

there lying before the Parliament. It is generally the procedure of the Government that these reports should be considered yearly. In spite of that I hear that, there are 2 or 3 reports which are not coming before us for discussion. What is the reason for it? I want an explanation from the Minister.

REPORT (1965-66) ON THE ACTIVITIES OF THE RUBBER BOARD AND RELATED PAPERS

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI M. SHAFI QURESHI): Sir I beg to lay on the Table—

- (i) A copy of the Report on the activities of the Rubber Board for the year 1965-66.
- (ii) Certified Annual Accounts of the Rubber Board for the year 1965-66 and the Audit Report thereon. [Placed in Library. See [Placed in Library. See No. LT-581/67 for (i) and (ii)].

THE COTTON CONTROL (SECOND AMENDMENT) ORDER, 1967

SHRI M. SHAFI QURESHI: Sir, I also beg to lay on the Table a copy of the Ministry of Commerce Notification S. O. No. 1665, dated the 5th May, 1967, publishing the Cotton Control (Second Amendment) Order, 1967, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See. No. LT-582/67].

THE COIR INDUSTRY (AMENDMENT) RULES, 1967

SHRI M. SHAFI QURESHI: Sir, I also beg to lay on the Table a copy of the Ministry of Commerce Notification S.O. No. 1744, dated the 6th May, 1967, publishing the Coir Industry (Amendment) Rules, 1967, under sub-section (3) of section 26 of the Coir Industry Act, 1953. [Placed in Library. See LT-504/67.]

MR. CHAIRMAN The House meets at 2.30.

The House then adjourned for lunch at thirty-five minutes past one of the clock.

The House reassembled after lunch at half-past two of the clock, THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair.

THE PASSPORTS BILL, 1967—contd

SHRI BHUPESH GUPTA (West Bengal): It is my privilege, Sir, to resume my speech with you in the Chair; yesterday I ended my speech with you in the Chair.

Now I was speaking on the 'P' Form and I was stressing, well, that this arrangement should be scrapped altogether, and I was pointing out yesterday how the 'P' Form had been utilised by the Finance Ministry, more especially by the Home Ministry to invalidate valid passports. Now I have gone through the judgment over-night and here it is said, the judgment says:

"It follows that under article 21 of the Constitution no person can be deprived of his right to travel except according to the procedure established by law."

That is to say, we are having a law which will regulate our travel. Normally we are supposed to have unfettered travel facilities; but for the Ordinance we have them. The Ordinance came and imposed certain restrictions; previously, of course illegally, wholly illegally >the Government dealt with this matter.

Now, before I deal with one or two points, I should like to point out . . .

DIWAN CHAMAN LALL (Punjab): Forgive me; there is nothing in this particular measure about the "P" Form.

SHRI BHUPESH GUPTA: No, I know it, but yesterday I had spoken

at length; I had spoken at length on how they have got two passport systems, one, that is the regular, and another, the 'P' Form . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He was discussing this matter in great detail.

SHRI BHUPESH GUPTA ... and the clandestine blackmarketeers in this matter, namely the Home Ministry. Now, therefore, that is settled. Now here we are normally supposed to be absolutely unfettered. Now we are having restrictions, but before that, till the Supreme Court judgment came, it is quite clear that for fifteen years this great Government of great people ran the passport show illegally denying the passport to whomsoever they wanted to deny it without any let or hindrance whatsoever; every passport you denied in that period of fifteen years was illegally denied. Everyone who failed to get the passport from you after application was subjected to deprivation of his freedom, given him under article 21 and also under other articles of the Constitution. Now sometimes the Government should make a little amends. But here is a Government which commits crimes with impunity. For fifteen years they played havoc with the passport business. Then it was for the Supreme Court to point out. "No, gentlemen, you should not have done so." Now they come with this Bill, and they at least should have apologised to the nation, apologised to the people who have been aggrieved as a result of this kind of illegal behaviour. One party in the country is free from any punishment, for illegal acts, and that party is 'the party in power here. It can do anything it likes so long as it can stick to the Treasury Benches. Well, it is capable of doing any illegal act and getting away with it, and when the Constitution comes in the way, they want to amend the Constitution to provide for indemnities, indemnification of some such people. All this kind of

thing they do. Anyhow, Mr. Vice-Chairman, everyone will be justified, I believe, they should now authorise people to sue the Government. Law should allow the people who had been deprived of the passport to sue the Government and ask for compensation and so on. Now for fifteen years illegally they acted, and in the Ordinance period legally. Now ^{they} have come with the same Ordinance more or less by modifications here and there. Now you see how the purpose of the judgment is served. I said yesterday that the Bill did not reflect the spirit of the judgment. Now the judgment says that law must regulate the freedom. But the law, in that case, is never to be interpreted that the regulation should be such as takes away the freedom. It is one thing to regulate your freedom; it is another thing to subvert it, to suppress it and take it away. Yet the regulations under this Bill are such as would take away the freedom instead of regulating it. Under the pretext of regulation we are again creating a sort of arbitrary power by which the freedom can be deprived, the freedom given under the Constitution and, well, accepted by the Supreme Court judgment. Now here, Mr. Vice-Chairman, my main clause is clause 6 of the Bill, where the grounds for refusal have been put, first of all, in sub-clauses 6. (1)(a), (b), (c) and (d). Then, again comes sub-clause 6.(2) and it says:

"Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport . . .

Note the word 'shall'—

". . . or travel document for visiting any foreign country under clause (c) of subsection (2) of section 5 on any one or more of the following grounds, and on no other ground, namely :—"

Well, "and on no other ground, namely" they add. But what are the grounds on which the passport shall be refused;

"(a) that the applicant is not a citizen of India;" I can understand it; but even they should have travel permits or some kind of thing.

"(b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;"

One does not know what all this means; it is so wide a definition that it is for the executive to say something and finish with this business. They will say: "You cannot get the passport because we think that your activities will be prejudicial to the sovereignty and integrity of India." Now how many citizens are so situated in life who can go abroad and act contrary to the sovereignty of our country? Our sovereignty is not a small coin which can be transferred by any citizen or so. Well, I do not know why this provision is here. What do they mean? First of all they should tell us what do they mean by 'sovereignty' here. If anyone, an Indian, going there says: "I do not believe in the sovereignty of India", let him say if he likes. That is all. But people will call him mad. But here for an act which may look an act of insanity in the eyes of others you put in the word 'sovereignty' here. Now integrity of India'.

What is this integrity? The interpretation will be very very wide. Is it national integration or integrity? Is it territorial integrity or moral integrity or political integrity or the integrity of the Congress rule? What is it? I do not know. Easily I know the integrity of the Congress rule will be substituted for the integrity of India as it has happened so often in the case of the Defence of India Rules. In all such matters the security of the Congress will be misunderstood as the security of India or the security of the State. As you know, here we can discuss things in Parliament. But what is going to happen to the poor passport applicants when they come up with request for getting passports? Therefore, I say this is a

very very wide provision. Here it is stated:

"that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;"

There may be some very odd cases. But we know what happens in most cases. I may tell you that a man like Shri Namboodiripad was not allowed to go to the Soviet Union initially when I was there in Moscow.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have -said it yesterday.

SHRI BHUPESH GUPTA: Overnight I have got more information which I want to give you. Mr. Vice-Chairman, how was this concerned with the security of India? I met Mr. Kaul then in Moscow and talked to him about it. He sent a message to the authorities here, I think. I protested against this denial and I am sure the message reached Jawaharlal Nehru and he also tried here. And ultimately Mr. Namboodiripad went to Moscow and we lived in the same place and nobody felt that the security of India was threatened by him. You see how in the case of a 'man like Mr. Namboodiripad who is now a Chief Minister and who was then a former Chief Minister, such a thing could happen. The 'P' Form was not sanctioned in his case. He had, if I remember aright his passport, but the provision for the 'P' Form was utilised against him. The Central Committee of the Communist of the Soviet Union had invited Mr. Namboodiripad and therefore there was no question of any foreign exchange problem at all. Therefore there was no case for the Government to take the stand on the ground that his trip would mean foreign exchange being spent. It was an invitation from the very highest quarter in the Soviet Union in which it was clearly stated that his expenses would be borne by the Soviet people, by the Communist Party Of the Soviet Union, as he was their guest there. So they could not

[Shri Bhupesh Gupta.]

easily stop him. And so they brought in the question of this security of India. If this happens to a man like Mr. Namboodiripad, you can understand in the case of thousands and thousands of applicants, unless they pay bribe or some such thing, what is going to happen.

SHRI SYED AHMAD (Madhya Pradesh): Suppose Phizo asks for a passport, will not his activities abroad be prejudicial to the security of India?

SHRI BHUPESH GUPTA: No, no. Everybody is not a Phizo. I am here talking about one of your Chief Ministers. That is all right. So people like Phizo need not go. That I can understand. But you know Phizo could go without any difficulty. Such people have no difficulty.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Gupta, your time is over.

SHRI BHUPESH GUPTA: I am finishing in a couple of minutes, Sir.

There is another thing here. Not content with that they go further and say:

"That the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country,".

You see what a broad definition it is. That means that you can stop anybody if you want to. Mr. Vice-Chairman, if, for example, you want to go to any country I can deny you the pas-sport on the ground that I feel that you do not like friendly relations with some other country. Now, suppose you do not like some countries in the world, suppose you have some views about West Germany, the German Federal Republic, then I may say that your going to England will worsen our relations with West Germany, that you may do something which may affect our friendly relations with the West German Government, our rela-

tions with the German Federal Republic, and so you should not be given the passport.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Bhupesh Gupta, the law is made to meet extreme cases. It is not that everybody will be coming within its ambit.

SHRI BHUPESH GUPTA: I tel! you, Mr. Vice-Chairman.

SHRI SYED AHMAD: There is difficulty. For instance it may be prejudicial to our friendly relations with some countries. What do you think of the activities Of SWEikh Abdullah i_n the Middle East when he went there?

SHRI BHUPESH GUPTA: Well, it you talk of Sheikh Abdullah, the first thing I would say i_s that since you have raised this point, I demand that he should be released. That is not the point here, but since the hon. Member has raised the matter of Sheikh Abdullah, I say he should be released. What are you doing? It is your political convenience. You release him when you want and make him the guest of the Prime Ministe r in some bungalow and so on.

SHRI SYED AHMAD: I am only asking you about his activities in the Middle East.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Ahmad, do not interrupt him. Do not bring in such things.

SHRI BHUPESH GUPTA: I do not object to his interrupting me. I am glad he has done it. When I was in detention or when Mr. Niren Ghosh is in detention we are put in Dum-Dum jail. But when Sheikh Abdullah becomes a detenu, you find some health resort and bungalows for him and you spend thousands and thousands of rupees. Stop all that payment, I say, and release him.

SHRI SYED AHMAD: You have not followed me. You have become quite irrelevant.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Ahmad, let him proceed.

SHRI SYED AHMAD: If he engages himself in activities which affect the security of India and our relations with other countries, then what will you do?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Let him proceed. Mr. Gupta, you address me.

SHRI BHUPESH GUPTA: He wants to be relevant. If somebody goes abroad and does something, he asks, what I will do. Well, I will deal with it later on. The fact that a person is going to a country is not going to affect us. Therefore, let him not bring in such things. But since he mentioned Sheikh Abdullah and since he will be coming to Delhi shortly, I do hope he will be released and he will be a free man.

SHRI SYED AHMAD: That is not the point.

SHRI BHUPESH GUPTA: I am saying this because I do not like that Sheikh Abdullah should be in detention for eleven years.

THE MINISTER OF EXTERNAL AFFAIRS (SHRI M. C. CHAGLA): We are discussing the Passport Bill, Sir.

SHRI BHUPESH GUPTA: But your friend there mentioned it.

SHRI SYED AHMAD: That was not the point. He is absolutely irrelevant. I also want him to be released, there is no question about that.

SHRI BHUPESH GUPTA: Very good, very good. I have got one thing now.

SHRI SYED AHMAD: You are a Niagara of words and it is difficult to make you understand.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Gupta, your time is over.

SHRI BHUPESH GUPTA: I am just finishing. I wanted to finish very quickly and but for these interruptions I would have finished my speech by now.

m RSD—7

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Thank you.

SHRI BHUPESH GUPTA: Thank me a little later, if you like.

Further it is stated here:

"That the applicant has, at any time during the period of five years immediately preceding the date of his application been convicted, by a court in India for any offence and sentenced *in* imprisonment for not less than two years;"

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have not seen the amendment proposed by the hon. Minister. He has conceded your point, you will see.

SHRI BHUPESH GUPTA: He has not.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Yes, in the case of moral turpitude.

SHRI BHUPESH GUPTA: He has accepted it? Very good. One good thing he has done in life. You have done it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Always the Government is ready to accept reasonable suggestions.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, you are not supposed to say if they are ready or not ready. That is not the point. Let us see what they do. Then on page 6 . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That clause also is to be amended.

SHRI BHUPESH GUPTA; Otherwise you know what will happen. Moral turpitude should be defined properly. I don't know if it will be. Mr. Vice-Chairman, if it is properly defined, then many of our friends in high places would not go because they have got this kind of thing, this moral turpitude business. And as for big business, you know the whole thing is moral turpitude. Therefore, I do hope that they will be careful. Otherwise you know it has become the subject matter of great concern.

[Shri Bhupesh Gupta.]

And finally one word I have to say. I come from the State of West Bengal. You know our ties with East Bengal are still there and many families are divided, especially the families of the minorities living in Calcutta. Similarly many families of the minorities in East Bengal have also their relatives in West Bengal. Now I think there should be real liberalisation in the issuance of passports. These people do suffer. I find Muslim members of the minority community in Calcutta do suffer very much on account of certain procedural and other difficulties in getting passports to go to East Pakistan. That should not be there.

SHRI Z. A. AHMAD (Uttar Pradesh): In West Pakistan also.

SHRI BHUPESH GUPTA: Yes; West Pakistan also. Why should they be suspect all the time? Why should a member of the minority community, who is a citizen of India, always live under a shade of suspicion? If he is a citizen of India, if he wants to go to East Pakistan or West Pakistan to his relatives, we should consider it our moral duty not only to issue passports expeditiously but also to facilitate them. What happens now is this. I live in a place near the Passport Office and I tell you many people have to queue up for hours and hours. Many are disappointed and they cannot go even when they get the news that their dear and near ones are in very bad physical condition or financial condition or when they are in some other difficulties. Such things have happened. I cannot say very much about the other side. Anyhow it is for them to make the law but I should like reciprocal laws made on both sides. We in India could set a good example in this matter. I demand, therefore, that the whole question should be gone into. It is technically a foreign country; it is now another country, a State but then bonds of culture, bonds of history, bonds of social relations, bonds of human blood, demand that we treat

them in this matter entirely differently. They are our kith and kin, however much we may quarrel; they are our brothers and sisters however much we may get exercised over some problems. It is very very essential not only for the promotion of good relations but even for the promotion of the Tashkent spirit. As far as Pakistan is concerned, as far as these people are concerned, we should be guided by the Tashkent spirit and Tashkent spirit demands, Mr. Vice-Chairman, that in the matter of passport applications coming from the members of the minority community in our country we treat them with extraordinary consideration and sympathy and see that everyone of them gets passport in the quickest possible time. It is very very essential. I am voicing the sentiments and feelings of a large number of members of the minority community in my part of the country, namely, Bengal, and also in other parts of the country and I do hope that the External Affairs Minister will specially look into it. Even if he cannot change the law now, he should give proper direction to the Passport authorities so that the passport applications coming from the members of the minority communities seeking to travel to Pakistan, whether East Pakistan or West Pakistan, are as « rule sanctioned. That is what I would like. They should be as a rule sanctioned. I do not like deputations to be led over this matter. I think it is a very very legitimate and vital demand that we are making and I hope it will be conceded. I do not know; they are not going. I believe, to accept any of our other amendments but if they do it is good.

But I would say finally that the administration of this particular Department should be exclusively under the External Affairs Ministry. The Home Ministry should be avoided as far as possible and every citizen of India, so long as he is a citizen of India, unless he is guilty of moral turpitude and things like that, should be en-

titled to get passport. The 'P' Form system should be completely abolished.

And with a personal note I will finish. As you know, Members of Parliament have got passports and sometimes you send them for renewal. I hope you have done it, Mr. Vice-Chairman. Now what they do is this. If they do not like 'they just cut out the particular endorsement which is already there. It has happened in my case and it has happened in many other cases also. It is an insult to the Members of Parliament. When they hold valid passports and when those passports are sent up for renewal who are these Passport authorities to cancel the endorsements, when we are answerable here, when we stand here every day, and cross out certain countries for which the passports are already endorsed? It is very very bad. I can understand it in some cases when we are at war with certain other countries but even so the cancellation should not be made in the manner in which some officials do it. And I hope hon. Members opposite will sharg with me that we should not be subjected to needless indignities of this sort because indirectly it is an indignity to this great sovereign institution called the Parliament of India.

