share to serve this country and build up an image of this country in the diplomatic circles as we should do and as we deserve to do.

**SHRI BHUPESH GUPTA :** Sir, the Statement of Objects and Reasons of this Bill, as introduced in the other House, refers to :—

“(a) establishment of diplomatic relations in general, including the functions, size and location of the diplomatic Missions.”

Now, Sir, what I am going to say may not absolutely and strictly be within the limits of this particular provision, but I do maintain that it would come within the ambit and the general scope of the discussion in this House. Especially I have in mind the image of India which has to be created by our behaviour in the international arena by the observance of diplomatic norms and conventions.

Now, Sir, straightway I would like to know from the Government why the Democratic Republic of Germany is not being still given full diplomatic recognition. Whatever you may say or do, so long as this is not done, our image, to a certain extent, stands tainted in that part of the world and in the world at large. This I make bold to say because I feel that many friends of India all over the world do not seem to understand why India, of all countries pursuing a policy of peace and non-alignment and a policy of friendship towards the Soviet Union and other socialist countries, including GDR, still refuses to extend full diplomatic recognition to the friendly GDR, when for the last twenty-five years nearly the same privilege

has been extended to the German Federal Republic right from its inception.

This is a discrimination against the GDR and in favour of West Germany. Nobody is saying that West Germany should not be recognized. We are for that recognition. We are not asking that recognition should be withdrawn. We say that the GDR should be put on the same footing. Both the German States should be recognized. One is already there recognized by India, though a partner of NATO, though imperialist, though armed to the teeth, though not so friendly to India. The other which is friendly which is celebrating the Indian Independence Day in a big way, which names streets after our Indian leaders, which has many bonds with our country, cultural, economic and many others, is denied recognition. There is no explanation for it. Which convention can you invoke to justify the denial of recognition to the friendly GDR? I should like to know, which norms of international behaviour can be quoted in order to justify the conduct of the Government of India? I should like to know that. Which tenets of international behaviour can be quoted in order to justify the discriminatory treatment meted out to a country which has proved friendly over the 24 years of its existence? Nothing at all, and we are talking about implementing the conventions or giving effect to conventions. Very good, do it. Mr. Vice-Chairman, they do not know what damage it is causing to India's prestige. There is detente in Europe. There is talk in Finland about European security. Nations are veering round to that point of view. Even West Germany is on an official level discussing certain matters with the GDR, but our Government having established consular relations with the GDR would not go forward to the logical step of giving full diplomatic recognition. Why? Why this illogical and inconsistent behaviour? There should be some explanation. Is there anyone in Parliament or in the coun-

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try who does not want recognition of the GDR? I have not come across anybody despite political opinions varying amongst politicians and other people. Then what comes in the way? We fail to understand. Therefore, I say that that does not set a very good example for us.

Mr. Vice-Chairman, I have my reasons for it. Pt. Jawaharlal Nehru in 1961 in this very House in reply to a question said that there were two Germanys, that the reality of two German States could not be ignored. Since then twelve years have passed, and the GDR has developed into a powerful peace-loving German State, socialist State, in the heart of Europe, and today it is the sixth State in industrial development. It is one of the important States from every point of view. It is a State which is pursuing the same policies as we do in international relations, and yet we do not establish full diplomatic relations with it. That unfortunately is not a creditable performance on our part. It appears that some people in the Ministry of External Affairs and also perhaps in the Prime Minister's Secretariat have come to the conclusion that Mr. Willy Brandt, the Chancellor of West Germany, will be embarrassed before the elections if recognition is given. Previously it was said that the recognition should be delayed till West Germany's treaties with Poland and Russia were ratified. The treaties have been duly ratified by West Germany. Now another excuse have been cooked up and it is this; let us wait till November elections are over and Mr. Brandt is out of the election issue. Now, are we to wait like that? These are not at all very sound arguments. Well, I know that they will deny it. But everybody knows. What is their argument? I should like to know from the Government what is their argument for denying recognition; there must be some argument. It is not a military secret that the Government cannot divulge before the House. There must be

some moral and political arguments which should be shared with the country, with Parliament. What are they? Let us debate and discuss. We are amenable to reason. If we could wait for 20 years we could wait for another 20 months if the arguments are reasonable. But there are not arguments at all. Proper arguments should be given. The demand is brushed aside, although the Rajasthan Assembly has passed a Resolution, the West Bengal Assembly has passed a Resolution, similar Resolutions have been passed in other Assemblies. Everywhere the demand is coming, not only from the Opposition parties but from the Congress Party also. In fact no difference exists on this. It is a national demand today. But unfortunately the Government is turning a blind eye to the national stand for the recognition of the GDR.

