

justice. I begrudged the years you gave, I am sure conscientiously, to diplomacy and rejoiced when you took your rightful place on the Court.

18. DEATH AND TRIBUTES IN PARLIAMENT AND ELSEWHERE (1953)

B.N. Rau died in the early hours of 30th November, 1953, at Zurich. On the very same day Jawaharlal Nehru, the Prime Minister of India, departing from the usual convention, made a reference in the Lok Sabha to the services rendered by B.N. Rau to the country. The following is the extract from the proceedings of the Lok Sabha of that day :²⁵

“2.30 P.M.

DEATH OF SHRI B.N. RAU

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru) : Sir, I beg your leave to refer to a sad event that took place in the early hours of this morning in the city of Zurich, Switzerland. It is customary in this House for reference to be made when a Member of this House or of the past Assemblies dies. It is not customary for such reference to be made in the case of a non-Member. I venture to make this mention here in regard to a person who was not a Member of this House, but who was nonetheless connected very intimately, if I may say so, with this House, and more especially the Constitution under which this House is functioning. I refer to Shri Benegal Narasing Rau who died at about half past two this morning at Zurich. Shri B.N. Rau was, as the House knows, eminent in many fields and he served the country in various ways. I remember—it is memory of long ago—seeing him as a contemporary at Cambridge in my own college, an exceedingly shy person who almost refused to talk to one because he was so shy. Since then he accumulated a great deal of learning and experience and scholarship. But he bore that great weight of scholarship always in an unassuming, unobtrusive way. I doubt if anybody saw him

25. *Lok Sabha Proceedings*, 30 November, 1953.

ruffled at all. Always he had that gentle way of approaching questions which surprised very greatly many people during the discussions in the United Nations where he represented India—because often in the United Nations discussions very hard words are said. But whatever was said, Shri B.N. Rau remained his quiet, gentle self without being ruffled or moved in the slightest.

He had a distinguished career. He was High Court Judge for a long time. But we are specially concerned with his activities which led to the Constitution. He was also, the House will remember, the Chairman of the Hindu Law Committee from which emanated various pieces of legislation which, in a different form no doubt, have come up before Parliament. He was intimately connected with this Constitution-making, and he might well be called one of the principal architects of our Constitution. In fact, while he was engaged in making the Constitution of India, he was sent for by the Government of Burma to make their Constitution, which he helped in making also. And then he played a very distinguished part in our foreign work. He was our representative and the leader of our U.N. And last of all, only last year or nearly two years ago he was elected to the International Court at the Hague.

In spite of this prolonged record of service he was not an old man. He was slightly older than I—and I do not consider myself too old to do work yet. As I said, he was a contemporary of mine for a while at Cambridge. He had been ill for a long time and for the last fortnight or so we had been led to expect that he would not recover. Nevertheless, his passing away is a matter of sorrow and shock to all of us who looked upon him as the perfect civil servant in one way, and also as an ideal servant of India in other ways too.

So I think it is right that mention of the passing away of such an eminent son of India should be made in this House.”

The Speaker expressed himself as under :

Although, as stated by the Hon. the Leader of the House, it is not the practice in this House to make reference to the passing away of non-Members, either of this

Parliament or its predecessors, when the Hon. the Leader of the House asked me as to whether I could permit him to make a reference, I instinctively felt that I must, because the case here is quite exceptional. Apart from the unique personality of Mr. B.N. Rau and his eminent services to the country, what weighed most with me was that he was, as it were, interwoven in our present parliamentary life. He worked for it during the last few years of his life, and we all know what a valuable document in the form of the Constitution we have got. He was also the architect of the Hindu Law reform Bills. Thus his association with Parliament or the Legislature was so extensive and so wide that it is only technically that he was not a Member of Parliament. Apart from that, of course, he was an eminent Indian and it is but proper that we all should gratefully remember him and express our sorrow at his sad demise at a comparatively (as the Leader of the House said), young age.

We may send our condolences to his family in their sad bereavement. I entirely associate myself with all that the Leader of the House has said.

The House may stand in silence for a minute as a mark of respect.

The House then stood in silence for a minute.

The *Calcutta Weekly Notes* wrote on December 7, 1953 as under :²⁶

We mourn the passing away of an eminent son of India who brought honour to his country. His death removes a brilliant administrator, a distinguished constitutional jurist and one of the architects of the Indian Constitution. The last scene of his labour was the International Court of Justice and how greatly he resembled the Judge in Bernard Shaw's *Geneva*—catholic, human and considerate.

Shri M. Hidayatullah has given a pen portrait of B.N. Rau

26. 58 C.W.N. (*Jour.*), pp. ix-x (1953-54).

in these words :²⁷

Sir B.N. Rau impressed me as a man of sound commonsense and great legal acumen. I had appeared before Judges including the Judges of the Federal Court but very few compared with him for sheer stately judicial presence. Sir B.N. Rau was an institution. Although he had joined the Indian Civil Service, there was more in him than is found in the run-of-the-mill Indian Civil Service men. A brilliant student of Madras and later of Cambridge Universities, he won laurels wherever he went. His talents were many splendoured. Although his tenure as a Judge was short, it was brilliant. He would have adorned the Federal Court but for the calls on him from the Government of India. All his achievements were solid because in whatever capacity he worked he left an indelible mark.

The President of the World Court, when opening the public session of May 10, 1954, the first since the death of Sir Benegal Rau, delivered, *inter alia*, the following obituary oration:²⁸

Apart from his great legal and political experience, his outstanding qualities were his learning and his sympathetic understanding, his patience and his firmness. He inspired not only confidence but affection. His services to his country and his contributions to the work of the United Nations in New York and Geneva lie in the past and are on record. For us his untimely death means disappointment and a great promise unfulfilled; for it is rare to find a man whose moral and intellectual qualities combined with his experience and temperament fit him so admirably to hold judicial office. Those of us who were privileged to work with him are not likely to forget the example of this great public servant.

27. M. Hidayatullah, *Judicial Methods*, *supra* note 13.

28. See *Year Book 1953-54*.