श्री सुन्दर सिंह भंडारी (राजस्थान) : सभापति महोदय, इस पार पत्र विधेयक पर काफी चर्चा हो चुकी है और इसलिये मैं विस्तार से उन विषयों पर नहीं जाऊंगा जिनकी चर्चा अनेक माननीय सदस्यों ने की है। मैं केवल मंत्री महोदय का ध्यान इस पारपत्र विधेयक में—जिस मंशा से लाया जा रहा था और इस कानून के अनुसार जिसका अतिक्रमण हुआ है, उस तरफ ले जाना चाहता हूँ।

प्रारम्भ से यह बात मैं आवश्यक समझता हूँ कि आदमी की राष्ट्रीयता का प्रगटीकरण करने में पासपोर्ट मदद देता है, वह उसकी पर्सनलिटी को डबलप करने

में, परिचय में मदद देने वाली बात है, लेकिन पिछले अनेक वर्षों में—जिसके लिए सरकार के ऊपर बहुत बड़ा आक्षेप लगाया गया है—इस अधिकार का प्रयोग मनमाने तरीके पर किया, बिना कानून की इजाजत के किया और सुप्रीम कोर्ट को भी इस मामले में उन्हें हिदायत करनी पड़ी है। सुप्रीम कोर्ट चाहता था कि सबसे पहले हम इस सिद्धांत को स्वीकार करें कि विदेशों में यात्रा करना यह व्यक्ति का अधिकार है या नहीं। अगर इस एक चीज में हम विश्वास करते हैं तो ऐसे किसी भी कदम को जो इस मूलभूत अधिकार में बाधक हो, उसके लिये इन्सल्टिंग हो, रोकना पड़ेगा। मेरा यह निवेदन है कि इस कानून को बनाने समय भी इस मूलभूत अधिकार को अक्षुण्ण रखने के लिये जितनी सावधानी बरतनी चाहिये थी उतनी नहीं बरती गई है और जानबूझ कर ऐसे अधिकार सरकार ने अपने हाथ में लेने की कोशिश की है जिसके लिये कि सुप्रीम कोर्ट ने रेस्टोर करने का आग्रह किया है। इसके अलावा भिन्न प्रकार के ऐसे शब्दों को गड़कर रखा जाता है जिनकी निश्चित परिभाषा नहीं की जा सकती। आज भी एकजीक्यूटिव अथॉरिटीज अपने अर्थ लगा कर लोगों के इस व्यक्तिगत अधिकार को कम करने का रवैया अपना सकती है। इस तरह के अधिकार इसमें दिये गये हैं। ज्यादा अच्छा होता अगर इन सारी पाबन्दियों को लगाते समय, इस सारे बिल का निर्माण करते समय, विधि मंत्रालय इन सारी चीजों को अधिक स्पष्ट कर देता, दोष करने वाले को भी पता लगता और इनकार करने वाला व्यक्ति भी साफ बता सकता कि तुम्हारा यह काम अप्रतिजनक है, तुम्हारा यह रवैया अप्रतिजनक है और इस वजह से तुम्हें विदेशों में जाने का अधिकार नहीं है, आपको हम इस आधार पर रोकना चाहते हैं। इन सारी बातों का विवेचन करते समय बहुत विस्तृत दायरा रखा गया है और यह विस्तृत दायरा उसी चीज की ओर ले जायगा जिनकी तरफ सुप्रीम कोर्ट ने भी इशारा किया है।

[श्री सुन्दर सिंह भंडारी]

कानून बनाने के बाद भी हम उसका आरबी-ट्रेरीली उपयोग करने का अधिकार नहीं दे सकते। आखिर पहले देना कानून के आर्बिट्रेरी उपयोग होता था, कानून का आधार ही नहीं था इसलिये वह तो बहुत ही ज्यादा विवादास्पद था किन्तु कानून बना लेने का मतलब यह नहीं है कि आर्बिट्रेरी उपयोग कानून की आड़ में भी बना रहे। इसलिये यह जितना वेग रहेगा, इसकी परिभाषा जितनी विस्तृत रखेंगे उतना ही इसके इंटर प्रेशन का अधिकार आप अधिकारियों को देंगे और वह आर्बिट्रेरीनेस इस कानून की जड़ को ही खत्म करता है, एक व्यक्ति के मूलभूत अधिकारों की ही खत्म करता है, कानून बनाने के बाद उस आर्बिट्रेरीनेस को एक लीगल सैक्शन मिलने वाली बात होगी जो कि हमारे कांस्टीट्यूशन की स्पिट के विरोध में भी है और सुप्रीम कोर्ट के जजमेंट के विरोध में भी वह जायगा। इसलिये मेरा निवेदन है कि अब भी विधि मंत्रालय इस मामले पर विचार करें और स्वयं मंत्री महोदय भी कि इसमें आर्बिट्रेरी इंटर प्रेशन किस कार से लोगों के मौलिक अधिकार को कम करने की दृष्टि से किया जा सकता है और इस कानून में उस प्रकार के संशोधन करवाने का प्रयत्न करें जिससे कानून के द्वारा दिये गये अधिकारों का आर्बिट्रेरीली उपयोग करने का कम से कम अवसर पैदा हो सके, तो यह बिल ज्यादा अच्छा होगा।

3 P.M.

एक चीज और मैं आप्रह के साथ कहना चाहूंगा। यहां पर आपने कुछ व्यवस्थायें की हैं जिस आधार पर आप किसी को पासपोर्ट देने से इंकार करते हैं, पासपोर्ट को रिन्यु करने से इंकार करते हैं, दिये हुए पासपोर्ट को जब्त करने का अधिकार रखते हैं परन्तु इन मामलों में जो आज्ञा देंगे उसकी नकल भी आप देना नहीं चाहते। आप अपील का अधिकार देना चाहते हैं लेकिन वह अपोनेवल है या नहीं इसका खुद को संतोष

करने का अवसर तो मिले। मेरा यही कहना है कि किन कारणों पर उसे पासपोर्ट देने से इंकार किया जा सकता है उसकी परिधि आप विस्तृत रखते हैं लेकिन साथ ही जिस कारण से उसको इंकार किया गया उसकी कापी भी नहीं देते हैं, बगनस और आर्बिट्रेरी उद्योग को ही आप गोल्ट करना चाहते हैं, इसका प्राविजन रख कर कि पब्लिक इंटरस्ट में जैसा सरकार चाहे करे इस आशका से कि इस देश की सुरक्षा पर, सिक्योरिटी पर खतरा है, उसका दुरुपयोग किया जायगा और आप उसकी नकल तक नहीं देना चाहते। दोनों चीजें साथ साथ पड़ी जानी चाहिये और इसीलिये मेरा संदेह, मेरा आरोप और ज्यादा बैठता है जब आप उस आज्ञा की नकल देने के सम्बन्ध में भी अपने अधिकार सुरक्षित रखना चाहते हैं। इसका मतलब यही है कि इस कानून के द्वारा दिये गये अधिकारों के आर्बिट्रेरीली उपयोग करने की इसमें से ज्यादा गुंजाइश पैदा होती है।

अपील किसको की जाय। मैं जानता हूं कि आपने यहां पर क्लस बनाने का अधिकार अपने हाथ में लिया है लेकिन एक छोटे अधिकारी ने गलती की है ठीक प्रकार से कानून को समझ न सकने के कारण तो बड़ा अधिकारी कानून से ज्यादा परिचित होने के कारण वह गलती नहीं दुहरायेगा। यह केवल एक एग्जीक्यूटिव मामले तक सम्बन्धित रहने वाली चीज नहीं है। बहुत सी चीजें इसमें कानूनी इंटरप्रेशन की हैं। आखिर हमारे यहां पर कोर्टस आफ ला है, अदालतें हैं, ये चीजें हम उन तक भी भेज सकें कि ठीक प्रकार से इसका उपयोग किया गया या नहीं किया गया, इस बात के भी इसमें समावेश करने की आवश्यकता है। यह लगता है कि इसमें सन्दूल गवर्नमेंट के अधिकारियों की आज्ञाओं को मान-अपीलेबिल बनाने की कोशिश की है। इसका मतलब यह हुआ कि कि आप इन सारी चीजों को प्रशासन के

दायरे में नज़रबन्द कर देना चाहते हैं। जो सत्ता पर बैठे हुये लोग हैं उन्हीं का इंटरप्रिटेशन होगा, देश की सुरक्षा, शान्ति, दूसरे देशों से सम्बन्ध, उस व्यक्ति की हरकतों, सारी की सारी चीजों का इंटरप्रिटेशन अपनी तरफ से अपनी मनमर्जी से करना चाहते हैं और आपको यह तसलीम करना पड़ेगा कि एग्जीक्यूटिव के सारे डिप्टीशंस ज्युरिस्टिक आधार पर नहीं होते, यह जरूरी नहीं कि हों, और केन्द्रीय सरकार भी उसी का एक अंग है, तो अगर उसकी आज्ञाओं को आप नान-अपीलेबल बनाना चाहते हैं तो इससे इतना ही हुआ कि लोवर लेवल पर उसको इन्कार करने के बजाय आप हायर लेवल पर उसके सब आर्गुमेंट्स को, सब तर्कों को ठुकरा देने का अधिकार अपने हाथ में रखना चाहते हैं।

मैं समझता हूँ कि इस प्रकार के प्रश्नों पर हम लोग, सब लोग, बराबर की रुचि रखते हैं, मैं अपनी तरफ से कह सकता हूँ कि हम भी देश के लिये हानिकारक तत्वों को जिनके कारण हमारे देश और दूसरे देशों के सम्बन्धों में किसी तरह की अड़चनें पैदा हों, नहीं देना चाहते, यह कोई एक पार्टी का सबाल नहीं है, यह कोई एक दल का सबाल नहीं है, यह सारे देश के साथ सम्बन्ध रखने वाला प्रश्न है और हम कानून बनाकर भी इस राष्ट्रीय महत्व के प्रश्न पर अगर एक नज़रिया अपने देश में पैदा करना चाहते हैं तो केवल सत्ताधारी दल ही अपने तरीकों से सारी चीजों का इंटरप्रिटेशन करे और दूसरे लोगों के लिये उसमें विवाद की गुंजाइश छोड़े, जिस तरह पिछले दिनों कुछ पोलिटिकल डिस्क्रीमिनेशन के चार्ज भी इन सारी बातों में लगे हैं, तो यह और भी जरूरी हो जाता है कि अपील का अधिकार हो और केन्द्रीय सरकार की जो आज्ञा हो उसकी तकल देने का और एग्जीक्यूटिव परसन को ठीक प्रकार से संतोष देने का और जिन क्वार्टर्स से उसको संतोष मिलने की आशा हो सकती है वहां तक जाकर सरकारी अधिकारियों के द्वारा

दी गई आज्ञाओं के खिलाफ अपील करने का और सब प्रकार के इन्साफ को प्राप्त करने का अधिकार होना चाहिये।

अगर आप इस ब्राड परसेक्टिव में इस सारे कानून को देखें और उन्में सारे आबिटरी उपयोग करने की सम्भावना को कम करने का प्रयत्न करें और उनको कम करने के बाद भी कुछ भी निर्णय होता है उस पर न्याय प्राप्त करने के दरवाजों पर किसी तरह का अंकुश न रखें तब तो मैं समझता हूँ कि यह कानून किसी हद तक जायज़ होगा, मैं इसको एक हद तक ही जायज़ करार दे सकत हूँ पूरे तौर पर नहीं। एक स्वतंत्र देश के निवासी होने के कारण हम एक छोटी सी फार्मल एप्लीकेशन पर जा सकें, ताकि यह सरकार की निगरानी में रहे कि कौन जा रहा है, कहां जा रहा है, यहां तक तो मैं इसको वाञ्छित मान सकता हूँ कि लेकिन यह हूँडल बने लोगों के अधिकारों को रोकने का कि वह कहां जा सकते हैं कहां नहीं जा सकते हैं उचित नहीं। आखिर ला आफ दि लैंड यहां पर मौजूद है, कोई भी उस कानून से बच नहीं सकेगा अगर इस देश के खिलाफ कोई काम करते हैं, देश को नुकसान पहुंचाने वाली कोई चीज करते हैं, हम कहीं रहें, यहां रहें या बाहर रहें, हम देश के कानून की गिरफ्त से बाहर नहीं जा सकते। जब ला आफ दि लैंड सुप्रीम है, प्रिवेल करता है, तो फिर छोटी छोटी बातों में पग, पग पर सारी चीजों में एक एक कदम पर और पाबन्दियां लागू करके ला आफ दि लैंड के फ्री स्कोप को लिमिट करें, यह ठीक नहीं। वह व्यक्तियों पर लागू रहे, उसकी राष्ट्रियता, उसकी देशभक्ति, उसके व्यवहार करने के तर्ज अमल की कसौटी पर ही उसको कसा जाय।

(Time bell rings.)

इस बात की तरफ मैं सरकार की तवज्जह दिलाना चाहता हूँ और मैं चाहूंगा कि इसी सन्दर्भ में वह इस कानून में आवश्यक संशोधन लाये और फिर इस कानून को पास कराये।

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, पहले इस पासपोर्ट विधेयक के सैद्धांतिक पहलू पर जाना चाहिये। मैं उन लोगों में से हूँ जो देश की सीमा के अन्दर या देश की सीमा के बाहर किसी नागरिक के जाने पर रोक लगाने का अधिकार किसी सरकार को देना नहीं चाहते। हमारे संविधान में भी—वह इस सदन के सम्मानित सदस्य अभी जानते ही होंगे—इसीलिये लिखा है, चूँकि लिखित कांस्टीट्यूशन है, कि अपने मुल्क के अन्दर चाहे जहाँ आना जाना चाहें। यह फंडामेंटल...

उपसभाध्यक्ष (श्री अकबर अली खान) : वह तो है लेकिन यह मुल्क के बाहर जाने का है।

श्री राजनारायण : हमने तो आपको दोनों बता दिया। आपने सुना नहीं ?

उपसभाध्यक्ष (श्री अकबर अली खान) : सुना, लेकिन यह फकत मुल्क से बाहर आने जाने बातों के लिये है।

श्री राजनारायण : तो निकलता क्या है ? मैं उन लोगों में से हूँ जो मुल्क के अन्दर किसी नागरिक के आने जाने पर रोक लगाने का हक किसी सरकार को देना नहीं चाहते मैं उन लोगों में से हूँ जो एक मुल्क के नागरिक को किसी दूसरे मुल्क में जाने पर रोक लगाने का हक किसी भी सरकार को देना नहीं चाहते। मैं जानना चाहता हूँ अपने मित्र श्री भूपेश गुप्त से और दूसरे लोग जो बोले हैं—परकार से मैं क्या जानूँ, सरकार के दिमाग का तो हमें अन्दाजा है, बीस साल से देख रहा हूँ उसका दिमाग कंसा बना हुआ, वह कहेगी सत्ता का विकेन्द्रीकरण, कहेगी डेमोक्रेसी और काम करेगी सत्ता के केन्द्रीकरण का और तानाशाही करेगी। तो आज की भीड़वादी कांग्रेसी सरकार को हमें और कहना

नहीं है। हमको कहना उन लोगों से जो एक नई जिन्दगी और एक नई दुनिया बनाने वाले हैं। हम जिन मुसीबतों को रफा करना चाहते हैं उन्हीं मुसीबतों का सबब न बने। तो क्या वह मुसीबत है ? इन्सान के जरिये इन्सान का शोषण न हों, मुल्क के जरिये मुल्क का शोषण न हो। भूपेशगुप्त भी जानते हैं हम भी मानते हैं हम भी जानते हैं। हम चाहते हैं, यहाँ भी हम कहते, लेनिन की आवाज भी दोहराते हैं कि जो लोग एक मुल्क में समाजवादी समाज की कल्पना करते हैं वे petty bourgeois हैं, एक मुल्क में समाजवाद की स्थापना नहीं हो सकती बराबर। हम कहते हैं : Workers of the world unite विश्व के, दुनिया के, मजदूर एक में जुटो, एक में मिलो। सभी कुछ हम कहते हैं। लेकिन उन सभी बातों को कहना और उसके मुताबिक व्यवहार करना, आचरण करना, अमल करना—इन दोनों में फर्क है इसलिये इस सैद्धांतिक पहलू पर बहुत ही गहराई से विचार होना चाहिये, क्योंकि हम इस राष्ट्र के नागरिक हैं। श्रीमन्, जैसा कि आपने खुद ही फर्माया कि मुल्क के अन्दर घूमने की बात नहीं है, बाहर जाने के लिये पासपोर्ट है। आपने वजा फर्माया। अगर हम मुल्क के नागरिक हैं और अगर हमको इस मुल्क के अन्दर जाने का हक है तो हम मुल्क के बाहर क्यों न जायें ? -अगर हमारी गतिविधि से, अगर हमारे आचरण और व्यवहार से इस मुल्क के अन्दर रहते हुये मुल्क को खतरा नहीं है तो मुल्क के बाहर जाकर हम कौनसा खतरा पैदा कर देंगे इस सवाल पर जरा विचार किया जाय।

श्री लोत्नाथ मिश्र (उड़ीसा) : इनमें तो खतरा बला जाता है बाहर।

उपसभाध्यक्ष (श्री अकबर अली खान) : आप को मुल्क से बाहर जाने से कोई नहीं रोकेंगा।

श्री राजनारायण : नहीं हम अपने लिये नहीं लड़ रहे हैं। हम इसके सैद्धांतिक पहलू पर इस समय विचार करना चाहते हैं। इसीलिये हम बराबर कहा करते हैं अक्सर—यहां क्या करें, जहां अपने कैंप होते हैं, विचार गोष्ठी होती है, वहां कहते हैं कि अब तो ये सब एक एक मूलक, एक एक सूबा, एक एक व्यक्ति, एक एक कुनवा जो बना हुआ है जब तक हम उसको तोड़ेंगे नहीं तब तक समाजवाद बनेगा नहीं। समाजवाद आयेगा कैसे : मैं जानना चाहता हूं श्री चागला साहब से, जो इस बिल के मूवर हैं, कि समाजवाद का मतलब ये क्या समझते हैं—समाजवाद के मानी क्या है ? समाजवाद मनुष्य मनुष्य में फर्क करता है, मनुष्य मनुष्य में विवाद करता है या मनुष्य मनुष्य का जो आज का मौजूदा फर्क है उसको मिटाता है। समाजवाद थियरी आफ प्रोक्सिमेशन है—इंसान और इंसान की दूरी को समीप लाना, नजदीक करता। एक विश्व की सरकार बने। इसीलिये कभी कभी हम लोगों से यह कहते हैं कि अगर आज यह मुमकिन नहीं है तो हम लोगों को एक ऐसी व्यवस्था करनी चाहिये कि एक गवर्नमेंट के आधार पर और एक जनता के आधार पर विश्व की दो समितियां हों जिसमें, जैसे आज भारत सरकार है, तो भारत सरकार अपने प्रतिनिधि चुन कर के भेजे—यह समझ लीजिए कि अपर हाउस हो जाय। लॉअर हाउस है लोक सभा। लोक सभा जनता के द्वारा चुनी जाती है। तो चाहे 1 करोड़ रख लो, 2 करोड़ रख लो, 2 करोड़ की आबादी में एक रेप्रेजेंटेटिव्ह चुन कर भेजा जाय सारे विश्व की लोक सभा का। तो इस तरह से कुछ ऐसा कानून बनना चाहिये जिसमें कि हर देश का नागरिक विश्व की समस्या पर सीधे सीधे अपने प्रतिनिधियों को भेजकर वहां पर कुछ काम करे, वहां आजकल जिस तरह यहां पर चर्चा चल रही थी, हम ऐसे असत्य में पड़े थे, तो यह अरब और इजराइल के झगड़े, इस तरह के झगड़, मिटेंगे—हरगिज नहीं लाने रहेंगे क्योंकि आज विश्व के पैमाने

पर ब्राह्मण समाज बनाया जा रहा है। श्रीमन्, आप ब्राह्मण समझते हो कि नहीं ?

श्री शीलभद्र याजी (बिहार) : समझते "हो", क्यों कहते हैं।

श्री राजनारायण : "हो" आदरसूचक है। उसको आप नहीं समझते। तो आज दुनिया के माने पर भी कुछ ब्राह्मण राज बने हुए हैं, जैसे यह सिक्योरिटी काउंसिल क्या है ? सिक्योरिटी काउंसिल में व्हैटो पावर किस का है। है न कुछ को ? यह ब्राह्मण राष्ट्र है। हम लोग नहीं ब्राह्मण राष्ट्र है। जैसा कि हमारी कहावत है—पॉलीवाल जी जानते हैं—सात पांच में एक संतोष, गधा मारे कोई न दोष। एक आदमी का गधा मार दिया तो पंडित जी ने कहा तुमको तो पंच गति लेनी होगी, पंचकोस करना होगा पंचकोस। पच्चीस मील धूम आकर गंगोत्री जाओ और दशवासमेध घाट पर जाओ, गोमूत्र, गोबर, गंगा जल और सोना रख कर अच्छा सा सीधा बनओ और ब्राह्मण को दक्षिणा दे दो। उसने कहा: आपका लड़का संतोष भी मारने वालों में था। उन्होंने कहा : क्या संतोष भी था ? उन्होंने पूछा कि मारने वालों में संतोष भी था। जब मालूम हो गया तो पंडित जी ने फैंसला दिया कि सात पांच में एक संतोष, गधा मारे कोई न दोष—अगर सात पांच लड़कों में संतोष भी था तो गधा मारने में कोई गुनाह नहीं। उसी तरह से आज विश्व के पैमाने पर पांच ये ब्राह्मण राष्ट्र बने ए हैं। ये ब्राह्मण हैं, दूसरे के गुनाह करने पर दंड देने का हक रखते हैं मगर अगर ये खुद गुनाह करें तो उनको कोई गति देने वाला नहीं है। और अगर ये गुनाह में शामिल हो जायेंगे तो ये गुनाह करने वाले हैं ही नहीं। आज दुनिया की जो राजनीति है इसी ग से चल रही है। यह जो बेहूदा पासपोर्ट बिल आया है अगर इस समय सम्मानित सदस्यों के पास तनिक भी जनतंत्रीय अवल होती, डेमोक्रेटिक अवल होती तो इसको फाड़ कर रद्दी की टोकरी में फेंक देते इसमें कोई तुक नहीं है।

उपसभाध्यक्ष (श्री अकबर अली खान) : हर डेमोक्रेटिक कन्ट्री में है।

श्री राजनारायण : हर डेमोक्रेटिक कन्ट्री में है। हम उस हाँ पड़ेंगे, एक एक करके लायेंगे। जितनी पाबंदी यहां है उतनी पाबंदी किसी दूसरे मूलकों में नहीं है।

SHRI M. C. CHAGLA: This is not true.