Sir, I say this with great sorrow and pain. It is creating a very, very bad impression in every part of the world where India is loved, where India's friendship is prized, where India's friendship is cherished. It is not that they are becoming unfriendly, not at all; in fact, though they are friendly, they feel the pain at heart. I can tell you that. And I am at a loss to understand why our Government does not see this simple point and continues still in this policy of non-recognition of the GDR. I could have understood if the relations were bad. The relations between India and the GDR are improving. They are not declining, but they are improving. Yet, recognition is not given. Why this delay. I cannot understand it. Nobody can understand it. I do not know who will explain it. Previously, we could have understood it. There were political reasons—you wanted aid from Germany I can tell you, the world had changed today. If you recognise the GDR, you may get more West German aid, not less. The Hallestein Doctrine is in the dust today. Those countries who have recognised

the GDR are not suffering on that score at all today. If you think that you may be in difficulty from the point of view of economic relations, whatever they are, if the GDR is recognised, you are mistaken. Today there is also some kind of a change in Bonn itself in the political set up of that country. That you must understand. I do not know how they assess in the Foreign Affairs Planning Committee. What has happened to the Foreign Affairs Planning Committee? I understand that the Chairman of the Foreign Affairs Planning Committee has become the Deputy chairman of the Planning Commission. You see how he is going from the Planning Committee of the Foreign Affairs Ministry to the Planning Commission. I do not understand such things. What relation these two have I do not understand. One is economic planning and the other is foreign affairs planning. It is as if a lawyer can conveniently become a doctor. There is no difficulty at all. I do not know about this kind of thing. Now, what is happening to the Planning Committee of Foreign Affairs? I do not understand what it is all about, in the Foreign Policy Planning Committee or whatever the name may be. Now, what is there, I do not know.

Before I pass on, I demand. Sincerely and honestly I say that there is something wrong. Therefore, I demand immediate recognition of the GDR. And I challenge the Government to deny this that is a national demand. This is a demand of the whole nation. This is an auspicious occasion, in a matter of hours we shall be meeting in a joint session of Parliament to celebrate the 25th anniversary of our Independence. And was it not a fit occasion, on the event of the Silver Jubilee Celebrations, to have recognised a friendly country, the German Democratic Republic? That opportunity you have lost. It has been lost since you have not done it up to now. I hope now some steps would be taken.

I would implore the Prime Minister of

India not to delay. She can take good initiative. She can display leadership. She can take the right decision. She can show courage. She can show imagination which has been displayed again and again. Why on this matter can she not rise to the occasion and extend full recognition to the G.D.R., I cannot simply understand for the life of me? At least I am entitled as an old colleague in this House to be convinced by some plausible argument as to why delay is taking place. I say delay because sooner or later they are going to recognise G.D.R. I know that. But why this delay for nothing? Every day delayed is every day lost. Every day of delay is no gain to India but loss to something that we hold dear to our heart and it creates difficulties for ourselves. You have to go round the world amongst peace-loving people. We want the countries to recognise Bangla Desh readily. But they ask: "Why are you not recognising the German Democratic Republic? Why are you delaying?" When we say, "Will you recognise Bangla Desh after Pakistan recognises Bangla Desh, they put us the question, "Will you recognise G.D.R. after West Germany recognises the G.D.R.?" Such is how a question is countered. Therefore, it is not very pleasing to hear such a thing from a friend. We are friends of the G.D.R. and the G.D.R. also knows that we are their friends. Therefore, I think this matter should receive the utmost attention of the Government. There should not be any delay.