श्री राजनारायण : हाँ सकता है। चांगला साहब बता देंगे। हम इसका सैद्धांतिक पहलू बना रहे हैं। चांगला साहब का मैं अर्ज कर दूँ कि आज इस सरकार के पास कोई ऐसी ताकत और हैमियत नहीं है कि जो भी अपने मन में ठान ले किसी बाहर के मुक्त में जाना, उसको रोक सकती है। किफाई को नहीं रोक सकती और जो भी आज यहां से जाना चाहे वह चला जा सकता है क्योंकि इस सरकार के अन्दर इतनी ताकत नहीं कि वह किसी को रोक सके।

श्री शीलभद्र याजी : कोई सरकार नहीं रोक सकती है।

श्री राजनारायण : मैं श्री शीलभद्र याजी की बात को मानता हूँ। अर्ग देखा जाय। मैं यह बात भूल न जाऊँ। मैं बनारस गया था और आजकल जो एक पासपोर्ट पूर्वी बंगाल और पश्चिमी बंगाल के बीच चलता है और इधर बागा की सीमा की तरफ चलता है। इस पासपोर्ट का नाम "गर्दन पकड़ पासपोर्ट" है। यानी पूर्वी बंगाल और पश्चिमी बंगाल के बीच में जो सीमा है और...

एक माननीय सदस्य : यह मत किस डिकशनरी में है।

श्री राजनारायण : ताँ मैं यह कहने जा रहा था कि वहाँ पर जो आफिसर होते हैं उनको 10 पया थमाया और वह हमारी फौरन गर्दन पकड़ करके मारा धक्का और उधर फेंक दिया। इस तरह के पासपोर्ट का नाम "गर्दन पकड़ पासपोर्ट" है। गर्दन को पकड़ कर के फेंक दिया और...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): But, Mr. Rajnarain, we are dealing with a different passport.

SHRI RAJNARAIN: You are not dealing with a different passport, you are dealing with the same passport.

श्रीमान्, वहाँ पर आफिसर करते हैं और यहाँ पर यह सरकार कर रही है। यह सरकार जिम की चाहेगी अपने ढंग से न जाने देना, तो उस आदमी को भी यह सरकार नहीं जाने देगी, लेकिन हम जैसे आदमी की जो जिन की ठान लेता है तो चला ही जाता है। जैसे अंग्रेजों के जमाने में और कांग्रेस के राज में भी, जब भी हम जेल में जाते हैं, तो जेल के सु रिटिनेन्ट को बुलाकर कह देते थे कि देखिये, इस पर अनावश्यक पाबन्दी न लगाइये। जब अंग्रेजों का राज था 1942 के पहले, तो गांधी जी ने हमको जेल के अन्दर जाने के लिए कहा था और यह निर्देश दिया था कि जेल के जो कायदे कानून हैं उनको मानते रहो। मगर 1942 में हमने गांधी जी की बात तोड़ दी गांधी जी के कहने पर। उन्होंने कहा था कि अब तो जेल से बाहर आने की बात है तो जेलों के कायदे कानून का किसी तरह से पालन किया जा सकता है और हम जेल के बाहर आये। जिस दिन हम जेल से बाहर आने की ठान लेते थे तो सरकार की कोई ताकत नहीं थी कि वह हमको रोक सकती। इस तरह से जिस दिन हम बाहर जाना चाहेंगे उस दिन चले जायेंगे और सरकार की कोई ताकत नहीं रोक सकेगी। डा० तेजा भाग जाता है। अगर हमारे श्री भूपेश गुप्त और त्रिलोकी सिंह जी जायेंगे तो पच्चीस मुसीबतें उनके ऊपर लग जायेंगी।

एक बात और बतलाना चाहता हूँ। यहां पर पता नहीं, एक कमेटी बनी हुई है जिसे हज कमेटी कहते हैं। (Interruptions) जो पुराने आदमी हैं वे इसके बारे में जानते होंगे। अजब मुसीबत है हमारे ऊपर क्योंकि जब से हम दिल्ली में आ गये हैं तब से मैं देखता हूँ कि हमारे इलाके के बहुत से लोग जो ज्यादातर

मुसलमान हैं, वहां की आबादी ज्यादातर मुसलमानों की है, वे बेचारे कहते हैं कि हम चार पांच आदमी पड़ गए हैं और तीन साल से हमें हज जाने के लिए पासपोर्ट ही नहीं मिलता है। उनके पास एक मोटी फाइल थी जिस पर कागजपत्र थे। इस हज कमेटी का दफ्तर बम्बई है कहा जाता है। वे कहने लगे कि हमने रुपया जमा किया, फ्लां किया, यह किया, वह किया, लेकिन फिर भी हमें हज जाने की इजाजत नहीं दी गई। तो मैंने यह कहा कि जहां जाकर तुम अपने खुदा की इबादत कर सको, वहां जाने के लिए यह पासपोर्ट बाधक है। यानी इस पासपोर्ट के जरिये हम अपनी खुदा की इबादत कर सकते हैं और तबीयत के मृतानविक अगर हम जाना चाहें तो नहीं जा सकते हैं।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Rajnarain, I can tell you. I know something about it. The only limitation is the availability of foreign exchange and the availability of transport and communication. Apart from that, there is no hindrance for anybody to go on a Hai pilgrimage.

श्री राजनारायण : आपने अच्छा किया जो बता दिया। हम बताने लगे तो गजब हो जायेगा। मैं यह बतलाना चाहता हूँ कि अगर हम में रिश्तत देने की ताकत हो और रिश्तत देना पसन्द करें, तो हम आज ही चले जायें। आप क्या बात करते हैं कि आज * * *

श्री शीलभद्र याजी : * * *

श्री राजनारायण : * * *

SHRI P. N. SAPRU (Uttar Pradesh): I strongly object to it, he has no right to say that.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is not fair, that sort of generalisation. I think that it should not be taken in the

***Expunged a, ordered by the Chair.

record. We are discussing the Passport Bill.

श्री राजनारायण : मैं जज साहब की बात को छोड़ देता हूँ। जज साहब बैठ जायें क्योंकि मैं उनकी इज्जत करता हूँ मगर श्री शीलभद्र याजी खड़े हो जाते हैं और ये कांग्रेस के जरिये खरीदे गये हैं जब वें फारवर्ड ब्लाक का छोड़कर चले आये थे।

श्री शीलभद्र याजी : साहू जैन . . . (Interruptions) आपकी पार्टी को खरीदा है, हमारा फारवर्ड ब्लाक तो कांग्रेस के अन्दर बना, इसलिए मेरे खरीदने की बात नहीं उठती।

श्री राजनारायण : साहू जैन तो मर गये।

(Interruptions.)

उपसभाध्यक्ष (श्री अकबर अली खान) : इत सब चीजों को छोड़ दार्जिये, कम टू दि दिल। (Interruptions.)

श्री राजनारायण : यहां कितने ही लोग हैं, मैं नाम नहीं बतलाना चाहता हूँ कि यहां पर खरीदे हुए बैठ हुये हैं पद के लालच से, धन के लालच से और सत्ता के लालच से और इन सभी लालचों में खरीदने की ताकत है यह लालच खरीदता है (Interruptions) मैं आपके द्वारा अदब से अर्ज करना चाहता हूँ कि इनको रोका जाय, कांग्रेस के पक्ष के लोगों को रोका जाय।

SHRI M. C. CHAGLA: May I, in all humility, ask what we are discussing. Are we discussing the Passport Bill or are we discussing Congress politics, international affairs, one world, etc.? I have been listening with great fascination to Mr. Rajnarain's speech. But on a proper forum, on a proper occasion, I would be very happy to listen to him. But here, we are discussing the Passport Bill, and the time is punning out. Let us hear what the hon. Member has to say about the Passport Bill, not about his general philosophy.

श्री राजनारायण : अब हम समझ गये श्री चांगला साहब की बात सुनने के बाद और हम उनको किस तरह से समझावें।
I am discussing about this bogus passport; exactly I am discussing about this Passport Bill. The one world . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have said that.

श्री राजनारायण : यह जो पासपोर्ट बिल है वह हमारे व्यक्तिगत स्वतंत्रता और सुरक्षा करने में बाधक है। यह पासपोर्ट बिल हमारे धर्म और मजहब को चलाने में बाधक है और उसी को ही मैं वहाँ पर डिसकस कर रहा हूँ और कैसे मैं उनको यह बात समझाऊँ।

THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN): That part we have discussed. Now you discuss the provisions of the Bill.

SHRI RAJNARAIN: I have yet to begin.

अब देखिये कि पहले सिद्धान्तः इस बात को समझ लीजिये कि पासपोर्ट का जो बिल है वह एक पहलू है और सम्मानित सदस्य समझ गये होंगे कि एक विश्व की सरकार हो। विश्व की संसद हो और उसमें मुल्कों के जनता के प्रतिनिधि हों और उसकी संख्या निर्धारित हो जाय। हम यह भी कह चुके हैं कि मुल्क कहेंगे कि हमारी आबादी तो कम है यानी जैसे भारतवर्ष की 50 करोड़ या 51 करोड़ आबादी है और दूसरे मुल्कों की थोड़ी है। हमारे से भी बड़े मुल्क हो सकते हैं, तो इसके बारे में वे बेचारे कह सकते हैं कि तुम्हारा प्रतिनिधित्व ज्यादा हो जायेगा और हमारे प्रतिनिधि कम हो जायेंगे। तो उस वक्त हर एक मुल्क की सुरक्षा की गारन्टी हो जाय। और एक मुल्क के विरुद्ध कदम उठाना हो तो उसके लिए कुछ सेफगार्ड हो जाय। इस तरह

की हमारी कल्पना है। इस दंग से हम देश के अन्दर व्यक्ति व्यक्ति, मुल्क मुल्क के विभेद को एक नागरिकता में बनाना चाहते हैं। श्रीमन्, मैं आपके द्वारा एक सवाल उठाना चाहता हूँ कि यह जो सिटीजनशिप है यह डिविजिनल है या इनडिविजिनल है। नागरिकता विभाज्य है या अविभाज्य है। तो बल्ड सिटीजनशिप हो। (Interruptions) तो मैं अपने को विश्व का नागरिक कहता हूँ जिसको मन्डलाइजेशन कहते हैं। जैसे पहले हिन्दी में मंडी है, ऐसी ही रोमन में मन्डुलाइजेशन है और इसका मतलब हुआ विश्व की मंडी।

THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN): Your time is up.

श्री राजनारायण : अब, नहीं बोलूंगा, यह तरीका नहीं है।

SHRI P. N. SAPRU: Mr. Vice-Chairman, this Bill has been necessitated . . .

श्री राजनारायण : यानी दूसरा कोई जितना चाहे आप बोलने का हक दें और हम को आप हक न दें और इतनी देर में दस मिनट या घंटी बजायें।

SHRI P. N. SAPRU: Sir, this Bill has been necessitated . . .

श्री राजनारायण : हम जा रहे हैं। देखिये श्रीमन्, मैं अब अपने जज्बात का इजहार कर के जाना चाहता हूँ। इस सदन से हम वाक आउट करेंगे आप की इस व्यवस्था के विरोध में क्योंकि एक संसद सदस्य की हैसियत से किसी विधेयक पर बोलने का जो हमारा मौलिक हक है, उसको आपने, श्रीमन्, छीना है।

उपसभाध्यक्ष (श्री अकबर अली खान) : आप के एक साथी और बोल चुके हैं।

श्री राजनारायण : कौन बोला है।

उपसभाध्यक्ष (श्री अकबर अली खान) : गोडे मुराहरि साहब बोले हैं।

श्री राजनारायण : गोडे मुराहरि जी चार मिनट बोले हैं। उनको ट्रेन पकड़नी थी, इसलिये वे चले गये थे। यह कोई उसूल है। दूसरी पार्टी के कितना बोले हैं। यह कोई मजाक है, कोई तमाशा है कि जो दबता है, उसी को दबाया जाय।

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL): Mr. Vice-Chairman, Sir, I take serious exception to the type of language the hon. Member is using for the Chair.

श्री राजनारायण : जिस तरह से गुजराल साहब उठे हैं, उस पर हमारा सीरियस आन-जेक्शन है यह अंग्रेजी बोल करके और सीरियस आन-जेक्शन करके हम को दबाना चाहेंगे तो क्या हम दब जायेंगे। आप उनको समझाइये। should learn manners how to behave in Parliament.

SHRI I. K. GUJRAL: You should keep quiet.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have called Dr. Sapru. (Interruption.) Order, order.

श्री राजनारायण : खाली चापलूसी करके कैबिनेट में चले गये हैं। हम तो गुजराल साहब से ज्यादा इज्जत धारिया साहब की करते हैं जिन्होंने इन्कार कर दिया कि हम कैबिनेट में नहीं जायेंगे।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Dr. Sapru is on his legs.

श्री राजनारायण : हमारा क्या हुआ।

श्री अमृत अरोड़ा (उत्तर प्रदेश) : आप बैठ गये हैं।

श्री राजनारायण : नहीं हमने प्रोटस्ट किया है।

(Interruption)

SHRI I. K. GUJRAL: He cannot interrupt like this.

(Interruption)

श्री राजनारायण : हमारे बारे में आप बतायें। मैं व्यवस्था का प्रश्न रख कर रहा हूँ कि यहाँ पर सदन की कार्यवाही को संचालित करने का क्या कोई कायदा है जितनी यहाँ पाटियाँ हैं उन पाटियों को कितना समय बांटा गया है। (Interruptions) मैं जानना चाहता हूँ कि विभिन्न पार्टियों में कितना कितना समय बांटा गया है और उस निर्धारित समय का जो बंटन हुआ है उसमें हमारी सोशलिस्ट पार्टी को कितना समय मिला है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I will enquire and let you know. Dr. Sapru.

SHRI RAJNARAIN: Where is the question of enquiry? आप पूछिये। सेक्रेटरी यहाँ पर बैठ हुये हैं। आप पूछिये और इसी समय बताइये। ऐसा नहीं है कि घंटी बजा बजा करके हम को बिठा दिया जाय।

SHRI P. N. SAPRU: Mr. Vice-Chairman, this Bill has been necessitated by the historic judgment.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): There is altogether one day. Mr. Murahari upoke for 8 minutes and you have been good enough to speak for 22 minutes.

श्री राजनारायण : और लो कितना बोले। भूपेश जी कितना बोले हैं।

(Interruptions)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We have fixed one day for this Bill.

श्री राजनारायण : उससे हम को मतलब नहीं है। एक दिन चागला साहब बोल लें तो हम को एक मिनट नहीं मिले। There must be some proportion, some definiteness.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The largest time was taken by Mr. Bhupesh Gupta and by you.

SHRI RAJNARAIN: By me?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Yes, no other person got more than 15 minutes.

SHRI P. N. SAPRU: Mr. Vice-Chairman, Sir, this Bill has been necessitated by a historic judgment of the Supreme Court: in which it has held that it is the fundamental right of every Indian to travel, and they have interpreted these rights as to include the right to travel abroad. Now, you know, Sir, that before 1914 there used to be no passport. I visualise a day when there will be no passport the world over. That is the only common ground for all of us to meet. Mr. Rajnarain, in some sort of a vague manner talked of a world federation or a world government. I would like, however, to say that while issuing a passport the Government should be careful to ensure that passports are issued as a matter of course. If there is nothing against a person personally, if he is a decent and good citizen, he should not be refused the opportunity to go abroad merely because he happens to hold some unorthodox views against the sovereignty of India or because he holds some unorthodox views on social or economic questions. It should not be used as an instrument of preserving a closed order. We are not a closed society. We are a free society and this passport system should help us in encouraging the development of a free society.

I know that we have certain difficulties so far as the exchange regulations are concerned. But these exchange regulations can be very well avoided by businessmen. It is not possible for the average citizen, for exchange reasons, who wants to have a wider view of the world to go abroad today. That is something for which the Government cannot be blamed.

Also I would like to say that this Bill provides for an appeal. But the authority of the Central Government

is going to be final. Though the word "final" is used with reference to the authority of the Central Government, my friend, Mr. Chagla, knows that he will not be able to keep it out of the purview of article 226 of the Constitution. You may use the word "final", you may say that the decision of the Central Government will be final but . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is understood, Dr. Sapru.

SHRI P. N. SAPRU: . . . even then mere is the right of appeal coming under the jurisdiction of the High Court though the writ power is of a very limited character. It is not an appeal power. It is only of a revisionary character. There is some safeguard so far as the average citizen is concerned.

I would have liked, Sir, a committee to advise the Government in regard to this passport business to be associated with the Government. I think that is not provided for in the appeal. I have not personally much confidence in these committees. But I think it is good to associate people of various professions in such committees to advise the Ministry of External Affairs or the Home Ministry so far as the issue of passports is concerned. I personally would not like the Ministry of External Affairs to be influenced by the Home Ministry. I do not cast any reflection on the Home Ministry. But the Home Ministry has got a way of looking at things which is not necessarily the way of the Ministry of External Affairs. I think the Ministry of External Affairs should not refuse, generally speaking, ordinarily speaking, passports to persons who do not hold orthodox views on questions which are agitating this country. If I go to a foreign country, then I must behave in a particular manner, [t is expected of me not to run down my country in a foreign country. Decency requires that I should speak v'ith some reserve about my country.

But, for example, take Sheikh Abdullah. While he was abroad, he saw Mr. Chou En-lai. We do not know what talk he had with him. Mr. Lai Bahadur Shastri did not consider it necessary to ask him what talk he had with Mr. Chou En-lai. He was detained without trial for meeting Mr. Chou En-lai. That is not the sort of thing that we should have in a free society. Similarly, Phizo had never any passport. He is out of India, but he is a person who can be of help to us in solving the Naga problem.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We are now discussing the Bill.

SHRI RAJNARAIN: He is discussing the Bill.

SHRI P. N. SAPRU: We shou'd not rule out discussions with Phizo. Therefore, while I am in favour of this Bill and while I give my general support to this Bill, I would like the power of issuing passports, which is regulated by executive authority, to be used in a liberal manner. That is all that I have to say.

श्री राजनारायण (हरियाणा) : वाइस चयरमैन

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Ten minutes only.

श्री राजनारायण : यह प्रॉक्टिस खत्म होनी चाहिए । दस मिनट आप कह देंगे तो किसी को कुछ खोना होगा तो वह क्या बोलेगा ।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): They are tried parliamentarians.