Sir, as far as other things are concerned, my friend brought in Pakistan. I think, by and large, our Embassy people abroad behave well. I have been also abroad. My personal experience with our Embassy people is not unsatisfactory, I must say that. I find they behave quite well. Some of them are western in their ways of life I do not not like that. Firstly, I am not a man who is enamoured of the western way of life. But generally they are well

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behaved. Surely, the Jana Sangh friends should not expect that we should follow the tit for tat policy in our diplomatic behaviour. If Pakistan in the past did not behave with us well, that does not mean that we should have also behaved in the same way. In fact we behaved very well. I think our Embassy people deserve congratulations for their forbearance, tolerance, not criticism, on account of that. That is what I want to say. I would like the same tradition to be maintained. Humility, modesty, forbearance and tolerance are excellent qualifications amongst diplomats of a country like ours which has its own traditions and we must not forget it. I think those are to be cultivated, not discouraged, even when you are face to face with some diplomats and others who may not behave in a very decent manner with your own people, with your own diplomats or foreign missions. I think, by and large, one can say that they are behaving well.

My criticism is some of them are extravagant. Some are wasteful, and these people live in the United States and some in the United Kingdom. I have got letters from the United States that some of the officials believe in doing all kinds of business, making money, doing all kinds of things. I think the Ministry should have a check on such a kind of behaviour. I do not see as to why they should be interested in getting into all kinds of little business, making a little money and all that kind of thing. That should be a little looked into because other employees do not like this and some of them write anonymous letters. By reading the letter one can get an impression as to who has written it. In England also I find that this kind of thing happens. Some of the people are a little wayward in their life. That should be stopped. But, by and large, I think they are well behaved.

Sir, many suggestions have been made. I think the conventions are good. We are observing the Convention. I do not think any country has accused us of violating any convention. Well, that is one good thing to our credit. I do not know of any country making very serious charges against us of violating the international norms of behaviour in foreign countries, while in India, in Delhi, we find that the American Embassy people and some others go on flouting the norms and conventions as they like, and we are very tolerant towards them, sometimes to an absurd limit. That is not the case with our missions and our people abroad.

Sir, some people say that we should have been tough with Pakistan. I do not think this is a very right thing to say. Again and again the Pakistan example should not be dragged in. This is not the time to drag in the instance of Pakistan again and again and rub that point. After all, we have got the Simla agreement now and we are all for implementing it. Let us not talk about those things for the time being. Let others talk elsewhere. We need not talk about the past. Let us not sit in judgment too much upon the past when the future has to be captured. Let us try to capture the future, if possible, instead of going after the past which is not a very pleasant one. After all, what do we gain by recapitulating the old story all over again?

The other things my friend mentioned here. Was he a diplomat?

THE VICE-CHAIRMAN (SHRI V.B. RAJU) : Dr. Alva, you may give attention to this side also.

SHRI BHUPESH GUPTA : Were you a diplomat?

SHRI NAWAL KISHORE (Uttar Pradesh) He was.

SHRI BHUPESH GUPTA : He was a diplomat I am told. I think he spoke

from experience and it should be taken note of. I have been to England. I was a student there. There the High Commissioner's office is a white elephant. Once I wrote a letter, I think in 1953, to Jawaharlal Nehru, and I may tell you that at that time I was also staggered by what I saw, the lavish expenditure that was going on. I do not know what is happening now. Recently I have not been there for some time for 10 years or so, no, not for 10 years, but for some time I have not been there. I do not know. But it should be gone into. Then we should pay a little more attention to smaller countries. (*Time-bell rings*) Why are you ringing the bell? Then, I do not see why we should grant diplomatic immunities and privileges to the U.N. Mission in relation to our Kashmir. I think they should be asked to go now. We do not want now any more of the U.N. Mission on Kashmir, on this side of the border in India. We have said this again and again and we mentioned it also at our meetings with the Prime Minister and so on, and since I have got a chance here I wish to make it very clear, that we should withdraw all the immunities that we have granted to them and ask them to go out of the country. We do not want them at all, the so-called U.N. Mission.

Then, Sir, why should this Saigon puppet regime have a consulate here? What for? It goes to the credit of Sardar Swaran Singh and the Government of India that it voted for the admission of the PRG at the Non-aligned Meet in Georgetown recently and also supported the PRG's peace plan at Paris. I think we should recognise the Provisional Revolutionary Government of the Republic of South Vietnam and find our way to establishing diplomatic relations with South Vietnam.