श्री राजनारायण : ट्राइड पार्लियामेंट रिजल्ट आन भी हैं, चागला साहब भी हैं ।

श्री जगतनारायण : मैं अपने एक्सा-टर्नल एक्सेचिव के मिनिस्टर से एक ही बात कहना चाहता हूँ चूँकि आपने टाइम मुकर्रर कर दिया है । यह जो सुप्रीम कोर्ट ने फैसला दिया यह इसलिए दिया कि जनता

को सड़लियत मिले बाहर जाने के लिए । यह जो बिल बनाया जा रहा है यह जनता को सड़लियत पेश नहीं करता यह मेरी राय है । लम्बी चौड़ी बहस में मैं पड़ना नहीं चाहता । मैं दो तीन मिनटों देना चाहता हूँ कि किस ढंग से आज जनता में अंसतोष है । मेरे भाई राजनारायण जी तो बल्ड फैंडरेशन बनाना चाहते हैं, लेकिन इधर सवाल तो बड़ा सीधा है कि लोगों को पासपोर्ट हासिल हो । हालत यह है कि जो जेनुइन आदमी है वे दस दस महीने खराब करते हैं, फिर भी उनको पासपोर्ट नहीं मिलता । अगर ये जाना चाहें — जैसा राजनारायण जीने कहा पैसे दो, चीज बना लो तो मैं अर्ज कलंगा चागला साहब से कि पंजाब में तशरीफ लाएं, पंजाब में पासपोर्ट की इंडस्ट्री काफी बर्साह पैमाने पर चल रही है और जिन लोगों ने पासपोर्ट के दफ्तर खले हुए हैं उनके यहां आप जायें, आपको दस दिन के अन्दर जिसको हुकूमत की तरफ से कोई इजाजत नहीं होती पासपोर्ट मिलने की विलायत भी पहुंचा दिया जाता है । अगर कोई पकड़ा जाय तो उसके पास नक्शा आता है कि इस तरह आदमी भेजे गए । अगर ये देखना चाहें तो देख सकते हैं कि कितने पासपोर्ट के दफ्तर खुले हुए हैं, किस ढंग से लोगों को भेज रहे हैं, वे लोग जाते हैं जिनको इजाजत नहीं । जो आनेस्ट आदमी है उनको दस दस महीने लग जाते हैं पासपोर्ट हासिल करने में । इसकी एक मिनटाल में देता हूँ । तीन दफा मुझे भी बाहर के देशों में जाने का मौका मिला । एक दफा तब जाने का मौका मिला जब दिवान चमन लाल अपने साथ 70 साथी लेकर गए थे । मैं उस वक्त पंजाब विधान सभा का एम० एल० ए० था । मैं श्री चागला साहब की खिदमत में अर्ज करना चाहता हूँ कि मुझे भी उनके साथ जाना था, रामेश्वरी नेहरू लौंडर थीं । उस समय पीपुल कंसिल के मेम्बरान जाने थे । चूँकि मैं कांग्रेस छोड़ चुका था और उस समय के प्रधान मंत्री पंडित नेहरू मेरे खिलाफ थे,

इसलिए मेरा पासपोर्ट बनना रोक दिया गया और फिर इंटरवीन किया दिवान चमन लाल और रामेश्वरी नेहरू ने, तब मेरा पासपोर्ट बना। वह भी एकदम पहले बना। यह मैं बता रहा हूँ अपने मुताल्लिक जबकि मैं एम० एल० ए० था, एक्स मिनिस्टर था। दो बार बतौर एम० पी० के, जाना था फारमोसा। इसमें भी एक मुताबत है। बाहर के किसी ऐसे मुल्क को जिसे हड़मत नहीं चाहती वहां आदमी नहीं जा सकता है। श्री डाह्याभाई हुनारे लीडर थे उस ग्रुप के। इस बार भी इजाजत नहीं मिली। जब तक डाह्याभाई ने जाकर लालबहादुर शास्त्री का दरवाजा नहीं खट-खटायी बतौर होम मिनिस्टर, तब जाकर इजाजत मिली थी। तौसरी दफा गया तो सरदार स्वर्ण सिंह, एक्सटर्नल एफेयर्स मिनिस्टर थे, उन्होंने हमारी फाइल रोक दी और जित दिन जाना था उनके एक दिन पहले बड़ा मुशिकल मे उन्होंने फाइल को निकाला। वे डीप्लोमैट चर्च गए थे, वहां बजारत बननी थी। मैंने डाकोटोफोन किया कि अजीब बात है आप फाइल अपने साथ ले गए। मेरे पास पासपोर्ट तो था। उन्होंने यहां टोकोफोन किया तब आर्डर मिला। बिलकुल ठीक कहा था मूअमुत्त ने, यह "पी" फार्म का बड़ा झगड़ा है। अभी चागला साहब कह रहे थे कि हमारा काम पासपोर्ट देना है मगर में पासपोर्ट लेकर बाहर नहीं जा सकता था जब तक कि एक्सटर्नल एफेयर्स मिनिस्ट्री मने इजाजत न दे कि मैं "पी" फार्म हासिल करके जाऊँ।

श्री राजनारायण : अभी भगवतशरण उपाध्याय का सारा केस हुआ है चार दिन पहले।

श्री जगत नारायण : मैं दफ्तर में गया परमन्वी जाकर टाइप करवाया, फिर

रिजर्व बैंक में गया, तब जाकर मैं बाहर जा सका !

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The Minister has promised to simplify the procedure.

श्री जगतनारायण : मैं दूसरी बात कर रहा हूँ। अगर एक एम० पी० या एम० एल० ए० के लिए पासपोर्ट हासिल करना या 'पी' फार्म हासिल करना इतना मुशिकल है तो मैं आपसे पूछना चाहता हूँ कि जो आम लोग हैं उनके लिए क्या सहूलियत हो सकती है। उसकी चीज तो उन लोगों के लिए है। जो सुप्रीम कोर्ट ने फंसला दिया है वह तो यह दिया है कि जनता को सहूलियत मिलनी चाहिए, खास तौर पर दयानतदार जनता को सहूलियत मिलनी चाहिए। जो लोग अपने तरीके से जा रहे हैं उनको तो आप रोक नहीं सकते। दिल्लीज ठीक कहा राजनारायण जी ने कि जिसे जाना होता है उसे हमारी सरकार नहीं रोक सकती। अगर चागला साहब चलना चाहें तो न उन्हें दिखा सकता हूँ कि जालंधर में 20 पासपोर्ट कम्पनी बैठी हुई है। एक और बात बताऊँ। हमने ईस्ट जर्मनी से मशीन मंगवाई है प्रिन्टिंग की। मेरे लड़के ने वहां जाना था सीखने के लिए। मेरे लड़के का पासपोर्ट ठीक तरीके से चार महीने हो गये नहीं बन सका है, वापस चला जाता है टेक्नीकल वजह पर। हमारी प्रैस के सामने पासपोर्ट कम्पनी का दफ्तर है, उन्होंने कहा हमें दीजिये, हम दस दिन के अन्दर पासपोर्ट बनाकर दे देंगे। अगर यह प्रथा चलती है और पासपोर्ट का बिल पास होने के बाद भी कोई सहूलियत नहीं मिलती है और जनता के लिये कोई आसानी नहीं होती है तो फिर क्या फायदा है सुप्रीम कोर्ट की रूलिंग से। उसने जनता के हक में यह रूलिंग दी है। मैं बड़े अदब से चागला साहब

की खिदमत में यह कहना चाहता हूँ कि वे इसे आसान बनाने की कोशिश करें, जनता की मदद करें ताकि जनता आसानी से पासपोर्ट हासिल कर सके। यह एक निहायत जरूरी चीज है। मैं उनकी खिदमत में यह अर्ज कर रहा था। अभी श्री भूपेश गुप्ता ने कहा कि पासपोर्ट की खुली इजाजत होनी चाहिये। मैं समझता हूँ कि खुली इजाजत होनी चाहिये लेकिन क्या मैं श्री चागला साहब से पूछ सकता हूँ कि अगर लड़ाई बन्द हो जाय और मैं या कोई एम० पी० इजरायल जाना चाहे तो जा सकता है। मुझे पता है कि इजरायल और फारमोसा जाने के लिये हमारी गवर्नमेंट रुकावट करती है। अगर फारमोसा जाना है तो हांगकांग जाइये और हांगकांग जा कर के फारमोसा जाइये, सीधा आसानी के साथ जाने की इजाजत नहीं देंगे तो फिर यह सुप्रीम कोर्ट की रूजिंग का क्या फायदा है। मैं समझता हूँ, जैसा श्री भूपेश गुप्ता साहब ने कहा, अगर इजाजत है तो उन कंट्रीज में जाने की भी कोई रुकावट नहीं होनी चाहिये जहाँ से हमारे डिप्लोमैटिक रिलेशंस नहीं हैं, खुली छूट होनी चाहिये, उनके रास्ते में कोई रुकावट नहीं होनी चाहिये। आप क्यों शक करें किसी की नीयत पर और यह जो आप कानून बनाते हैं कि फलां आदमी बाहर जा कर देश के खिलाफ काम नहीं करेगा तो आप कैसे जान सकते हैं कि देश के खिलाफ कहेगा या नहीं कहेगा।

श्री राजनारायण : देश के खिलाफ यह गवर्नमेंट खुद है।

श्री जगत नारायण : जानने का क्या तरीका है : जैसे कि मेरे को पंजाब से जाना है मैं यह जो कह रहा हूँ वह बतौर एम० पी०

के नहीं कह रहा हूँ, एक आर्डिनरी सिटीजन के कह रहा हूँ, मैं एक आर्डिनरी सिटीजन हूँ और मेरे को पंजाब से जाना है तो आप मेरी चालचलन जानने के लिए पंजाब गवर्नमेंट के पास भेजेंगे, अगर पंजाब गवर्नमेंट कहे कि चालचलन ठीक नहीं तो मामला खरम है और अगर पुलिस को पैसा दे दें तो मेरा चालचलन ठीक हो जायगा चाहे भारत टरपीट्यूड में भी कैद हो गई हो। अगर सिटीजन पैसा दे दे तो अगर पहले लोबली कैद भी हो गया हो उसका चालचलन ठीक हो जायगी।

श्री राजनारायण : भारत टरपीट्यूड है क्या।

श्री जगत नारायण : अब आपने यह सोशल लपज रखा है, सोशल इंटरैस्ट बड़ा वेग टर्म है सोशल इंटरैस्ट में आप हर आदमी को डिबार कर सकते हैं पासपोर्ट देने से और जो खास तौर पर प्राविशियल स्टेट की सरकारें हैं उनके खिलाफ जो होंगे उनको पासपोर्ट नहीं देंगे।

तो मैं समझता हूँ कि कोई रास्ता निकलना चाहिए कि जो दयानतदार आदमी है, जो आनेस्ट आदमी है वह अगर बाहर किसी काम की खातिर जाना चाहता है और वह यकीन दिलाये कि वह आनेस्टली जाना चाहता है उसके लिए पासपोर्ट जल्दी से जल्दी बनना चाहिए।

फिर एक बात कह कर मैं बैठ जाऊंगा। आप मेरी तरफ बार बार देख रहे हैं। यह जो 'पी' फार्म देते हैं यह क्या करणन पैदा नहीं करता। जब मैं एज ए एम० एल० ए० गया था तो मुझे 72 रु० दिये गये थे। वाइस-

[श्री जगत नारायण]

चेयरमैन महोदय, 72 रु० दिया गया था और मैं गया था स्वीडन, रूस बर्गरह और दिवान चमन लाल जो के साथ मैं गया था। आप बताइये कि 72 रु० में स्वीडन, रूस, अफगानिस्तान और नार्वे इन मुल्कों का दौरा कैसे कर सकता हूँ। मुझे बताइये। और आज भी यही हालत है कि "पी" फार्म पर 110 या 150 रु० देने हैं। आप बताइये कि यह करणन पैदा करता है या नहीं कि कोई बाहर के मुल्क में जाय और आपके एक्सचेंज को पालिसी को फेल करे। वहाँ से दो दो, पांच पांच और दस दस हजार रुपया लेते हैं तो इसमें आपको गवर्नमेंट को क्या फायदा पहुंचता है जो एक्सचेंज कंट्री में आना चाहिए वह नहीं आता है और आपके फारेन एक्सचेंज को नुकसान पहुंचता है। यह जो "पी" फार्म बना है 72 रु० या 110 रु० देने का इससे आप बिल्कुल करणन पैदा करते हैं कि वह आदमी बाहर जाय और वहाँ रुपया ले। लोग क्या करते हैं, मुझे पता है। मैं पहली दफ़ा दिवान साहब के साथ गया था और जब अफगानिस्तान के अड्डे पर हम पहुंचे तो मैंने देखा कि हमारे नेताओं ने दो दो हजार, एक एक हजार के नोट निकाल लिये और वहाँ अफगानों करेसी ले ली। हमको तो पता नहीं था। और सारा यूरोप का दूर करके आये। आप बताइये कि यूरोप का दूर 72 रु० में कैसे हो सकता है और फिर अपने बच्चों के लिए तोहफे भी लाये। तो यह जो चीज है बड़ी गलत है कि आप "पी" फार्म देते हैं। सरकार यह कैसे समझती है कि 72 रु० या 110 रु० का "पी" फार्म दें। और लोग वहाँ जा कर बाकी मुल्कों की सैर करके आये। तो इस करणन को रोकने को आपको कोशिश करनी चाहिए। मैं बड़े अदब के साथ यह कहना चाहता हूँ।

श्री राजनारायण : मैं एक सफाई श्री जगत नारायण से जानना चाहता हूँ कि

जो लोग उनके साथ गये, जो बड़े बड़े कांग्रेस के नेता उनके साथ गये थे और वहाँ गये तो हर एक की जेब में हजार हजार दो दो हजार...

उपसभाध्यक्ष (श्री अकबर अली खान) : कांग्रेस पार्टी का नहीं कहा। उन्होंने कांग्रेस पार्टी...

श्री राजनारायण : वह सफाई दे देंगे। आप क्यों देते हैं।

दिवान चमन लाल : आप क्यों गलत बोलते हैं। आपने सुना नहीं। आप गलत बोल रहे हैं उन्होंने कांग्रेस का नाम नहीं लिया, किसी का नाम नहीं लिया, आप गलत बोल रहे हैं। उन्होंने कांग्रेस का नाम लिया ही नहीं।

श्री राजनारायण : प्रोसीडिंग देख लीजिए। बड़े बड़े कहा।

श्री जेड० ए० अहमद : बड़े बड़े नेता कहा है।

श्री राजनारायण : बड़े बड़े नेता इस समय सिवाय कांग्रेस में और हैं कहां। हम नेता हैं मगर हम बड़े नहीं हैं, खाली नेता हैं। तो हमारा यह निवेदन है कि हम श्री जगत नारायण जी से जानना चाहते हैं कि वह बड़े बड़े नेता जिनके साथ वह गये थे वे कौन थे और जो उनके जेब में से, पाकेट में से, दो दो हजार रुपये के नोट निकले तो जब वह जाते हैं तो कोई चेकिंग होती है या नहीं होती! वे कैसे ले गये।

SHRI D. L. SEN GUPTA (West Bengal): It is a very serious matter.

THE VICE-CHAIRMAN (SHRI AKBAR AL KHAN): I do not approve of the procedure but as a concession I allow him to clarify this.

श्री राजनारायण : नाम जरा बता दीजिये।

श्री जगत नारायण : मैंने जो यह कहा ...

श्री राजनारायण : नाम बता सकते हैं ।

श्री जगतनारायण : नाम तो मुझे याद नहीं मगर बड़े बड़े नेता थे ।

श्री राजनारायण : वह लोग कैसे गये, यह तो बताइये कैसे और कहाँ से ले गये ।

श्री जगतनारायण : मुझे क्या पता कैसे और कहाँ से ले गये ।

SHRI NIREN GHOSH (West Bengal): Mr. Vice-Chairman, this Bill seeks to retrieve the position created by the judgment of the Supreme Court. For a pretty long time, innumerable people had a lot of grievances. The Supreme Court judgment gave a relief to them by giving the fundamental right to travel but in the name of passing a regulatory law, practically a situation has been created when everything will go on as of old and nothing will change because, that will be the position. So this Bill reinstates the previous position which was negated by the Supreme Court. First, the entire apparatus of passport has been utilised by the Government—the Home Ministry, the Finance Ministry and the Ministry of External Affairs—as a potent weapon for political discrimination. It has been the practice time and again and that remains in the Bill itself under the omnibus formula that when the Government thinks that it is in the interest of security, sovereignty and integrity of India, it can refuse issuing a passport to anybody and, you cannot even question it, you cannot even know the reasons for it. That is the weapon that has been utilised time and again against the political parties. That position remains. This is the point that I want to pin-point first.

The next point is this. See how it has been working recently. During 1966 Mr. Mahesh Nigam was to attend a T.U. Conference in Eastern Europe as an AITUC Delegate. Then he was not given a passport or he was given a passport when the Conference was 882 RSD—8.

over. Mr.: Sadhu Singh was nominated by the AITUC to attend a Conference of Hungarian Trade Unions. There were to be two delegates. One was given. He was not given but the other delegate was given. In this way the Government wants to disrupt even the mass organisations and create grounds for suspicion but no reason has been given. He got it after the conference was over. Why?

4 P.M.

Mr. Ambika Prasad Bajvai was nominated to attend the May Day Celebrations in Moscow. He was given a passport after the May Day Celebrations were over. So in all those cases the Government used it. In one case they denied it, in the other case they issued the passport after the purpose for which the passport was to be given was over. And he had no other business abroad at all but for this, but he could not avail of the function for which he was designated. And then who is to determine the security, sovereignty and integrity of India? This Government I do not think that the interests of security, sovereignty and integrity of India are safe in the hands of this Government. Had it been so, these innumerable C.I.A. agents would not have been able to infiltrate into every sector of the public life of India—these foreign agents. So for this Government to sit in judgment as to what constitute security, sovereignty and integrity of India is a travesty; it is an atrocious thing and nobody will believe this Government. And then, when a passport is refused on this ground, you cannot ask for the reasons; it decides in its omnipotent wisdom. So this is precisely the weapon which will be utilised against the political parties which were in the opposition. On the other hand, those who really injure the Interests of the country, they, every time have been given freely passports to travel abroad. Even the 'F Form, was no bar nothing could prevent them. Is it not a fact that a certain big business house went to Washington

[Shri Niran Ghosh.] in order to get the Government of the U.S.A. to put pressure on the Government of India in order to give up the fourth steel plant at Bokaro? He could do it; he could get the passport. And is it not a fact that when Mr. Biju Patnaik went on a public assignment to the U.S.A. he put up at Waldorf Astoria Hotel, the richest in America?

SHRI P. N. SAPRU: Not necessarily.

SHRI NIREN GHOSH: Did he not take a suite of two or three rooms, for which the money was not provided by the Government of India? Only two thousand rupees or something was provided by the Government of India. But the suite cost him every day Rs. 15,000 to Rs. 20,000. Where-from did he get the foreign exchange? And wherefrom do all those business houses get the foreign exchange? They freely travel. They are given passports. They can travel and they can also injure the interests of the country in this way. So I do not see that this Bill can be accepted by us in this form. So a sort of parliamentary committee or any non-official committee should be set up, and every case where the passport is refused should go to such non-official committee, so that really they can be satisfied. Otherwise there is nothing doing, and on any ground, without assigning any reason, you will be doing as you were doing during all these years.

Then there is the passport racket, and many a time it has come out in the press that there is a passport racket. But nothing was done. I doubt whether the External Affairs Ministry is in control of the issuance of passports. Practically, I think the Home Ministry should have brought this Bill, because that is where the obiter dicta rest. It seems it is they who control, and the Finance Ministry acts as a handle in the form of 'P' Form, and only the rubber stamp is of the Ministry of External Affairs. It is clear that the Government is functioning in this way and against this

passport racket Government has done nothing so far. Everybody will tell you about those things.

I can cite another instance to show how political considerations weigh in the matter of issue of passports, how it weighed in the case of an M.L.A. He had a passport. He was given a passport. He has travelled at several times. He applied for rene"v>v> of his passport when he was not an M.L.A. It has been rejected. On what ground, nobody knows. Perhaps, if he is again elected, he might be privileged to get the passport, but now it is clear case of political discrimination. Cases are being brought against Sheikh Abdullah. What he has actually done, in this the Government has not chosen to take the House or the country into confidence. They have kept him in detention. They have only said that he has done bad things abroad, but the Government has not given any details whatsoever, and the person concerned also was not given a chance to explain things to the Prime Minister of the country. So who will believe you when you are keeping a person for eleven years in detention without giving him a chance to explain things? Nobody would believe in your sagacity or wisdom or anything. So that is the position that we have come to in regard to this Bill also. So I want to tell the Government and our External Affairs Minister, in all humility, that this Bill should be re-cast, because political discrimination and other things are suspected in this measure, and even anti-national things that the big businesses are committing abroad time and again. Even when they do anti-national things, they are given the passport. This Ministry has failed to stop them from going abroad, and they can do it at their own sweet will and squander foreign exchange, or to squander their deposits in the foreign companies illegally, through clandestine methods. So the 'P' Form has not been able to check foreign exchange, conserve foreign exchange and resources, because it is they who are spending thousands and

lakhs of rupees when they travel abroad—and they frequently travel abroad. They get their 'P' Form all right. It is difficult only for those who do not travel, who perhaps once in their lifetime want to go abroad. The ordinary workers of political parties, they are not big men. They are poor men. Sometimes they want to go to a foreign country, responding to their invitation, to attend some conference or assembly. It is against them that this thing is used. So the entire thing is fairly done.

I want to say in conclusion that the judgment of the Supreme Court has not been given any consideration the Government of India. Whenever a Supreme Court judgment tastes sour in their mouths, in the name of honouring that judgment they pass a regulatory law. Now in this case they have practically nullified their judgment and the same old things will continue in the same old way, and we are going to suffer. So I request the Government to reconsider the matter, recast the Bill and remove the obnoxious provisions, particularly those provisions for which, you have said, that one cannot even demand the reasons for which they were not given the passport, under that omnipotent umbrella of security, sovereignty and integrity of the country. At least there must be some place, a court or a non-official committee, where the Government should explain these things. Otherwise our suspicion will remain. Cases have been going on in this way. So this passport business should not be used as a political weapon by the Government against political parties. They use their privileged position and give passports to those who really are against the interests of the country. We, they are given; they are being allowed to travel abroad. Only the political parties are being penalised time and again. So the entire Bill, particularly the provisions relating to the observations made by me should be recast or modified in order to restore public confidence in this matter.

SHRI M. C. CHAGLA: Mr. Vice-Chairman, may I start on the note sounded by Mr. Ghosh that we were trying to nullify the judgment of the Supreme Court? Far from trying to nullify the judgement of the Supreme Court, we are trying to give effect to it. If my hon. friend will look at article 21, it says this:

"No person shall be deprived of his life or personal liberty except, according to procedure established by law."

Therefore, the Constitution fathers, who drafted the Constitution, envisaged restriction of personal liberty under this article. What they provided was that this restriction must be by law passed by Parliament. Therefore, this was not an absolute right and what we are doing today is to come before Parliament to ask Parliament's sanction to put certain reasonable restrictions on the right laid down under article 21 of our Constitution, namely, that no person shall be deprived of his personal liberty. I agree that every citizen has the personal liberty to go out of India, but in the interest of the country, in the interest of its security, in public interest, the Government has to put certain restrictions on that right. I challenge any Member of this House to point out to me any country where there are not passport regulations. Some countries have laws, others have administrative regulations. But every country does have legislation. Or, as I said, administrative rules or regulations whereby either passports are issued or passports are denied.

SHRI SUNDAR SINGH BHANDARI:
Are they equally wide?

SHRI M. C. CHAGLA: Well, there are such provisions. For instance, to the USSR they are fairly wide and the application goes to the Foreign Committee, to the Internal Committee, to the Security Committee and go on.

[Shri M. C. Chagla.]

It is not so easy to get a passport even in a socialist country like the USSR.

SHRI SUNDAR SINGH BHANDARI: But there are countries besides the USSR also.

SHRI M. C. CHAGLA: Yes, I know. But I wanted to say this for the benefit of Mr. Bhupesh Gupta, though I do not see him here. Take, for instance, the United States of America. There it is a very curious position. There under their Constitution and under their laws, they cannot restrict the right of any American to have a passport or to leave the country, unless an emergency is declared by the President. And the House will be surprised to learn that ever since the Korean War or before that even, an emergency was declared for the purpose of enabling the State Department to restrict the right of the American citizen to obtain a passport and that emergency continues till today. In American law there is this emergency. I looked it up and satisfied myself, and because of this emergency the right of every American to obtain a passport or to leave the United States is restricted by the State Department.

SHRI RAJNARAIN: In what way?

Shri M. C. CHAGLA: इसे मालूम नहीं है। It is entirely left to the President. Well he may have administrative rules.

श्री राजनारायण : इसीलिए मैं बतलाना चाहता हूँ।

SHRI M. C. CHAGLA: I have not studied it in detail. But I am sure they are not more liberal than these. I want to give one assurance to this House. It has been my duty to carefully look at this legislation to see that the rule should be that every citizen should get a passport.

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श्री राजनारायण : श्रीमन्, मैं एक क्लेरिफिकेशन चाहता हूँ जो इस बिल से ताल्लुक रखता है श्रीमती विजयालक्ष्मी पंडित प्राइवेट डेप. में बाहर जाना चाहती थीं। चूँकि लोगों को मालूम हो गया कि शायद प्राइम मिनिस्टर और विजयालक्ष्मी पंडित के बीच मत नहीं है, इसलिए उन्हें जाने की इजाजत नहीं दी गई जब तक श्री चागला साहब ने इंटरफायर नहीं किया। यह सत्य है, यानी इतनी दूर जा कर भी रेसट्रिक्शन हँ, इतनी दूर जा कर हिटरेरा है।

SHRI M. C. CHAGLA: There was no difficulty of any kind. There was no question about Mrs. Pandit not getting a passport. I do not know where from my hon. friend gets all this.

SHRI SHEEL BHADRA YAJEE: This is also one of his fabricated stories.

SHRI M. C. CHAGLA: This is the trouble. I do not know where my friend takes up these fantastic stories, these fairy tales.

SHRI RAJNARAIN: It is a reality.

SHRI M. C. CHAGLA: There is no reality. As I was saying, I do agree with this House that the rule should be that every Indian citizen has the right to have a passport. It is only in very exceptional cases that passports should be denied. My hon. friend Shri Murahari said—and I entirely endorse his sentiments—that we should have one world, that we should have common citizenship, that all of us, all human beings, whether they live in China, Russia or the United States, should be members of one human family and we should abolish passports altogether. My hon. friend Shri Ruthnaswamy also sounded the same note and he thought of the old days—I remember those days—when anybody could travel anywhere. There was no question of any passport or foreign exchange, or P Form. If you had the money you could go and get the foreign exchange from the bank and you could go to any part of the

world. But this is a curious commentary on our civilization that though we talk of interdependence, and say that we have advanced, today there are more restrictions on travel than there were ever before. The world has shrunk and today communications are so quick. You can go to London in a few hours or even to America in a few hours. Yet it has become more difficult to get there today than it was 30 or 40 years back when it took longer to reach these places. I think this is how the international community has grown up. They have accepted the passport as part of life. But what is happening today is this and I want to draw the attention of the House to this. Gradually the system of visas is going. Many countries are arranging reciprocally to do away with the visas. This is the International Tourists Year and we also have made our contribution by saying that anybody who wants to come to India need not pay any visa fee. This is done to encourage people to come here.

Also I would like the House to remember the function of a passport. What is the function that the passport has to play? First of all it establishes your citizenship. I am proud to hold an Indian passport when I go abroad so that if anybody wants to know what is my citizenship I can produce my passport and say that I am an Indian. Secondly, it gives protection to the Indian citizen. It is a political document on which the foreign governments are expected to give me protection, help and assistance. Therefore, the passport is not a badge of slavery. It is not something to be ashamed of. It is something to be proud of. Therefore, I do not agree with Shri Murahari that the abolition of the passport by itself will bring about a world community or more interdependence than we have today.

I want to give another assurance to the House, in view of what Mr. Ghosh said. I say that in the administration

of this Act, as far as I am concerned, as far as my Ministry is concerned, to the extent that I am responsible, I will not permit any discrimination, between party and party, between individual and individual. It will be strictly administered according to the principles laid in this Bill. As I said, every person who applies will have to satisfy all the tests laid down in this Bill. If he satisfies these tests, it is not my concern as to what party he belongs what is his profession Or whether he is a rich man or a poor man, or a man coming from the middle class.

SHRI SUNDAR SINGH BHANDARI:
But the difficulty comes about the interpretation of the law.

SHRI M. C. CHAGLA: I agree, as far as administration is concerned. Let me clear up this issue. I said it before and I will repeat it again, that the Home Ministry comes in before the issue of the passport. My hon. friend Shri Ruthnaswamy asked, "What is this? You apply for a passport and you have to wait till the police report is received." But then how is the passport officer to be satisfied about the various qualifications that it is necessary for him to see, before the person is given a passport? For this purpose the police report is necessary and a reference may have to be made to the Home Ministry about his political antecedents, whether he is our citizen and so on. For this purpose reference to the Home Ministry may be necessary. But once that is cleared and the passport authority is satisfied that he satisfied all the conditions laid down then he has to issue the passport. It is obligatory. You see that section says that he shall not refuse the passport. The Home Ministry goes out of the picture. As I told Mr. Gupta, I am not concerned with the 'P' Form. He said there was collusion between the Finance Ministry and the Home Ministry. I do not know anything about it. The duty of the External Affairs Ministry is to issue the passport. Once it is issued, the subsequent steps that the citizen might

[Shri M. C. Chagla.]

have to take in order to be in a position to leave the country is not my concern. Foreign exchange considerations, other considerations, they are the concern of the Finance Ministry and if there are any grievances about the 'P' Form I hope hon. Members will make proper representations to the Finance Minister.

SHRI BABUBHAI M. CHINA! (Maharashtra): I hope you will join us on that issue.

SHRI M. C. CHAGLA: You want me to be part of the deputation?

Now, may I briefly answer some of the criticisms? One criticism has been—Mr. Triloki Singh voiced it—that the Central Government may in public interest refuse a passport. What is public interest? It is too vague. Now, public interest has never been defined by any court of law by any Judge. Public interest means the interest of the public and you have got to trust the Government that it will act in public interest honestly, fairly and dispassionately. If you start with distrusting the Administration or the administrative authority, then no law can properly function. The basis of any law must be the assumption that the person or the persons who are to administer the law are honest. If you start with the assumption that they are dishonest then you may as well not pass any law. Therefore you must start with the assumption that this law is going to be honestly administered. If that is so, mustn't you entrust the power to the Central Government which is responsible for the safety, security and integrity of this country, to determine whether something is in public interest or not? It is precisely because of that that we have given no right of appeal against that decision. The Central Government cannot be expected to disclose all the sources that it has which lead it to the conclusion that a particular person should not be given a passport. We have various sources. As you know,

we have our intelligence sources; there are sources which we have abroad and it would not be possible for the Government to disclose those sources to satisfy any authority that that decision is correct. Certain discretion must be left with the Central Government. Now, look at the figures. 395 per cent of the applications received in 1966 were accepted; only 0.4 per cent of the applications were rejected so that even without this Act the number of rejections is minimum.

Now it has also been said that in certain cases when an application is rejected on the ground of security, sovereignty of the country and soon, he is not bound to give reasons and it was said that this was against the principles of natural justice. I agree that natural justice requires that if an order is made against me—I think it was Mr. Bhandari who said this I should know why the order has been made against me but here again it is public interest that makes it impossible for the officer to disclose the reasons. As I said, if a man is acting against the security of the country, against the sovereignty of the country, it would be very difficult to give a written order giving the source and how he came to this conclusion. Therefore, we have limited it to the special cases; in all other cases the aggrieved party will get a written order and will have a right of appeal.

Coming to the question of appeal, I think an opinion has been expressed from various sides of the House that the appeal should not be to an Executive Officer. I will be the first to agree that a judicial tribunal is always better. Having been a Judge for many years, naturally, my proclivities are on that side.

SHRI D. L. SEN GUPTA: Who stands in the way then?

SHRI M. C. CHAGLA: I myself stand in the way and I will tell you why. Now I want simplification of the procedure for getting a passport.

I want all the delay about which we have heard to be done away with. I assure you that if you had a judicial tribunal to which appeals *scs* to be preferred, the matter would be delayed for month. Law's delays are well known. I am sorry to say; law is slow, law is methodical, law is rational, law gives fair play. You hear witnesses, you give postponements you allow the counsel to argue the case and it takes months and month; before you can get a decision.

श्री निरंजन वर्मा (मध्य प्रदेश) :
एक वर्चस्विकीयन बोझ है आप ने इस मामले में कि अगर एडिजुडिकेटिव का आर्डर हो और एडिजुडिकेटिव में अपील हो, तो वहाँ पर आपको जमाना नहीं मिल सकेगा और अगर एडिजुडिकेटिव की अपील बुद्धिस्थिरी में हो, तो चाहें वह देर में हो, मगर वहाँ या मिलने की आशा है। सचने है।

श्री एम० सी० चागला : मैं देरी की बात कर रहा हूँ। इस चीज में देरी नहीं होनी चाहिए। कि जमाने का एक लाल में या व हूँते में बाहर जाना है और अगर वह अपील करने पर अपील-मुक्त में दो या दो तीन महीने खन नये, तो जमाने कायदा क्या हुआ।
But I will give you this assurance.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I think there is much in what Mr. Chagla says. The question of delay is very vital.

SHRI M. C. CHAGLA: As I said. I will give this assurance that the appellate authority—I will see to it by necessary notification—has some legal qualifications or some legal experience. I do not want any Executive Officer without any legal qualifications to be the appellate authority. Here again comes in the question of trust and confidence. You should trust your officers. Trust begets trust. You cannot start with the assumption that because an officer in Delhi is sitting in appeal against the decision of

Regional Passport Officer in Bombay, Calcutta or Lucknow, he will necessarily decide in his favour. Why should he? He has nothing to gain. But this I will try and do; I will see that the appellate authority is a person who has some legal qualifications.

Then my friend, Mr. Triloki Singh, was very indignant about putting in clause 16 in the Bill, that is, the indemnity, clause. This clause finds a place in most of the legislation and what does it do. It protects an official who acts in good faith in his Official capacity. But for this clause, the officers will be liable to be prosecuted or liable to have suits filed against them on the most trumpety charges. You must protect you, officers who act in good faith and who act in their official capacity. We are not protecting dishonest people; we are not protecting officers who have acted *mala fide*; we are protecting officers who act in good faith and surely an officer is entitled to that indemnity. Otherwise the officer will find it difficult to act. If for every official act which is done in good faith he is to run the risk of litigation or prosecution, it will be impossible for the officers to function efficiently.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Without this provision also he is protected by the general law.

SHRI M. C. CHAGLA: Well, that is a little doubtful. We want to remove all doubts on the subject.

Then Mr. Mani made a rather interesting suggestion which again is not practicable. He said we should have an advisory committee to advise the Regional Passport Officer before he gives the passport. First of all, there will be delay; then it will be a source of nepotism, patronage and corruption and certainly I would not like the idea of a Committee advising the Regional Passport Officer whether a passport should be granted or not. People will canvass each member of the Committee and you know what will happen.

rShri M. C. Chagla.]

Another point was made about relaxing these restrictions between India and Pakistan. I would be very happy to do this if Pakistan showed the slightest inclination to normalise the situation. You know what is happening; you know how much efforts we have made

SHRI D. L. SEN GUPTA: What steps have we taken so far in this regard?

सरदार रघुबीर सिंह पंजह नारो: (पंजाब)
जरा पहले सुनिये तो।

SHRI M. C. CHAGLA: I will tell you, we have unilaterally done so many things. We said we were prepared to trade with them; Pakistan says no. We said, let us settle the question of the properties left by the refugees in the two countries; Pakistan says no. We said we were prepared to discuss about telecommunication, about transport, about economic co-operation; Pakistan says no. And what has Pakistan done about passports? There used to be a special kind of passport known as the Indo-Pakistan Passport. We are maintaining it but they have stopped. Every Pakistani who wants to come to India—normally it will be the minority community—has got to use the international passport and get a visa. Now that costs much more.

Now I will give you a gross instance of what has happened recently. Here is a great Indian nationalist. Many of you might have heard of him, Mr. Trailokya Chakravarty. He is eighty years old.

SHRI D. L. SEN GUPTA: Yes. He is ailing.

SHRI M. C. CHAGLA: Quite right. Some Members of Parliament wrote to me about him. He was in prison and because his health is very bad, he has been released. We have been pressing upon Pakistan to give him a visa or a passport to come to India because his friends want to see that he gets proper medical attention.

SHRI D. L. SEN GUPTA: We shall be very grateful if you could secure him.

SHRI M. C. CHAGLA: I am trying to do my best, but I am pointing out what difficulties we have. If Pakistan wants a relaxation of the passport regulations, we will certainly meet them to do it, but the position is the other way about. Pakistan does not want any one to come to India. You heard about the unofficial delegation which wanted to come to India. They put their foot down. They do not want any relationship with this country. They do not want normalisation. They do not want the Tashkent spirit to prevail. They say, till you settle Kashmir and settle it according to our thinking, no progress is possible. Therefore, as I said, I am quite willing. If Pakistan says, let us liberalise the passport regulations and let us liberalise the visa regulations, we are certainly prepared to meet them.

SHRI D. L. SEN GUPTA: For the information of the Minister, I can tell him here in the House that Mr. Trailokya Chakravarty—we call him Maharaj—is a great revolutionary and has passed more than thirty-five years in the British jails. So, if you can secure his release through diplomatic channels, get a passport for Mr. Trailokya Chakravarty to come to India, we will be very grateful.

SHRI M. C. CHAGLA: I am doing my best. I can assure the House that I feel very strongly about it and I am doing my best.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The House is in full sympathy with this case and I am glad that you are trying your best.

SHRI M. C. CHAGLA: We have proposed freedom of travel between India and Pakistan, but without purpose. We can exempt any person or class of persons. If Pakistan is willing, we are ready to remove all

restrictions. Clause 22 gives us the power, but we must have some response. It is not my holding out my hand, unless the other side grasps it. And believe me we have done everything in our power to see that the relations are normalised so that the two countries live in a friendly spirit and as neighbours.

Now, just one or two points more. Many suggestions were made with regard to simplification of the rules; and about the Bill. I want to assure the House that to the extent that it is administratively possible—it has nothing to do with the Bill—we will do everything to see that there is simplification and delay is reduced.

Now, with regard to the regional passport offices, I agree that today they are few and we must increase their number. This is a matter of finance and we are taking every action to see that the number is increased. Today the position is this. We have Regional Passport Offices in Bombay, Calcutta, Delhi, Lucknow, Madras, then under the Chief Commissioner of the Andamans and Nicobar Islands and the Chief Secretary of Goa. I agree that looking to the large size of our country, there are not sufficient offices. We ought to give more facilities to those who wish to go abroad. We will try and see that more offices are established. It is a question of finance.

SHRI BHUPESH GUPTA: What about the revolving tower?

SHRI M. C. CHAGLA: Well, Sir, I have answered all the points and I hope the House will accept the Bill.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): There is an amendment of Shri Rajnarain for the circulation of the Bill for eliciting public opinion. He is not here. So, I am putting the amendment **before the House.**

The question is:

"That the Bill to provide for the issue of passports and travel documents, to regulate the departure from India of citizens of India and other persons and for matters incidental or ancillary thereto be circulated for eliciting opinion thereon by the 5th September, 1967."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now, I come to Mr. Sen Gupta's amendment, as amended by him.

The question is:

"That the Bill to provide for the issue of passports and travel documents, to regulate the departure from India of citizens of India and other persons and for matters incidental or ancillary thereto be referred to a Select Committee of the Rajya Sabha consisting of the following members,

Shri A. D. Mani, Shri Lokanath Misra, Shri Jagat Narain, Shri D. Thengari, Shri M. V. Bhadram, Shri Chitta Basu, Shri K. C. Baghel and Shri D. L. Sen Gupta (Mover) with instructions to report by the 17th July, 1967."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That the Bill to provide for the issue of passports and travel documents, to regulate the departure from India of citizens of India and other persons and for matters incidental or ancillary thereto be taken into consideration." *The motion was adopted.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 5—Applications for passport*, travel documents. etc., and orders thereon.