And this puppet regime should go now. We should forget about it. Nobody bothers about it nowadays in the world. Now things are changing. In Japan after the

change of Ministry, a new Prime Minister has come and they are even thinking of cutting their relations with Taiwan. Such things are happening. You should also think along these lines. Why should there be delay in establishing relationship with a friendly country, the Provisional Revolutionary Government of South Vietnam whose peace plan you have endorsed very rightly, for whose admission you have bravely fought and whose admission you have sought at the non-aligned meet, and so on? Why should there be any delay? In the coming United Nations meeting I think we should stand for the admission of two German States, and I am sure the Government will do it. Before that I think the GDR should be recognised; otherwise, how can we ask for its admission? I am sure the Government will not come in the way of its admission. Perhaps the Government may think, let others move in this matter, then we will step in. Well, that is not a very right thing. We are a big country. We have a stature in the world today. We can also take initiative in such matters. So I think on the question of GDR many of us on this side and on that side feel very strongly and we share our feelings in this matter and I think in deference to the wishes of the people of the country and the international public opinion, the Government would not delay any more in extending full diplomatic recognition to the GDR. And this is the anniversary month, the month of August, and if you recognise the GDR this very month, it will be an excellent gesture, worthy of the occasion, worthy of our country and worthy of the friendship that we have built up between India and the GDR.

SHRI H. M. TRIVEDI (Gujarat) : I recognise that this Bill is in a sense national legislation to give effect to the Vienna Convention. Running right through the Vienna Convention is the principle of reciprocity, and I would like to be certain that

[Shri H. M. Trivedi]

it is the intention of our Government that in relation to every diplomatic mission we will rigidly enforce reciprocity and that we will not concede to any diplomatic mission or any personnel thereof any immunity or privileges which are not accorded by that State to the diplomatic personnel of our State. There will be three kinds of States with which we might have to be dealing with in terms of this Bill and in terms of the Vienna Convention : Firstly, those States which have adhered to the Vienna Convention. Now, there would be a common presumption that those States would also be putting through national legislation along these lines. I want to be certain and would like to be assured that insofar as their national legislation is concerned, it provides for the same kind of privileges and immunities for our diplomatic personnel as our national legislation provides for. Secondly, we would have to deal with States which have not adhered to the Vienna Convention in which case extension of these privileges or immunities would arise by agreement. Here again I want to be certain that the principle of reciprocity is rigidly adhered to. In this case it would be necessary further to see that man for man, designation for designation, reciprocity is there although we may not be able to ensure numerical equality, man for man, designation for designation, post for post. We should make certain that we enjoy the same immunities and privileges that we grant to the other States. Thirdly, there is a provision under Clause 3 for extending certain privileges and immunities to special missions. Here it must necessarily rest with the Government to exercise its own discretion as to the nature of the immunities and privileges which they will grant to such special missions. Such special missions may not in fact be representatives of any Sovereign State. And insofar as that is concerned, perhaps the Vienna Convention may not be strictly applicable. But in

that case the limits of the immunities and privileges which we would extend to such special missions should be clearly defined; not only clearly defined, I would go so far as to say that any such extension should in fact be as limited as is necessary under the circumstances. I am particularly emphasizing on this principle of rigid reciprocity for two reasons. Both clause 3 and clause 4 are drafted in terms of enabling provisions which say that Government may by notification do so, and so on and so forth. There may have been a period very soon following our independence courtesies when in order to buttress our international relations or image it may have been necessary to extend certain things or concede certain things due to political or economical pressure. But that period is passed. If Indo-Pakistan war has ensured anything it is this that it has given us certain international status so that it will now be possible for us not only to enforce rigid reciprocity but also to be able to be sterner even in terms of our diplomatic relations especially in relation to the Vienna Convention.

That brings me to the idea of violation. Here I would like to support—though not fully—what another hon. Member had said. Perhaps that period is also passed when we may have to bend backwards and extend courtesies or wink or shut our eyes to violation of diplomatic privileges and immunities. I think the time has come when we can certainly put up a sterner face.