SHRI SUNDAR SINGH BHAN-DARI (Rajasthan): Sir, I move:

1. "That at page 3 line, 27-31, the words 'unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public' ¹⁰ furnish such copy' be deleted."

(The amendment also stood in the names of Sarvashri Niranjan Varma, V. M. Chordia and D. Thengari).

SHRI BHUPESH GUPTA (West Bengal): Sir, I move:

2. -That at page 3, lines 29-30, the words 'the security of India, friendly relations of India with any foreign country or in the interests of the general public' be deleted."

The questions were proposed.

श्री सुन्दर सिंह भंडारी : इस संशोधन के द्वारा मैंने इसी बात पर आग्रह किया है कि अगर पासपोर्ट अथॉरिटी नकार करे पासपोर्ट देने के लिए—मंत्री महोदय ने पब्लिक इन्टरेस्ट के सवाल को समझाने का प्रयत्न जरूर किया है— तो उसको अपील करने का जो अधिकार है कि किन कारणों से उसकी दरखास्त नामंजूर की गई है यह उसे मिलना चाहिए ताकि उसके आधार पर वह अपील करके इन्साफ प्राप्त कर सके ।

SHRI BHUPESH GUPTA: No. you will see here I should have liked the entire thing to be deleted, but then it will be a negative amendment and will not be admitted. I am very sorry I could not be present here when the hon. Minister-in-Charge of the Bill spoke because of certain other unavoidable appointment and we do have sometimes unavoidable appointments. Now, I do not know why all these things should be kept here and whether some other better way of putting them could not be found. As I said in the beginning of my speech during the general discussion, these expressions are liable to be abused and, in fact, they are abused all the time. Certainly we do not trust this Government with the application of such provisions. As we know, they are all the time interpreted in a subjective manner without going into the objective considerations with an open mind or with a fair mind. The security of India, we know what it is by now. We are still living under emergency. Even if the third World War comes and goes, even then we may be living under emergency. Even if the 4th World War comes and goes, even then we may be living under emergency. We are living under emergency for which there is no warrant at all—and it is going to be withdrawn. But all these years persecution of the country's democratic movement, fundamental rights and civil liberties has taken place under the cover of protection of the security of the country. Why should I think that this is not going to happen under this measure? The Minister may give any assurance, but after all Ministers come and go, and the more the elections the greater the changes as you know in our country. He may give me an assurance and Mr. Chagla may mean it. I am not questioning that, but this is going to be administered by the bureaucracy by the apparatus which will be set up or which is in operation. What is more, this is going to be seized upon immediately by the Ministry of Home

Affairs. I cannot think of the administration of this law under the present Government without taking into account the depredations of the Home Ministry and the encroachment of the Home Ministry. Therefore, I know how it is going to be used.

Mr. Vice-Chairman, in Howrah scavengers were arrested when they went on strike, and the charge against them was that they had been arrested for the security of India. As you know, in some place some little girl was arrested, it was reported, because she did not like to marry some Minister's son or something like that, the boy was arrested because he was creating trouble for the father, I believe; he was arrested for the security of India. There are many such cases. It is not merely political people who suffer. Whenever the Government like, they put people under arrest on the ground of security of India. I come from a State where we had such cases. For twenty years there had been the so-called West Bengal Security Act. The first thing we did take up with the administration of West Bengal was to annul that Security Act. In Bihar we have done that. Therefore, we know what it is. Why therefore this kind of thing? Does not experience teach us anything, that we should keep it in the present form? But I tell you that apart from the political cases, there are other cases also. The minority community specially suffer. I know for a fact that when the Muslims apply for going to East Pakistan, they are denied passports. People who have nothing to do with politics are denied passports on the ground of security of India. These are facts I am stating. There is no means of finding out what is the exact position. Now also there will not be any means of really finding out why the passport has been denied. Therefore, I say that the security of India business should go. Our security is not so brittle that if we allow somebody to go abroad, immediately it gets scuttled or wrecked or broken.

Nothing of the kind. It is an instrument of oppression and in the present case it is going to be an instrument of denial of passport especially to the members of the minority community.

Then only one point on friendly relations of India and any other foreign country. Why this should be there, I cannot understand. They should then say that on this specific ground the passport will not be allowed because the visit of such and such person will mean such and such thing. It has to be enumerated. Do I understand that with changes in foreign policy, with the slight change in foreign policy or even in the External Affairs Ministry the passport regulations will also change?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You should finish,

SHRI BHUPESH GUPTA: Let me develop this point. Amendment should be fairly discussed. Now I want to go to the U.S.A.; I do not get the visa at all; I am not allowed to go. May be the Government will give me the passport. They have their own idea. Here what happens? Some people were not allowed to even to go. May be the Government will ground that it would not help friendly relations with some country. What country, we did not know. Therefore, I say if the Soviet Union does not want or America does not want, they need not give visa, but we should be entitled to travel abroad if we are otherwise qualified. Why the Government should come with this kind of proposition, I do not understand. Foreign relations are not of the same type, one type of foreign relations with the U.A.R., another type of foreign relations with France, yet a third type of foreign relations with West Germany. How to judge all these things. What is the criterion? What should

be regarded as violating this particular provision we are not clear Maintenance of foreign relations is! primarily the function of the Govern-

[Shri Bhupesh Gupta.]

ment in its External Affairs Ministry, its Diplomatic Corps and other things. If somebody wants to go abroad or suppose a Bad man goes to England. What does it mean? What can he do? Suppose I go. They say that they want the Commonwealth relations to be maintained. They cherish the Commonwealth relations. Suppose I as a Member of Parliament do not think that the Commonwealth relations should continue. On the contrary, if I feel that India should come out of the Commonwealth, why should I not be entitled to say this thing here and also in England? England has no objection. England allows me to say that I do not like India to continue in the Commonwealth. But this Government under this provision can say, "no, you cannot go to England because you hold the view that India should come out of the Commonwealth and we apprehend that if you go there, you may say such a thing". Why? Mr. Vice-Chairman, at the same time, people, the wrong type of people, who want to go to West Germany, to go to the U.S.A., they all get passport facilities. There is no difficulty at all. The security problem does not arise. I know for a fact that the C.I.A. is organising a number of visits by Indians from various parts of our country and there they issue the passport quickly. I know it for a fact that the C.I.A. are taking people to the U.S.A. and this Government is allowing passport. There is no visa problem because the C.I.A. gets the clearance. It is a frightening thing.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have discussed this matter.

SHRI BHUPESH GUPTA: This I have hot discussed. C.I.A. I never mentioned in the course of my entire speech. Kindly listen.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We are dealing with amendments.

SHRI BHUPESH GUPTA: I will tell you how.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have not given j even the main speeches fifteen minu-i tes.

SHRI BHUPESH GUPTA: Amena-i ments ar, more important than the main speeches. Let me finish this. There are many amendments we should have given. I shall table five hundred amendments. That I am capable of, and on every amendment I shall speak for a minute. Thererore, I say, Mr. Vice-Chairman, listen, you will be interested. I know you are a very fair-minded man. Mr. Vice-Chairman, this is the kind of thing they do. I was shown by the father of a girl, who had been taken to the U.S.A. on scholarship, a write-up. He was a Government officer. He was travelling in the same compartment. He was showing me the write-up in l which his daughter's picture had aP-: peared. The write-up said that this j lady—I will not mention the name—I when Shri Jawaharlal Nehru died, did not weep; when Mr. Kennedy I was assassinated she wept. This is I written in that article. I say, have i you sent your daughter to the USA j to give such an interview and to write ! such things where it is said that when j Jawaharlal Nehru died she did not \ weep but when the other news came, I the news of the murder of Mr. Kennedy, she wept and all that? It is strange—this kind of education they give and people are being taken there. I tell you, Mr. Vice-Chairman —the Minister of External Affairs will kindly note—how many visas, how many passports, you are giving for the CIA transactions here to get I people to the USA. . I think there should be a proper enquiry into it. j We have . . .

j SHRI M. C. CHAGLA: It has no-j thing to do with the visa; it rests with the USA Embassy. We issue the passports. Is the hon. Member suggesting that we should not issue passports? we want liberalisation of passports. It has nothing to do with visas.

SHRI BHUPESH GUPTA: Mr. Chagla will hear me. I tell you—when we apply forgoing to the Soviet Union and other countries, your investigations, your P Form, your Home Ministry and everybody is there, and when the CIA agents' passport applications are made, everything work very smoothly, everything is issued very smoothly. That is what I say.

AN HON. MEMBER: What about the USSR Visa?

SHRI M. C. CHAGLA: Does my hon. friend go to the USSR without a visa? What is the difference?

SHRI BHUPESH GUPTA: Difference? Have not you understood it yet?

SHRI M. C. CHAGLA: I have not. You have to get a visa to go to any country.

SHRI BHUPESH GUPTA: I am not talking about the visa. Visa is not your function.

SHRI M. C. CHAGLA: What is the function?

SHRI BHUPESH GUPTA: The function is that . . .

SHRI M. C. CHAGLA: We issue passports only for those people who want to go to the USA? Is that the argument?

SHRI BHUPESH GUPTA: No, no, you should not . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): When you go to the United States, there are greater facilities; when you go to the Soviet Union there are greater difficulties.

SHRI BHUPESH GUPTA: My friend, Mr. Chagla, is shocked. You have been with me, Mr. Vice-Chairman, in the Soviet Union and did I not look after you well there? Mr. Vice-Chairman, the question is not that. They say 'friendly relations'. People are not allowed on the ground of maintaining certain friendly relations with other countries. But when it comes to sending people under the

aegis of the CIA where actually they become or they are trained to become the CIA operators or CIA sub-agencies, then they are allowed. That does not mean friendly relations. To allow people to go and to allow people visa here in order to bolster up the CIA operation does not mean that you are building up good relations.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Thank you.

SHRI BHUPESH GUPTA: And the other thing, public interest, is absolutely useless.

SHRI M. M. DHARIA (Maharashtra): Sir, the Minister of External Affairs is making a statement in the other House at 5-00 P.M. and it will not be possible for him to make it here. But he should ask somebody to do it . . . (Interruptions) Let me have my say. Why are you interfering? May I request through you, Sir, that the Deputy Minister should make the statement and so far as the explanations or questions are concerned, they should be asked tomorrow when the Minister of External Affairs is here.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I think so. If it has the approval of the House, I will ask Mr. Surendra Pal Singh¹⁰ to make the statement. And I have a request to make to the House. We have been going on with this Bill for a longer time. I would request that we sit through and finish this Bill today so that we may take up the Railway Budget, if not today, on Monday.

SHRI BHUPESH GUPTA: That we will do.

श्री राजनारायण : मेरी समझ में एक बात आई नहीं ।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Are you speaking on Mr. Bhupesh Gupta's amendment?

SHRI RAJNARAIN: Yes.

SHRI BHUPESH GUPTA: And the clauses.

श्री राजनारायण : हमारा एक पीइन्ट आफ आर्डर है कि श्री भूपेश गुप्त का अमेन्डमेन्ट क्लॉज 6 में है, पेज 3 पर है और फिर पेज 4 लाइन 17 पर है . . .

श्री सुन्दर सिंह भंडारी : अभी तक तो क्लॉज 5 मूव हुआ है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He has spoken on all his amendments.

SHRI BHUPESH GUPTA: No, no. I have spoken only on that particular amendment.

श्री राजनारायण : यही मैं जानना चाहता हूँ कि जो क्लॉज गेज होगा उस क्लॉज का अमेन्डमेन्ट पहले चलेगा।

उपसभाध्यक्ष (शक्रवर अली खान) : बोटिंग तो वैसे होगी।

श्री राजनारायण : उसी तरह में अमेन्डमेन्ट पर भाषण भी होगा। हम यह प्रबन्ध रहे थे कि आपने कहा सब पर हो गया।

THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN): So far as Mr. Bhupesh Gupta is concerned, I think he has spoken on all his amendments. But if he wants to speak on any particular point . . .

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, I have not spoken on all of them.

श्री राजनारायण : भूपेश गुप्त जी ने जो अमेन्डमेन्ट पेश किया है वास्तव में वह कुछ नौतिकता में सम्बन्ध रखता है। उन समय चांगला साहब तो चले गये, काई उन्हीं तीनों समय में ब्रह्मान् मृत हो गया। अमेन्डमेन्ट यह है . . .

"That at page 3, lines 29-30 the words 'the security of India, friendly relations of India with any foreign country or in the interests of the general public' be deleted."

मैं इनके पक्ष में हूँ। देखा जाये इस समय इस कांग्रेस सरकार से जो हमारी लड़ाई चलती है तो लगातार सिक्योरिटी आफ इन्डिया क्या है, पब्लिक इन्टरेस्ट क्या है ?

श्री शैलभद्र याजी : आपकी भी सिक्योरिटी।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No interruption, Mr. Yajee.

श्री राजनारायण : श्रीमन् आपका कर्तव्य है आप हमारी सुरक्षा करें। मगर मैं आप से रिक्वेस्ट करना चाहता हूँ कि श्री शैलभद्र याजी के तीरों से आप हमारी सुरक्षा करने की तकलीफ न उठाएं। यह शरीर इतना सख्त हो गया है कि श्री शैलभद्र याजी का तीर खुद उनके कंठ में उतर कर निकलेगा।

मैं अर्ज कर रहा था कि सावरेन्टी क्या है, इंटिग्रिटी आफ इन्डिया क्या है, सिक्योरिटी आफ इन्डिया क्या है, फ्रेंडली रिलेशन्स आफ इन्डिया क्या है, फारेन कंट्री से हमारा कौन सा संबंध क्या है। मुझे अफसोस के साथ कहना पड़ता है, चांगला साहब इस विधेयक को जो यहाँ पर पेश किये हुए हैं, उस हालत पर जब कि 50 करोड़ की आबादी का जो मुल्क है उसमें से करीब 32 करोड़ जनता कांग्रेस की पालिसी और प्रोग्राम को ठुकरा चुकी है क्योंकि हमारा मत है कि कांग्रेस सरकार की पालिसी, कांग्रेस सरकार की नीति, कांग्रेस सरकार का प्रोग्राम इस देश की सावरेन्टी को सुरक्षा नहीं कर पा रहा है। इस देश को प्रभुसत्ता को यह सरकार खो चुकी है। जब-जब मौका आयेगा . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That none of us want.

श्री राजनारायण : मोका आया है, नहीं वह पाकिस्तान के साथ लड़ाई का सबाल है, चाहे कर्मा भी हुआ हो, लेकिन एक मावरेत एंटीडूड, जो एक रिहिवियर, जो एक स्पेस लेना चाहिये था वह भारत सरकार ने नहीं लिया फिर हम भारत सरकार को कैसे ताकत दें कि वह जब करे कि हमारे मावरेन्टी की सुरक्षा कैसे होगी। इसी तरह से इन्टीप्रिटा आफ इन्डिया क्या है? आज तक, जनाव नदर, मैं आपके जरिये अज्ञे करना चाहता हूँ, कि कांग्रेस सरकार को इनका कोई इल्म नहीं है, वह इन्डिया की इन्टीप्रिटा को तोड़ रही है। क्या वह इंडिया को इन्टीप्रिटा को कायम रख रही है। इंडिया की इन्टीप्रिटा निश्चल रूप में यह पासपोर्ट बिल रख कर यह सरकार नहीं रख पा रही है। इन्टीप्रिटा के मानी क्या है? इन्डिया की इन्टीप्रिटा, इमेजिनल इन्टीप्रिटा ये सब व्यापक शब्द हो गये हैं थामन् इसमें कोई मतलब नहीं है। इसीलिये मैं आपके जरिये वागला साहब से यह अज्ञे करना चाहता था कि यह जो उनकी तरफ से बिल आया— गांधी जो का वाक्य याद आ गया, गांधी जो ने बराबर कहा है कि व्यापक शब्दों का प्रयोग मत करो, ऐसे शब्दों का प्रयोग करो जिनमें एक मत हो, जिनका एक अर्थ निकले। वाट इज इन्टीप्रिटा आफ इन्डिया?

5 P.M.

आज केरल के नम्बूदरी पाद परिवार के अकराचार्य के रावल वद्रोनाथ पर जल चढ़ाते हैं। उत्तर प्रदेश का कोई ब्राह्मण वद्रोनाथ मंदिर पर जल नहीं चढ़ा सकता है।

एक माननीय सदस्य : छु भी नहीं रहते।

श्री राजनारायण : अकराचार्य परिवार के जो रावल हैं, वे जब तक अविवाहित होते हैं तब तक ही वे वद्रोनाथ में मूर्ति को छू सकते हैं और शादी हो जाने पर यह उन में छिन जाता है। रामेश्वरम् का जल जाकर यहाँ पर चढ़ता है। अयो में केरल गया था और एक मंदिर में गया था वहाँ पर पारोस्थिति ऐसी थी कि कपडा निकला कर जाना पड़ता था, कुर्ता निकाल कर जाना पड़ता था तो हम भी गये।

एक माननीय सदस्य : अंतो तो रहती है।

श्री राजनारायण : हा, अंतो तो रहती है। गुप्त इन्डियों की गोपनीयता का प्रश्न वहाँ पर कायम है। इसलिए मैं कह रहा था कि वहाँ पर जितने बोलने वाले मिले उन सब ने हम से हिन्दा में हो जाने की। मंदिर में जितने लोगों से हम मिले उन सब ने हम से हिन्दुस्तान में जाने की। हमारे चागला साहब इस पासपोर्ट बिल को लाकर कहने हैं हम इस से इंडिया के इंडीपेंडेंट को कायम कर रहे हैं। तो मैं कहना चाहता हूँ कि इंडिया का इंडीपेंडेंट इस दंग से कायम होने वाला नहीं है और इसके लिए आज कांग्रेस सरकार के पास कुछ नहीं है यह तो बिल्कुल जैसे खोपड़ी श्रीमो हो जाये, वैसे ही यह सरकार सब चीजों को समझ रही है। इसलिए बड़ी तकलीफ से बोलना पड़ता है। ऐसा विशेषक उस जमाने में आया होता जब कि कायम का बहुमत जनता में था, जब वह ज्यादा अक्सरियत में था, मगर आज राज्यों में देखा जाय तो देश की करीब 30-32 करोड़ जनता कांग्रेस के प्रेषाम और कार्यक्रम को ठुकरा चुकी है। फिर भी यह सरकार इस तरह का विशेषक ला रही है।

सरकार कहती है कि हम इस बिल के द्वारा हमारे देशों के साथ फ्रेंडली रिलेशन

[श्री राजनारायण]

कायम करेंगे। तो मैं श्री चागला साहब से यह पूछना चाहता हूँ कि आज भारत का कौन मित्र है? आपने यह क्या मजाक बना रखा है, क्या चू-चू का मरव्वा बना रखा है कि फ्रेंडली रिलेशन्स इस बिल के द्वारा कायम हो जायेगा, इसके लिये आपको कांक्रिट सुरत देनी चाहिये कि इंडिया के फ्रेंडली रिलेशन्स किस तरह से बढ़ेंगे और कायम होंगे। हमारे मित्र श्री भूपेश गुप्त ने सही बात कही है कि जिस समय हमारी सरकार के नुक्ते नजर में यह बात आयेगी कि अब हमें रूस में किसी को भेजना चाहिये तो वह उस समय भेजेगी। जिस समय वह समझेगी कि किसी को अमरीका भेजना है तो भेजेगी। फ्रेंड कौन है और कैसा है, यह सरकार नहीं समझती है। खुदा उसकी मदद करता है, जो अपनी मदद पहले खुद करता है। तो मैं यह अर्ज करना चाहता हूँ कि भारत को पहले अपनी मदद करनी चाहिये, पहले वह अपनी मदद करने वाला बने। आज इस सरकार ने जो नीति अख्तियार की हुई है, उससे भारत को अपनी मदद करने वाला नहीं बनाया है। मैं दावे के साथ कहना चाहता हूँ कि फ्रेंडली रिलेशन्स का मतलब क्या है? क्या मुल्क की आजादी को गिरवी रखना है या मुल्क की आजादी को बचाना है? इतनी तपस्या और कुर्बानी के बाद—गांधी जी और जनता की कुर्बानी के बाद—जो भारत आजाद हुआ, कांग्रेस के हाथों के द्वारा वह आजादी आज गिरवी रखी जा रही है। आज हम लोगों को कहा जा रहा है कि अगर अमरीका का गल्ला नहीं आयेगा तो हम मर जायेंगे। यहां पर एक बात कहेंगे और बाहर जाकर दूसरी बात कहेंगे कि अरे भाई राज नारायणजी, क्या बतलायें, श्री जानसन साहब ने दस्तखत नहीं किये और अगर जून में गल्ला नहीं आ पायेगा तो हम क्या दे पायेंगे। अभी तो सरकार के अमरीका के साथ फ्रेंडली रिलेशन्स थे और अब वह कहती है कि गल्ला

नहीं आयेगा। अभी तक इस सरकार को पता ही नहीं है कि मनुष्य मनुष्य एक है। जैसे हम हैं, हम अमरीका से हिम्मत के साथ कह सकते हैं, रूस से हिम्मत के साथ कह सकते हैं। न हम अमरीका के पिछलग्गू हैं और न रूस के ही पिछलग्गू हैं। इसलिए मैं कहना चाहता हूँ कि भारत के एक आदमी की औसत आमदनी 350 रुपया है, अमरीका के एक आदमी की औसत आमदनी की सीमा 15 हजार रुपया है और रूस के एक आदमी की औसत आमदनी इस समय करीब छः और सात हजार रुपया है। तो अगर हम सब इन्सान हैं और इन मुल्कों से हमारे फ्रेंडली रिलेशन्स हैं तो क्यों न इन मुल्कों की और अपने मुल्क की औसत आय को मिलाकर सारे मुल्कों की आबादी से भाग दे दें। इस तरह से एक आदमी के हिस्से में जो आये वह उसको मिलना चाहिये। आप कहते हैं कि हम फ्रेंडली रिलेशन्स कायम करेंगे मगर अमरीका में गल्ला फिकवा दिया जाता है ताकि दुनिया का भाव बना रहे, वहां पर किसानों को पैसा दिया जाता है ताकि खेती न हो और गल्ले का भाव उनकी मर्जी के मुताबिक बना रहे और इस तरह से गल्ले की कीमत को ठीक रखने के लिए हमको भूखा मारा जाता है। हम यहां पर अनाज के बिना परेशान हैं, भूख से मुदलता हैं। हम चारों तरफ से घिरे हुए हैं, मजबूर हैं और जब हमें आवश्यकता पड़ती है तो रूस भी हमारी मदद में नहीं आता है। इस तरह का हमारा फ्रेंडली रिलेशन्स कैसा है? कमजोर का कौन फ्रेंड होता है? इसलिए कहा गया है कि जो कमजोर होता है उसको कुदरती मार भी पहले पड़ती है और कमजोर के ऊपर सबका हमला होता है। आज भारतवर्ष को इस सरकार ने कमजोर बना दिया है। मैं श्री भूपेश गुप्त के संशोधन का कतई समर्थन करता हूँ। मैं यह समझता हूँ कि इस सरकार में ताकत नहीं है, क्षमता नहीं है, यह तमीज नहीं है कि हमारा फ्रेंड कौन है हमारी इंटोग्रेशन किस तरह से कायम होगी,

हमारी सावरेनिटी किस तरह से कायम होगी ?

क्या हम सावरेन हैं ? आज हमारी सीमा पर कितनी दूर तक चिक पड़ी हुई है । इस तरह की एक नहीं अनेक चीजें बतलाई जा सकती हैं । हमने तिब्बत दिया, बहाख दिया, उत्तरी पूर्वी आंचल में हमने इलाके खो दिए, तो क्या यह हमारी सावरेनिटी है ? एक हमारे यहाँ कहावत है "भूमि बीता भर नहीं, पृथ्वी पति नाम" ।

नाम तो हमारा पृथ्वीपाल है और हमारी जमीन की धूर नहीं है । इसलिये मैं अदब के साथ अर्ज करना चाहता हूँ कि यह सरकार कतई हक नहीं रखती है कि जिसको वह समझे बाहर जाने दे और जिसको वह न समझे बाहर न जाने दे । जिस आदमी के बाहर जाने पर वह समझती है कि इसकी वजह से इन्टीग्रेशन में खतरा होगा फ्रेंडली रिलेशन्स कायम करने में खतरा है, उसको वह नहीं जाने देती है । इसलिये मैं कहना चाहता हूँ कि श्री भूषण गुप्त ने जो संशोधन रखा है उसको मान लिया जाय और भारत के प्रत्येक नागरिक को जहाँ भी वह जाना चाहे उसकी इजाजत दे दी जाय । अभी हमारे मित्र श्री जगतनारायण ने कहा था कि उसके लिए एक पार्लियामेन्टरी कमेटी बना दी जानी चाहिये और जो भी बाहर जायगा वह उसको आवेदनपत्र देगा और यह कमेटी उन आवेदनपत्रों को देख कर इजाजत देगी । उसके ऊपर हम यकीन कर सकते हैं मगर आज कांग्रेस सरकार के ऊपर इस बात का फैसला करना कि वह नागरिकों के हकूकों की जांच करेगी कि उसके जाने से इस देश की सावरेनिटी और इन्टीग्रेशन को तो कोई खतरा नहीं है, इस चीज को नहीं छोड़ा जा सकता है । इसलिये मैं अदब के साथ कहना चाहता हूँ कि यह जो ऊपरी हिस्सा है उसको निकाल दिया जाय । मैं निश्चित रूप से सम्मानित सदस्यों से कहना चाहता हूँ कि भारत की

382 RSD—9.

साव रेनिटी कोरे मल्कों के साथ तिब्बत व्यवहार रखने कोई खतरा नहीं रहेगा और जैसा इस बिल में कहा गया है, उसको नहीं मानता हूँ और उसको डिलीट करने के पक्ष में हूँ ।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

1. "That at page 3, lines 27-31, the words 'unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such copy' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

2. "That at page 3, lines 29-30, the words 'the security of India, friendly relations of India with any foreign country or in the interests of the general public' be deleted"

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That clause 5 stand part of Lha Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—Refusal of passports, travel documents, etc.

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

11. "That at page 4, line 23, for the words 'any offence and sentenced,' the words 'any offence involving moral turpitude and sentenced in resnent thereof he substituted."

[Shri Surendra Pal Singh.] 13. "That at page 4, line 37 after the word 'passport', the words 'or travel document' be inserted."

SHRI BHUFBSH GUPTA: Sir, I beg to move:

3. "That at page 4, line 14, for the words 'prejudicial to' the words 'intended to be directed against' be substituted."

4. "That at page 4, line 17, for the word 'security' the word 'sovereignty' be substituted."

5. "That at page 4, line 24, for the words 'two years' the words 'ten years' be substituted."

6. "That at page 4, after line 24, the following proviso be inserted, namely:—

'Provided that offences under clause (e) of sub-section (2) of section 6 shall not include offences in connection with the normal political activities or trade union or any other activities in connection with popular mass movements;'

The questions were proposed.

SHRI BHUPESH GUPTA: Some improvement, I must say, has taken place, but not complete improvement. Now look at my amendment, Sir. At page 4, line 14, you will find that for the words "prejudicial to", I have put the words "intended to be directed against." I have tried to keep within the framework of this thing. Now, why have I put in this thing? Now one of the grounds for refusal of the passport is—"That the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India." Now, here I have tried to keep as close as possible to the right spirit, if there is any at all. My amendment says, ". . . in activities intended to be directed against . . .". I say

"intended to be directed against" because the present provision gives absolutely wide powers to the passport, issuing authorities to decide whatever they think, is "prejudicial to the sovereignty and integrity of India."

Now I want here instead, that activities must be intended to be directed against India. That is to say, the passport issuing authority should go by certain evidence. It is not his subjective decision which should settle the matter. There must be some evidence before him to show that the man is going with the intent to do something directed against the sovereignty or integrity of the country. If you accept my amendment, well I cannot be denied a passport unless they are in a position to show (hat they have evidence before them which clearly shows my intention and that the intention is to do something against the sovereignty or integrity of the country. Now, why did I put it? There is an appellate arrangement here and so I can go and tell the appellate court that I did not intend to do so. I can file an affidavit and say that I had no intention of doing what was apprehended in my case. So it is very, very important that this particular thing should remain in this form if at all you keep this idea of protecting the sovereignty and integrity of the country.

Then you will find, Mr Vice-Chairman, another amendment on this clause. At page 4, line 17, the word "security" is substituted by the word "sovereignty." Now they are fond of "sovereignty." I have put in here, "... detrimental to the sovereignty of India." Why "security of India?" "Security of India" is a vague term. If you mean sovereignty of India, put it in this form. It should not be so elastic a definition as you have given. Now, suppose, Mr. Vice-Chairman, I go abroad and do something which may not seemingly look like undermining the sovereignty of India, but which, in fact, may be an act of very great magnitude or enormity in that

direction. Here it is a 'matter of - interpretation. We have the sovereignty, the sovereign right of Parliament to decide policy issues. Suppose, somebody goes to the United States of America to settle some major policy questions like devaluation in consultation with the Americans, that would be impinging on the sovereignty of our country, in the sense that the sovereign rights are being discussed behind the back of Parliament and the nation. Therefore, I say that if you want to have this kind of provision, keep it like this. It should not be one-way traffic, because we find that many members of the Government and many members of the big business go abroad and come to some understanding and deals with the foreign interests and foreign big business and shall we say, certain people like the World Bank people, which barter away, if not bartering away which under mines our sovereignty. Devaluation was one such case which has undermined our sovereignty. They are all protected under the existing law. It is the poor man who will suffer because "security" is the police's concern. Do you think, Mr. Vice-Chairman, that all the passport issuing authorities who will be distributed all over the country—and I hope there will be more regional offices and so on—would be in a position to understand exactly what foreign relations mean or sovereignty in its detailed meaning for purposes of this clause? Well, all that they will understand is what the police say with regard to the security of the country and they will ask the next policeman about it. Suppose one applies for a passport to the Calcutta Passport Office, the Lai Bazar Police Commissioner will be asked "What is your opinion?" And the Police Commissioners do not understand much of sovereignty. They do not understand foreign relations either. They have a vulgar and crude idea, a distorted and perverted idea, of th? security of India and they will say "No, do not give him a passport because he is a security case." That

is enough to reject the passport application. Therefore, the word "security" should be changed here. Keep at least "sovereignty." "Sovereignty" is a more definite concept.

Then at page 4, line 24, for the words "two years", I have suggested "ten years" I gave this in order to protect ourselves to some extent. He has now put in "moral turpitude." I hope "moral turpitude" will be properly defined. I hope the regulations with regard to ""moral turpitude" will be properly settled. I do not know whether the hon. Minister has the definition in the Criminal Procedure Code in this matter. Moral turpitude means blackmarketing and swindling of public funds. Well, some such thing, I believe, would be included. I do not know how many big business people will get passports. All of them should not go. Many of them should be prevented from going.

Then, Mr. Vice-Chairman, I come to my amendment No. 6.

The idea is this. My amendment No. 5 is there. That procedure should be absolutely ruled out and I say that no police officer should be approached with regard to such people. You may or may not like one's activities but so long as these activities are recognised activities under the Constitution you have no right to refer the case to the policeman. I may be a trade union worker. Why should my case go to a policeman? I may be connected with the kisan movement or the students' movement. All these cases are referred to— The moment an application comes from a political worker or a leading person of a mass organisation, immediately they refer the matter to the Home Department for papers and their opinion. That should absolutely be ended. Therefore it is very, very important. To some extent the amendment they have given is an improvement. I am still trying to have a proviso clause because many people have been politically discriminated against. People going to the U.S. can get passports easily. People going to the socialist

[Shri Bhupesh Gupta.] countries are screened all the time. People who are high-ups, or connected with the big business have no difficulty for passports. They have enough money but people who are connected with the trade union movement have a lot of difficulties because the police comes in. Therefore I say you might consider these amendments that I have given. Finally I hope proper instructions will be laid down. Let it be known, let the Minister give an assurance if he can, that there shall not be the kind of political discrimination to which we have been subjected in the matter of passports. The words 'moral turpitude' should be incorporated in a proper way as not to include certain offences which are not certainly offences of that category but which may be regarded by some uninformed people connected with the issuance of passports, specially in the Home Ministry, as offences coming under moral turpitude. I hope the Minister will, when regulations are made, lay a copy of the regulations on the Table of the House.

श्री राजनारायण : श्रीमन्, मैं एक सफाई देना चाहता हूँ, क्वेरीफिकेशन। मैं जानना चाहता हूँ किसी कानून के पडित से कि मारल टर्पीट्यूड की कहीं ला में डेफिनीशन हुई है ?

श्री शीलभद्र याजी : हुई है।

श्री राजनारायण : या तो जज साहब बोलें या . . .

श्री शीलभद्र याजी : हम जज नहीं हैं ?

श्री राजनारायण : बटो।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You can ask the Minister.

श्री राजनारायण : मिनिस्टर बतावें मारल टर्पीट्यूड का सरकार क्या अर्थ लगाती है, फिर हम सोचेंगे कि उसके बारे में बोलें या न बोलें।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): If you permit me, I would say such expressions are

never defined and it is difficult to-define. It will have to be the general sense of the society as to what is moral and what is immoral. You will appreciate that it will change from country to country.

SHRI BHUPESH GUPTA: Suppose I get elected with the monetary help or financial help of a known black -marketeer out of the unaccounted money, what will it be called?

SHRI ARJUN ARORA: That is moral turpitude.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I thought the words are not defined. They are given in the dictionary. That is the-rule of interpretation.

श्री राजनारायण : जरा सुना जाय। श्रीमन्, जो बात आपने कही है उससे इति-फाक रखता हूँ, मगर जाला बनता है तो ला बनाने का अर्थ है कि ला वह हो जिसका मतलब समझ में आये, वह कान्क्रीट हो।

एक माननीय सदस्य : कामन सेन्स में समझो।

श्री राजनारायण : लोग कहते हैं कि कामन सेन्स में समझो। हम बहुत ही आसानी से कह सकते हैं कि कामन सेन्स बहुत ही रेयर होती है। हम आपसे अपील करते हैं कि ला की भाषा एसी नहीं होनी चाहिए क्योंकि मैं लड़ चुका हूँ इस पर। मैं वहां गया, जज साहब से पूछा। जज साहब ने कहा मारल टर्पीट्यूड का मतलब है, राबरी, डकैती वगैरह। यह तो क्रिमिन्ल आफेन्स है। इस लिए मैं चाहता हूँ कि (Interruptions) मारल टर्पीट्यूड का सब्स्टीट्यूशन हो और दूसरा बलाज भी निकाल दिया जाय। इन तमाम चीजों पर हम किसी को रोक नहीं सकते। मैं आप को यह बताना चाहता हूँ कि मारल टर्पीट्यूड का जो भी गवर्नमेंट रहती है वह उसका अपनी मर्जी से अर्थ लगाती है। मैं सरकार को उतना ही अधिकार देना चाहता हूँ जितना अधिकार लेकर वह सही काम को कर सके।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No^w. I will put the amendments.

SHRI BHUPESH GUPTA: He has not replied. It cannot be dispensed with. We have raised certain points. The Minister should reply.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He has given his views.

SHRI SURENDRA PAL SINGH: All these points have been replied to by the Minister. All I can say is that I am not accepting any of the amendments.

SHRI BHUPESH GUPTA: Are you going to have a convention where the Minister says when amendments are moved, 'I am not going to give a reply'. Because the Foreign Minister is not here . . .

(Interruptions.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): What he said was that these points have already been replied to by the Foreign Minister and he has nothing to add to it and he opposed the amendment.

SHRI BHUPESH GUPTA: Has the Foreign Minister given the definition of 'moral turpitude'? This is not fair.

श्री राजनारायण : हमारा प्वाइंट आफ आर्डर है। बता दिया जाय क्या किसी भी संसदीय परम्परा में ऐसा होता है। एक पाइंट उठा हुआ है, नया पाइंट है—जैसे अभी हमने मारल टर्पीट्यूड के बारे में कहा—तो एक मंत्री जो पाइलट कर रहा है बिल को वह कहे कि हमारे भूतपूर्व पूर्वजों में इसके बारे में डिफ़ीनिशन दे दी है, फिर अमेंडमेंट का कोई मतलब नहीं। बिल पर बहस करने का कतलब नहीं इसका यह अर्थ पार्लियामेंटरी पद्धति में लेंगे कि जो मंत्री इस बिल को ले चलने के जिम्मेदार है उन्होंने क्या विधेयक में है, क्या नहीं है यह बिना समझे बहस केवल यह तोता-रटन्त कर ली है कि

हम किसी अमेंडमेंट को मानेंगे नहीं। किसी डेमोक्रेटिक इन्टीट्यूशन में, किसी संसदीय प्रणाली में क्या यह बँच है ?

श्री अर्जुन अरोड़ा : वह बेगुनाह है।

SHRI BHUPESH GUPTA: If to an important matter of procedure.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Let me say something. If you and Mr. Rajna-rain occupy the whole time, you can yourself decide. I leave it to your good judgement to decide it. I think generally speaking the points that have been raised by Mr. Gupta . . .

SHRI BHUPESH GUPTA: Not by Mr. Gupta but by anybody.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I am saying about the particular points raised, they have been generally answered and I am satisfied with the reply that the Deputy Minister has given.

SHRI RAJNARAIN: What about moral turpitude?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

3. "That at page 4, line 14, for the words 'prejudicial to' the words 'intended to be directed against' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question

4. "That at page 4, line 17, if the word 'security' the word 'sovereignty' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

5. "That at page 4, line 24, for the words 'two years' the word 'ten years' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

6. "That at page 4, after line 24. the following proviso be inserted, namely:

'Provided that offences under clause (e) of sub-section (2) of section 6 shall not include offences in connection with the normal political activities or trade union or any other activities in connection with popular mass movements;'

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is-

11. "That at page 4, line 23, for the words 'any offence and sentenced' the words 'any offence involving moral turpitude and sentenced in respect thereof be substituted." *The motion was negatived.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

13. "That at page 4, line 3.7, after the word 'passport', the words 'or travel document' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 to 9 were added to the Bill.

श्री राजनारायण : शुरू में मैं एक इन्फार्मेशन जानना चाहता हूँ। इसके बाद जो मंत्री जी यहाँ पर बयान करेंगे उस पर क्या आज क्वेश्चंस भी होंगे।

उपसभाध्यक्ष (श्री अकबर अली खान) : स्टेटमेंट के मूतालिक आप पूछ रहे हैं।

श्री राजनारायण : जी हाँ। वह केवल बयान करके चले जायेंगे या उस पर क्वेश्चंस भी आज होगा।

उपसभाध्यक्ष (श्री अकबर अली खान) : जी हाँ, क्वेश्चंस चलेंगे। Now we take up clause 10.

The amendments may be moved.

Clause 10—Variation, impounding and revocation of passports and travel documents.

SHRI BHUPESH GUPTA: Sir, I move:

7. "That at page 6, line 12, for the word 'two' the word 'ten' be substituted."

SHRI SUNDAR SINGH BHANDARI: Sir, I move:

8. "That at pages 6 and 7, i* lines 38-39 and 1-3 respectively, the words 'unless in any case, the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such a copy' be deleted."