I would like to support a suggestion made by another hon. Member that if in fact in terms of the Simla accord or otherwise in terms of our declared policy we have come to the conclusion that the U.N. observers in Kashmir have really no *locus standi* in this country and if there are any privileges or immunities conferred on them, I think they should be totally withdrawn.

Then I would also like to be sure that in terms of the nature of privileges which are



being extended we not only ensure reciprocity, but also strictly adhere to it in terms of movement of personnel. We had for instance, in this country to take action or restrict movement of persons in a particular manner even in terms of means of transport, etc. If in fact our personnel in the receiving State do not enjoy the same type of privileges which we extend to their people here, then I suggest that even the nature of privileges and immunities which are granted should be strictly on a reciprocal basis. I think then hon. Minister will get the trend of what I am getting at, namely, to a larger extent the period or time is passed when it may have been necessary to do certain things in order to buttress our international relations and image, etc. In terms of implementing Vienna Convention and especially powers to notify, etc. Under clauses 3 and 4, I would suggest that all such notifications should be strictly, wholly, entirely and rigidly on a reciprocal basis.

SHRI M. RUTHNASWAMY (Tamil Nadu) : Mr. Vice-Chairman, I will follow the good example of my predecessor by confining myself to the articles of this Bill which seeks to implement the provisions of Vienna Convention on diplomatic relations. First of all in regard to the categories of people who are to enjoy diplomatic immunities and privileges, I see there are about six of these categories and of these almost all except two would strictly belong to a diplomatic mission. These two categories are members of the domestic staff of a mission and the private servants of members of the diplomatic staff. With regard to (if I have a difficulty because the members of the administrative and technical staff are included and these members of the administrative and technical staff are employed in the administrative and technical services of the mission. Technically, it is very vague. It includes not only the military, commercial, economic attaches but it would

also include the intelligence staff of the diplomatic mission.

Now, the intelligence staff of the diplomatic missions may be engaged in lawful activities, as also in unlawful activities. In some missions, like Russian Mission, for instance, you have got two categories of intelligence staff. One category is known as the legal apparatus which is directly under the head of the diplomatic mission. They would call it 'intelligence', but, uncharitably and in vulgar language, it would be called 'espionage'. Now, there are two categories, as I said. One is called the legal apparatus and the other is called non-legal apparatus—the legal apparatus being under the jurisdiction of the head of the diplomatic mission and the non-legal apparatus being under the KGP, head of the police in Russia. I want to know whether all these diplomatic privileges and immunities that are provided in the Schedule to the Vienna Convention would apply to these members who are engaged in what they would call 'intelligence' and what other people would call 'espionage'—legal apparatus and the non-legal apparatus. We should like to have a clarification from the Minister with regard to this.

You know, Sir, the Soviet Embassies are very large in number. The largest diplomatic mission in any country is that of Russia. It runs into hundreds. We should take care that people who are engaged in what they call 'intelligence work' and what others call 'espionage work' do not enjoy these diplomatic immunities, privileges and concessions.

I am also glad to agree with my predecessor who said that all these concessions, diplomatic immunities and privileges should be on a basis of reciprocity. Members of a diplomatic mission from abroad should be allowed to enjoy only that class of immunities, privileges and concessions that our diplomats are allowed to enjoy in their country. For instance, Sir, in Russia and

[Shri M. Ruthnaswamy]

and in most Communist countries, foreign diplomatic agents are not free from control. They have to get permission every time they travel beyond a certain restricted area; they have to be accompanied by members of the Russian diplomatic staff. We in our country, following the traditions of freedom, allow diplomatic agents from abroad to travel freely all over the country, practically without any caution taken and without any obstacle placed in their way. So I think that the grant of these diplomatic privileges and immunities should be strictly on a reciprocal basis. If our diplomatic agents are not allowed to travel freely and easily in any part of a foreign country, without being supervised, we so should place the same obstacles or control over the movements of diplomatic agents from that country. I think with these reservations I support this Bill...