(The amendment also stood in the names of Sarvashri Niranjana Varma, V. M. Chordia and D. Thengari.)

SHRI SURENDRA PAL SINGH: Sir, I move:

12. "That at page 6, line 11, > for the words "any offence and sentenced' the words 'any offence involving moral turpitude and sentenced in respect thereof be substituted."

14. "That at page 6, line 33, after the word 'passport' the words 'or travel document' be inserted.

The questions were proposed.

श्री सुन्दर सिंह भंडारी : मैंने नं० 8 का जो अमेंडमेंट पेश किया है वह क्लॉज 10 के पांचवें भाग में रखा है। मैं एक बात मंत्री महोदय की जानकारी में लाना चाहता हूँ। यहां पर यह है कि जो पासपोर्ट इम्पाउंड होगा या रिजोक्ट होगा उसके लिये एक ब्रीफ स्टेटमेंट ग्राफ दि रीजंस रखा जायगा। परन्तु उसके बाद एक सेविंग क्लॉज लगाया है कि अगर चाहें तो वह ब्रीफ स्टेटमेंट ग्राफ दि रीजंस न दिया जाय अमुक, अमुक कारणों से। मैं यहां पर सिक्वोरिटी या फ्रेंडली रिलेशंस ये सब चीजें डिस्कस नहीं कर रहा हूँ लेकिन जो स्टेटमेंट बना कर आपने किसी को एम्पेट किया है या रिजोक्ट किया है उस ब्रीफ स्टेटमेंट की कापी को देने से भी इंकार करें इससे बढ़ कर आर्बि टरेरी एट्टीट्यूड दूसरा ही नहीं सकता है। मैंने इस अमेंडमेंट से केवल यही चीज यहां हाईलाइट करने की कोशिश की है कि जिस आधार पर ब्रीफ स्टेटमेंट तैयार कर के आप एप्लीकेशन को रिजोक्ट करते हैं उसकी कापी भी आप देने के लिये तैयार नहीं—इसमें कौन सा सिक्वोरिटी या इंडीप्रिटी या फ्रेंडली रिलेशंस का क्वेश्चन इनवाल्व्ड है—जब कि आप उस पर अपील प्रिफर करने की इजाजत देते हैं। इसीलिये मेरा निवेदन है कि यह जो नीचे प्राविजन है : 'unless in any case the passport authority is of the opinion that it will not be in the interests' such and such.

इतने भाग को डिलीट कर दिया जाय और जो भी ब्रीफ स्टेटमेंट तैयार हो उसके लिये इसी कानून में मॉडिफरी हो कि उस आदमी की उसकी नकल मिले।

PANDIT S. S. N. TANKHA (Uttar Pradesh): I think that, when there is a provision for filing an appeal, the appeal cannot be filed unless the order appealed against is attached with the memo of appeal. Therefore it is clear that it will be necessary

to file a copy of the order, and I am sure that the provision in the Bill does not mean that no copy of the order will be given to the appellant.

SHRI SUNDAR SINGH BHANDARE But the provision clearly says:

"Unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such a copy."

Even a copy cannot be furnished if such and such reasons are there. Then how can it become appealable and how can the provision for appeal be availed of?

SHRI SURENDRA PAL SINGH: This sub-clause relates to the withholding of communication of reasons to an affected person if his request for issue of a passport or travel document or an endorsement thereon is refused or his passport is impounded. Ordinarily, reasons will be communicated to him on demand. The exception is only to safeguard the essential interests of the country, such as sovereignty, integrity, security, friendly relations with a foreign country or public interest. Even in these matters, action to refuse a passport or endorsement thereon for travel to a specific country will be done on good evidence, but the evidence, because of the circumstances, is bound to be of a confidential nature.

SHRI SUNDAR SINGH BHANDARE I am on that question of issuing a copy to the person demanding it, not the other reasons.

SHRI SURENDRA PAL SINGH: . . . which cannot be disclosed and subjected to scrutiny because, by doing so, the Government may not be in a position to safeguard the essential public interest.

SHRI NIREN GHOSH: When a copy is not given how can you appeal?

SHRI SUNDAR SINGH BHANDARE: It is appealable according to the Bill.

SHRI SURENDRA PAL SINGH: A copy of the order will be given but the reasons will not be enumerated in it.

SHRI SUNDAR SINGH BHANDARE: How can the appeal be made then?

SHRI NIREN GHOSH: How can you appeal?

PANDIT S. S. N. TANKHA: I submit that this is a different thing altogether. The reasons may not be set out in the order, but, all the same, a copy of the order rejecting the petition for passport will have to state that on grounds of security or anything the passport is disallowed.

SHRI SUNDAR SINGH BHANDARE: What is there? They can give a brief statement.

PANDIT S. S. N. TANKHA: Same reasons must be there.

SHRI SUNDAR SINGH BHANDARE: Now what is the difficulty in giving that brief statement?

SHRI BHUPESH GUPTA: Now he has said that evidence will be there. Before whom? The passport issuing authority. And I am the aggrieved party. I go to file an appeal. First of all I have not been able to test that evidence. That would be untested evidence. It is quite clear. Now I am not even given an indication of the type of evidence that they have in the statement that will be made to me or the reasons that will be given to me. Then what is the meaning in having an appeal? On what basis do I stand, because they will say—if what Mr. Tankha says is right—that the passport has not been given on the ground of the security of India. Well, I precisely contest that, because the fact that I have not

I got the passport shows that the I passport has not been given to me. But why I go to the court of appeal or the appellate board is this that they have misapplied the law. Therefore, I should be in a position to challenge it before the authority which hears my appeal. It is a strange way; I can understand no appeal being provided for, but once you provide for some kind of appeal, you should give the party, the appellant, some reasonable opportunity to substantiate his contention and to challenge the decision. But that is not given. Yes, evidence will be with them. Now I can understand if they call me and I am in a position to cross-examine the witnesses, or to give my version of the evidence that is in their possession. I will not be allowed to know all the things with them. Therefore, it is all subjective. All that the passport authority will have to say is that he has got some evidence, and there the matter ends.

PANDIT S. S. N. TANKHA: If a person goes to an appellate court, how will the appellate court know that the matter was pending in the lower court and that it has been decided against him unless a copy of that order is attached?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is why I feel, Mr. Tankha, that they have not provided for appeal to a tribunal; they have provided for appeal to their own executive officer—I may be wrong in what I say.

PANDIT S. S. N. TANKHA: I have not been able to follow . . .

SHRI BHUPESH GUPTA: Let the Minister explain.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Tankha, I will call the Minister to reply.

SHRI SURENDRA PAL SINGH: Regarding the point raised, a copy of the order will be given, but the reasons will not be given.

SHRI BHUPESH GUPTA: On what basis do I go on appeal then? You, Mr. Vice-Chairman, said a very-important thing; many people may not have noticed that. You say, it is not a tribunal; it is an appellate board. Therefore, all that I am left to is to go from one executive to another. That is all. Therefore, there will not be any judicial consideration of my thing; no judicious mind will apply because the material on which the mind can be 'lied will not be there before it. The fact that I am going on appeal shows that I have some grievances, I am the aggrieved party.

SHRI NIREN GHOSH: It will be completely one-sided.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, you cannot convict a person . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I follow that; I have heard it.

SHRI BHUPESH GUPTA: . . . and as far as the passport is concerned, denial means conviction; I have been convicted; now I have been sentenced not to get the passport. Am I not entitled, as a convict in this matter, to appeal against my conviction as well as the sentence, on the basis of minimum requirements, before the tribunal or whichever authority to which I have to file my appeal?

SHRI ARJUN ARORA (Uttar Pradesh): Sir, I feel that there is much in what Mr. Gupta says. If appeal is provided for, then there must be some material on which the appeal may be based. An appeal cannot be based merely on the fact of denial of the passport. Therefore, it is necessary that the reasons for the denial of the passport should be stated in the order and the reasons must be full. The evidence on which the Government has arrived at the conclusion, that material should also be available to the person whose passport application is rejected. Otherwise there will be no purpose in

providing for an appeal. We will have it in the law. There will be a provision in the law for appeal, but there will 'be no grounds available for making the appeal.

SHRI SURENDRA PAL SINGH: The grounds for refusal will always be given to the aggrieved person, but in certain cases where the security of the country is involved it may not be advisable for the Government to give the grounds.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I mean there are two opinions here. There are, definitely two opinions and I quite appreciate that.

SHRI BHUPESH GUPTA: How can we appeal unless the ground is stated?

PANDIT S. S. N. TANKHA: Sir, . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We have heard everyone three times, I think.

PANDIT S. S. N. TANKHA: Here clause 11, sub-clause (1) says:

"Any person aggrieved by an order of the passport authority under clause (b) or clause (c) of subsection (2) of section 5".

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We are dealing with clause 10.

AN HON. MEMBER: But this has some bearing on clause 10.

PANDIT S. S. N. TANKHA: I was saying that sub-clause 11(1) states:

"Any person aggrieved by an order of the passport authority under clause (b) or clause (c) of subsection (2) of section 5".

So any of these reasons which are mentioned in sub-clause (2) of clause 5 will have to be given while rejecting the petition.

SHRI SUNDAR SINGH BHANDARE: That is already there.

PANDIT S. S. N. TANKHA: *Un-1* less the passport authority who rejects an application for passport mentions the grounds on which he rejects it, how can the appellate authority hear the appeal? Therefore, it is absolutely necessary to state the reason broadly and it will have to be there. It cannot be a blank order.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now I put the amendment of Mr. Bhandari to vote. The question is:

8. "That at pages 6 and 7 in lines 38-39 and 1-3, respectively, the words 'unless in any case, the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such a copy' be deleted."

The motion was proposed.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Next I put * Mr. Bhupesh Gupta's amendment to vote.

The question is:

7. "That at page 6, line 12, for the word 'two' the word 'ten' be substituted."

The motion was negated.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I now put the two Government amendments.

The question is:

12. "That at page 6, line 11, for the words 'any offence and sentenced' the words any offence involving moral turpitude and sentenced in respect thereof be substituted."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

14. "That at page 6, line 35, after the word 'passport' the words 'or travel documents' be inserted.

The motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11—Appeals.

SHRI SUNDAR SINGH BHANDARI: Sir, I move:

9. "That at page 7, lines 33 and 34 be deleted."

10. "That at page 8, lines 6-7, the words 'where such copy has been furnished to the appellant' be deleted."

The questions were proposed.

श्री सुन्दर सिंह भंडारी : मेरे पहले संशोधन से यह मतव्य है कि सेन्ट्रल गवर्नमेंट की आज्ञा के खिलाफ भी अपील होने का अधिकार होना चाहिये। यहाँ पर और आया-रिटिज की आज्ञाओं के खिलाफ अपील का अधिकार दिया हुआ है। केन्द्रीय सरकार के प्रति भी उसी प्रकार, उसकी आज्ञा के प्रति भी उसी प्रकार का असंतोष नहीं रहना चाहिये। कानून के गलत तरीके से इन्टरप्रेट करने के दोष से या देश की सिव्योरिटी—फ्रेन्डली रिलेशन्स के बारे में अपना अर्थ निकालने का एक पक्षीय तरीका और राजनतिक विचारों से प्रभावित होकर—उनका दृष्टिकोण हो सकता है। इन्हीं धाराओं में जब हमने नीचे के अधिकारियों द्वारा अपील करने का एक हक रखा है तो कोई कारण नहीं कि हम यहाँ पर एक बंधन लगायें कि केन्द्रीय सरकार की आज्ञाओं के खिलाफ अपील नहीं होगी। इसलिये मैं चाहता हूँ कि यह प्राविजन हाना चाहिये। यहाँ पर जो केन्द्रीय सरकार की

सुरक्षा की गयी है, यह सुरक्षा की व्यवस्था समाप्त की जाय ताकि पासपोर्ट को जो भी अधिकारी रोके या उसको खत्म करने की कोशिश करे या रिन्यूअल करने से इनकार करे, उसकी आज्ञा के खिलाफ अपील में जाया जा सके। अगर यह चीज यहाँ नहीं रहेगी, तो अपील किसको की जायेगी उसके लिये कानून के अंतर्गत रूल्स बनाते समय अपने आप उसकी व्यवस्था करना लाजमी हो जायेगा।

मुझे खेद है कि मेरे पहले संशोधनों को, इतना वाजिब होने के बाद भी, स्वीकृत नहीं किया गया, उसके अनुसार मेरा जो 10वां संशोधन था उसी एक चीज को प्रेस करने के लिये, अब वह रिटर्नडेंट हो गया है। अब मैं उसकी आवश्यकता नहीं समझता हूँ।

SHRI P. N. SAPRU (Uttar Pradesh): May I say a word? An application for a writ under article 226 of the Constitution is not ruled out so far as the Central Government's order is concerned.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have explained it in your speech that notwithstanding these provisions in this Bill, article 226 of the Constitution stands.

SHRI P. N. SAPRU: Yes, and to that extent it provides for a review of the order of the Central Government.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now I put amendment No. 9 of Mr. Bhandari to the vote of the House.

The question is:

9. "That at page 7, lines 33 and 84 be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): His amendment No. 10* is barren as he himself

*For text of amendment, *vide col.* 3054 supra.

has mentioned. So I put the question. The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clauses 12 to 27 were added to the Bill.

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

SHBI SURENDRA PAL SINGH: Sir, I beg to move.

"That the Bill, as amended, be passed".

SHRI BHUPESH GUPTA: Now I will give only some suggestions in a businesslike way. I know the Bill will be passed. First of all, I say that there should be more regional offices and there should be many more offices especially in West Bengal in view of the fact that the people there want to go to East Bengal and they want easy access to these offices to get passports.

SHRI AWADHESHWAR PRASAD SINHA (Bihar): I entirely agree with you.

SHRI BHUPESH GUPTA: You always agree with me, I know but you never say so. That is my first suggestion. And the second one is that these regional offices should be given Proper direction to apply this particular measure and they should be solely under the Ministry of External Affairs or the Central agency for dealing with this passport matter. My third suggestion is that the External Affairs Ministry or the passport authority should not refer any case to the Home Ministry or to any other Ministry unless there is very serious evidence with regard to the person who may come within the niis-

[Shri Bhupesh Gupta] chief of the provision, namely, that he has been convicted for moral turpitude. But normally there should be no reference to any other authority or Ministry. Fourthly, the statement made by the applicant in the passport application should be normally trusted but if there is any doubt certainly they can make enquiries if necessary. Therefore we say that the External Affairs Ministry should have its own agency of investigation in such matters. They should not wash their hands off the matter and leave the thing to be enquired only by the police officers and So on.

With regard to the P Form, the financial question and other things, they should all be gone into at the time of the issue of the passports. After the issue of the passport, normally these questions should not arise. Well, as I said, I want the P Form to go. Even if it is there, if they are satisfied that no foreign exchange is involved, normally there should not be any delay. Then, with regard to application for passports, it is expensive. For people like us it may be all right but I think the fees should be reduced. There should be a clear limit by when a passport application shall be disposed of. And there should be a report annually to Parliament by the Ministry showing how they have administered this particular law. As you know, there are many laws with regard to which a report is placed or a statement is made in the House once a year and that practice should be here also. That would give us an opportunity to review this matter, if necessary we can also make suggestions in this behalf in order to improve the thing. With regard to

provisions and other things, I need not go into them very much. The property qualifications and other things should not be rigidly interpreted so that people who are otherwise qualified can go. For example, many of us do not have much property except from what we get here and you can imagine what happens to others.

Mr. Vice-Chairman, I have another suggestion to make in regard to passports for the neighbouring countries, like Ceylon, Burma, Nepal—I do not know whether we need a passport for Nepal—Pakistan, Malaysia, Afghanistan and so on. In their case, it should be much liberalised and we should move in the direction of almost doing away with this institution if we can. We cannot do away with it today but there should be considerable relaxation with regard to these countries because there are obvious reasons for it into which I need not go now.

Again, the Ministry of External Affairs—I am giving the suggestion from my experience—should have a proper Department at the Secretariat level. They have, I understand, some Under Secretary or Deputy Secretary who is given the responsibility. Let one of them, let the Deputy Secretary be entrusted with the sole responsibility of seeing that this law is properly implemented. Now instructions should be given that valid passports, whenever they are sent up for renewal, should be automatically renewed. There should not be any delay in the renewal of passports. From our experience, even Members of Parliament who want to have their passports renewed have to wait till somebody somewhere has sanctioned it. That should not be so. If I were entitled to get a passport in 1962, I should be entitled to get it in 1966 also unless there is something very strong against me. Therefore I say that should be done. I think the M.Ps, and the M.L.As in the States should be associated in some advisory or consultative capacity in this matter because through them you can always come to know how the things are being administered. On the one hand, they will help us to remove individual grievances and on the other hand, in the light of their experience and suggestions you will be able to modify the system.

These are the suggestions I wanted to make, Once again I will ask the

Ministry of External Affairs to disengage themselves from the Home Ministry in this matter.

सरदार रघुवीर सिंह पंजहजारी (पंजाब) :
 मैं मिनिस्टर साहब के बोलने से पहले एक बात अर्ज करना चाहता हूँ। मेरी अर्ज यह है कि जहाँ तक फौजदारी केसेज का तात्लुक है जिसमें लड़ाई झगड़े हो जाते हैं, गिरफ्तारी हो जाती है, उस तरह के केसेज को इसमें न लिया जाय क्योंकि इस तरह के केसेज में लोग गुस्सा कर देते हैं जिससे इस तरह के केसेज हो जाते हैं और लोग पकड़े जाते हैं। आप लायर हैं और इस बात को अच्छी तरह से जानते होंगे कि स तरह के केसेज किस तरह से चलते हैं। इसलिए मैं फिर अर्ज करना चाहता हूँ कि जो फौजदारी के केसेज में सजायापता हैं, उनको न लिया जाय।

SHRI SURENDRA PAL SINGH: Sir, I am very thankful to Mr. Bhupesh Gupta for making some valuable suggestions and I assure him that the utmost consideration will be given to all the suggestions made by him by the Ministry of External Affairs.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

STATEMENT RE. THE WEST ASIAN CRISIS

THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): Sir, the statement is a long one. If you permit I can lay it on the Table or I can read it out. I am entirely in your hands.

SHRI BHUPESH GUPTA (West Bengal): How long? will it take? We want to know the latest developments and I think we can sit a little more because this is exercising our mind.

SHRI AWADHESHWAR PRASAD SINHA (Bihar): You will have your clarifications tomorrow. And you will get the copy of this.

SHRI BHUPESH GUPTA: That will be tomorrow. Let it not be said that while the Arabs are fighting heroically we could not even sit for some more time.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): All right; let us hear that.

SHRI SURENDRA PAL SINGH: Sir, yesterday, the Prime Minister made a statement in the House on the West Asian crisis. Since then, there have been some further developments which I would like to report to the House. The Prime Minister mentioned that in our endeavours towards restoration of peace we were making earnest efforts for a cease-fire and withdrawal of all armed forces to the positions they occupied on June 4.

On June 6, the Security Council unanimously adopted a simple ceasefire resolution as a first step. Evidently, in view of the gravity of the situation, a consensus emerged in the Council in favour of bringing about immediate cease-fire, leaving other steps to be taken later. But as no cease-fire took place as a result of this Resolution, at the request of the Soviet Union, an emergency meeting of the Security Council was called yesterday at which another resolution was unanimously adopted, demanding of the Governments concerned a cease-fire effective from 1.30 A.M. (IST) today. While firm information from the U.N. about the response to this resolution is awaited, Government of India earnestly hopes that all concerned will have already agreed to cease-fire.

Our Representative, while giving support to the resolution, stated that the cease-fire should be regarded only as a first step, although a most important first step. He added that India, alongwith some other members of the Council, would have preferred a reso-