SHRI SURENDRA PAL SINGH : Sir, I have listened to the speeches of the hon. Members very carefully, and, if I am permitted to observe, in the beginning I began to wonder whether we were discussing the Vienna Convention Bill or having a debate on Foreign Affairs and the Foreign Ministry because a large number of subjects were raised which do not come under the purview of the present Bill. This is a Bill which has been brought forward to give effect to the Vienna Convention which India has ratified and to which India is a party, and the main purpose of the Bill is to give effect to the Convention and nothing else. A large number of subjects have been brought into the debate which are quite important—<sup>46</sup> is true—but strictly speaking

or

... it respect to the who have raised them I will not be referring to those points which have no connection with the Bill but I will deal with only those points which are relevant and on which some clarifications have been sought by hon. Members.

SHRI BHUPESH GUPTA : No, no, my point is very relevant. I said the Vienna Convention relates to diplomatic relations. You have established some kind of relations with the GDR—consular relations. My contention is, why not full diplomatic relations. Why are you stopping half-way? That is to say, the spirit of the Vienna Convention is not being fully observed by you.

SHRI SURENDRA PAL SINGH : It is a matter of policy and a political decision as to what kind of relations should there be between ourselves and other countries. But the Vienna Convention is quite different.

SHRI BHUPESH GUPTA : The convention does not say that.

SHRI SURENDRA PAL SINGH : Mr. Bhupesh Gupta raised a point when he asked the question—and made fun—as to what was the relationship between the Policy Planning Committee and the Planning Commission. May I ask Mr. Bhupesh Gupta what relationship is there between having diplomatic relations with the GDR and the Vienna Convention? Nothing whatsoever. That is a separate issue. It is an important issue; I recognise it.

SHRI BHUPESH GUPTA : I have made it absolutely clear. Now I know how to make...

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : This is not covered by the Bill.

SHRI BHUPESH GUPTA : I have read out the Vienna Convention which I have quoted. One section relates to the establishment of diplomatic relations. Now it proceeds step by step. In the case of the GDR they have established consular relations between India and the GDR. Now naturally, good conventions and good norms of international behaviour demand that with a friendly country when you establish consular relations and it is there for a long time you should take the logical

step forward and establish also full diplomatic relations. Now the Vienna Convention does not say it.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : You had your say.

SHRI SURENDRA PAL SINGH : I have taken note of what the hon. Member has already said. He has raised an important point—I agree. But this matter should be raised on some other occasion. I think it was raised some time back also and a reply has been given.

SHRI BHUPESH GUPTA : This is the only occasion after all, these two or three weeks. Do you mean to say that I have come here only to discuss the Vienna Convention which is a trifle thing ?

SHRI SURENDRA PAL SINGH : That is what we are assembled here for. It is a limited issue—the Vienna Convention and it has a limited purpose. On some other occasion it can be discussed when you may raise this point.

SHRI T. V. ANANDAN (Tamil Nadu) : It is part and parcel of the debate.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Let him go on with this speech. This is not the occasion; this Bill does not cover it.

SHRI BHUPESH GUPTA : I know, the policy of the Government of India is not to say anything.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : You leave it to him. You have made your point very effectively.

SHRI BHUPESH GUPTA : I know I make very effective points only to get effective silence from the Government.

SHRI SURENDRA PAL SINGH : Sir, I think the hon. Member is not fair in making this observation. Whenever this

point has been raised by him or by anybody else, the Government has always come forward with a reply. We have never been quiet, we have never been silent. My only point is, this is not the occasion for raising this point. Whenever it has been raised in the past we have given a reply.

A point was made by some hon. Members in the beginning—there has been a complaint—that there has been a certain amount of delay at the ratification of this Convention and also delay in bringing forward this legislation. It is true that this Convention was adopted in 1961 and we ratified it in 1965. So there is a gap of nearly four years or so in ratification but, Sir, is this not unusual. Whenever a Convention of this importance is adopted in a big conference, all countries take a certain amount of time; two to three years is the normal time to study the Convention properly, its implications, its various aspects, how it will affect the countries concerned. It is only after due consideration that it is ratified. I may inform hon. Members that India was not far behind many other countries in the matter of ratification. In fact there are a large number of countries which came after India; almost half the number ratified after this country. So undue delay was not there.

And the same applies to the question of bringing forward this enabling legislation. We had to study the various aspects and implications of his Bill. We also observed what other countries have done in this regard, what kind of enactment they have brought forward, how they enacted their legislation, whether they were faced with any difficulties and how they were able to circumvent those difficulties. It is only after making a thorough examination and study of all the legislations of the world that we came forward with this legislation. It is quite normal; it does take two to three years to ratify and another few years' time

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to bring forward a legislation of this type. So I will not agree with the hon. Members when they say that inordinate delay has taken place.

In regard to the question of retaliatory action, I think the hon. Members have studied the Bill. As you know, clause 4 of the Bill empowers the Government of India to take any action on the basis of reciprocity and we can also retaliate in certain situations. Some hon. Members have criticised that we are being very good to people, that we do not act properly and sometimes we allow our diplomats abroad to be treated badly and humiliated and when all kinds of action are taken against them we do not react in the same manner. This is not true; whenever the situation demands we have always taken action against countries which have not treated our diplomats well. It is true, as Mr. Bhupesh Gupta pointed out, we do not follow a policy of tit for tat; Our reactions are of a sober nature. We are an ancient country, a cultured country and we do not react in the same manner as some other countries do, but that is no reason to say that we are a weak country, a weak nation, that we do not react suitably in such situations. Whenever occasions have arisen we have taken action. In regard to countries like Pakistan and China we have taken retaliatory action. Our diplomats were dealt within a very shabby manner on a number of occasions in those countries but we also took action. We declared one of their diplomats *person non grata*. We also asked for the withdrawal of a number of Pakistani diplomats from this country. In the case of China also when our diplomats were badly treated by the Chinese we asked for the withdrawal of two of their diplomats. Therefore it is not fair to say that we do not take action. It is true that we do not use the same kind of abusive language or strong language or react in the

same manner as some other countries, but we do see to it that our diplomats are properly treated and nothing is done against them which may hamper their work there and create difficulties for them.

A question was raised whether we act on the basis of reciprocity. We do function on the principle of reciprocity. By passing this Bill we are not giving any rights to other diplomats which are not enjoyed by our own diplomats. We are not letting ourselves into any situation which might create trouble for us. In fact we are not giving anything more than what is contained in this Convention. Whatever we do for others is also available to our diplomats all over the world. So this is on the basis of reciprocity.

SHRI BHUPESH GUPTA : When your officials meet any diplomats there either informally or privately do they send a report to you?

SHRI SURENDRA PAL SINGH : Sir, would you allow this question? It is about the internal working of the Ministry. Whether they make a report or not, what has that got to do with this? He is referring to something which is outside the scope of this Bill. This is hardly the occasion to raise points about how we conduct ourselves, how we carry on the day to day work.

SHRI BHUPESH GUPTA : Mr. Surendra Pal Singh is taking a very legalistic view of everything; I do not know why. How does he say this is an internal problem? This is about how the country behaves. But suppose your officers meet and somebody says, "Steal that paper", suppose an officer of your External Affairs Ministry, hypothetically speaking, meets an Embassy official and the foreign embassy official says, "Steal that paper, bring that paper; overnight I shall take a photograph of it", this is not covered by the diplomatic immunity. Suppose these things are not reported,

then how do you know? And if it is reported, then he violates the diplomatic immunity. Therefore, this enters the bilateral field.

**SHRI SURENDRA PAL SINGH :** A lot of things have been going on every day; things are being done of course and we keep track of all that. Our diplomatic officers also keep their eyes and ears open and things are naturally reported to us. But it was merely saying that this does not strictly arise out of this Bill as such.

**SHRI BHUPESH GUPTA :** Not part of the Bill?

**SHRI SURENDRA PAL SINGH :** How these were the main points raised by hon. Members. I can only say that I assure them that everything is based on the principle of reciprocity and we will not allow the prestige of our diplomatic officers abroad to go down, anything to happen to that. And if anything of that sort does happen, rest assured it will evoke action from our side also. We have sufficient powers under the Bill and otherwise to take necessary action on appropriate occasions.

With these words, Sir...

**SHRI BHUPESH GUPTA :** What about that? You have not answered about the U.N. Mission in Kashmir—What about the Kashmir Mission?

**SHRI SURENDRA PAL SINGH :** The question of the U.N. Military Observers group in Kashmir does not come under the purview of the Vienna Convention. That is a separate thing altogether. It has nothing to do with the Vienna Convention.

**SHRI H. M. TRIVEDI :** Sir, the point which I had raised was that as far as the States which have agreed to the Convention are concerned, naturally reciprocity, to a large extent, will apply as in the national legislations of those States. But for States, which have not agreed to the Vienna Con-

vention and for Special Missions I would like to be assured that it is our intention to ensure rigid reciprocity even where we extend the principle of reciprocity to them.

**SHRI SURENDRA PAL SINGH :** Yes Sir. I refer the hon. Member to Clause 3 which empowers the Government of India to extend these privileges and immunities...

**SHRI BHUPESH GUPTA :** I have a submission to you. The question I raised is based on...

**THE VICE-CHAIRMAN (SHRI V. B. RAJU) :** He is answering Mr. Trivedi's question now.

**SHRI BHUPESH GUPTA :** He did not understand my question.

**THE VICE-CHAIRMAN (SHRI V. B. RAJU) :** Now he is answering Mr. Trivedi's question.

**SHRI SURENDRA PAL SINGH :** Under Clause 3 all these provisions will be extended to those countries also who are not members of the Vienna Convention, but which by agreement with the Government of India have decided to accord similar facilities to our Missions on a reciprocal arrangement. If there is an agreement between the two countries, it will be extended to them also.

**SHRI MAHAVIR TYAGI (Uttar Pradesh) :** Sir, since we have a function at midnight today, I would request you not to go beyond 5 O'Clock, because we have to come back again.

**SHRI BHUPESH GUPTA :** Nobody is going beyond 5 because Mr. Tyagi wants to sleep between 6 and 9 O'clock. So it is all right. Let him sleep. The point that I raised needs a little clarification. Please do not say everything is outside the scope of the Bill. Then why do you bring in the Bill if everything is outside the scope of it? What is the machinery for you to find out—well, you have got your intelli-

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gence and all that, but apart from that—as to whether the diplomatic personnel here are observing in their day to day relations with officials the norms they are expected to observe? This is the thing.

SHRI SURENDRA PAL SINGH : It is an important point, I agree, that all Foreign Missions here and their diplomatic agents have got to show respect for our laws, and they have to ensure that they function here properly and nothing is done here which is against the interests of the country. That is their main duty. They have got to adhere to our laws, etc. and it is of course our duty to see that they do it, and I can assure hon. Members that it has been done by us. We see to it that they respect our laws and they do not do anything which is against our national interests.

SHRI T. V. ANANDAN : I just seek one information regarding the particular point raised by my hon. colleague, Professor Ruthnaswamy, namely that the Russian Embassies all over the world do have two categories of intelligence staff. I want a clarification on it.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Why do you single out one Government or one Embassy? It is not fair and it need not be answered.

The question is :

“That the Bill to give effect to the Vienna Convention on Diplomatic Relations, 1961, and to provide for matters connected therewith, as passed by the Lok Sabha, be taken into consideration.”

*The motion was adopted.*

5 P.M.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : We shall now take up the clause-by-clause consideration of the Bill. There are no amendments.

MGIPRRND—Sec./IV—9RSS/72—4-1-73—570.

*Clauses 2 to 11, the Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI SURENDRA PAL SINGH : Sir, I beg to move :

“That the Bill be passed.”

*The question was put and the motion was adopted.*

# MOTION REGARDING THE NINETEENTH REPORT (1969-70) OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN) : Sir, I beg to move the following motion :—

“That the Nineteenth Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1969-70, laid on the Table of the Rajya Sabha on the 22nd December, 1971, be taken into consideration.”

Sir, I would not like to take the time of the House now. I shall hear with great interest the comments and observations which hon. Members wish to make and then I shall make my submission on the points raised by them.

*The question was proposed.*

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Mr. Subramania Menon is not here. Now, let us adjourn till 11 A.M. on Wednesday, the 16th August, 1972.

The House then adjourned at four minutes past five of the clock till eleven of the clock on Wednesday, the 16th August, 1972.