

MR. CHAIRMAN: After the question is put we have come to know that the P.A.C. is seized of the matter and when the report of the P.A.C. comes, we shall certainly give an opportunity for putting questions. Next question, No. 576.

PASSPORT TO SHRI BIJU PATNAIK

\*576. SHRI CHITTA BASU: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the number of passports Shri Biju Patnaik is holding for travel to foreign countries;

(b) when his passport or passports were renewed last; and

(c) whether Government have received any request from Government of Orissa and/or Central Revenues advising to cancel Shri Patnaik's passport?

THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH): (a) Sri Bijayanand Patnaik is holding an ordinary passport.

(b) His passport was renewed in May, 1967.

(c) A request that Shri Patnaik's passport should not be renewed was received from the Government of Orissa, as they intended to appoint a Commission of enquiry to investigate certain alleged charges against former Ministers of that State. The request could not be complied with as the reason given by them did not constitute sufficient ground for such refusal.

SHRI CHITTA BASU: May I know whether Shri Biju Patnaik has got one passport for one country or he has got a number of passports for a number of countries?

SHRI SURENDRA PAL SINGH: Sir, Mr. Patnaik has only one passport, an ordinary passport. As for endorse-

ments for other countries, I have not got the information here.

SHRI CHITTA BASU: It is rumoured that Shri Patnaik has got some relations with Welcott whom he meets in different parts of the world. May I know whether that has been brought to the notice of the Government and, if so, what action the Government proposes to take in the matter?

SHRI SURENDRA PAL SINGH: May I submit that the Government does not take notice of rumours?

SHRI LOKANATH MISRA: May I know whether the hon. Deputy Minister knows that the provisions contained in the Passport Bill recently passed by the House empower the authorities to cancel any passport if the applicant is summoned by any court in India even as a witness? Now in the case of Mr. Biju Patnaik, Sir, he is an accused in a criminal case in the Presidency Magistrate's Court in Calcutta; he will be subjected to a Commission of Enquiry under the Commissions of Enquiry Act by the Government of Orissa. In addition to all that there is a suggestion from the Government of Orissa requesting the Government of India and the Minister of External Affairs not to extend the passport. In the context of these things how do we expect an answer from the External Affairs Minister that it is receiving consideration? He should categorically say that they are not going to renew the passport.

SARDAR SWARAN SINGH: I think we have categorically said that the passport has been renewed. So, there is no question of this matter receiving consideration.

About the other aspect, the hon. Member should know that a Bill is only a Bill although it might have been approved by this House and when it becomes law, if any alteration in the endorsement . . .

SHRI LOKANATH MISRA: On a point of order, Sir.

**SARDAR SWARAN SINGH:** Let me finish. So, if there is any case against Mr. Biju Patnaik in any criminal court or if there is a case pending, what the effect of that would be upon an endorsement which is already there on his passport, will be a matter which can be considered after we know the exact nature of the case and, secondly after this Bill becomes law.

**SHRI LOKANATH MISRA:** Sir, on a point of order. There was an ordinance prior to our passing this Bill. I am surprised to hear from the hon. Minister in charge of the Bill himself that the Bill is still a Bill. You had the Ordinance; you had to bring forward this Bill in order to legalise it. If the hon. Minister is so ignorant of facts and if I have to supply facts to him on the floor of the House, it is ridiculous. There was an ordinance and he should have acted on that ordinance itself.

**SARDAR SWARAN SINGH:** The hon. Member is right. We could take action under the Ordinance; I concede that. But the point here is that what we had before us was only the recommendation of the Orissa Government that they are intending to constitute a Commission of Enquiry and the view that we took was that mere intention to constitute a Commission of Enquiry, even according to the provisions of the Ordinance, did not come within the mischief of the Ordinance and, therefore, we had no option but to renew the passport and extend its validity because of the clear provisions of the Supreme Court judgment on the point.

**SHRI BHUPESH GUPTA:** Mr. Chairman, the question has not been answered properly.

**MR. CHAIRMAN:** Do you know the difficulty? So many people speak at the same time. How can then the Minister understand or how can others understand? Therefore I would like only one Member to speak at a time, not more than one.

**SHRI BHUPESH GUPTA.** And the Ministers add to the confusion. That is the general rule. Now, Sir, when a man applies for renewal of the passport, sometimes he gives the name of the country to which he wants to go. May I know whether anything has been indicated, has the hon. Minister got any information with regard to the country which Mr. Biju Patnaik proposes to visit and whether in the case of the endorsement giving that renewal the Government took into account whether Mr. Biju Patnaik has got any account in any foreign country? After all, Sir, he may settle there for three, four or five years. How do we know it?

**SHRI LOKANATH MISRA:** He has a factory in Kenya.

**SHRI BHUPESH GUPTA:** He may have a factory anywhere. It is all right as long as he does not settle upon us. I would like to know whether this has been found out by the hon. Minister, because this is a very serious case and in such a case enquiries are made by the passport authorities to find out the country to which the person concerned wants to go and the purpose for which he is asking for travel facilities.

**SHRI SURENDRA PAL SINGH:** Mr. Patnaik only asked for the renewal of the passport, not for any fresh endorsement. The endorsements were already there. We merely extended the time limit for another three years. Regarding his having any foreign exchange or accounts abroad, we have no information. We could not withhold renewal of the passport on that basis.

**SHRI DAHYABHAI V. PATEL:** Is the hon. Minister not aware of the fact that Mr. Biju Patnaik is involved in a criminal case and criminal proceedings against him have already been taken? In spite of that how is it that the Government thought it fit to renew the passport?

**SHRI SURENDRA PAL SINGH:** As far as our knowledge goes, there was no criminal proceeding pending against him or any allegations brought against him in any court of law. The Orissa Government merely said that they were intending to set up an Enquiry Commission.

**SHRI DAHYABHAI V. PATEL:** It is in the Chief Presidency Magistrate's Court in Calcutta. I am afraid the hon. Minister is not properly informed. How is it that people involved in serious crimes are allowed to go, whether it is Mr. Biju Patnaik or anybody?

**MR. CHAIRMAN:** Four or five persons get up and talk at the same time. If only one gets up, I shall give him sanction to put question. Otherwise the Chairman's eye would not look.

**SHRI B. K. P. SINHA:** May I know the provision to which the hon. Members refer on that side? Does it cast an obligation on the Government to cancel passports even if there is a minor criminal proceeding against somebody? Or is that provision of such a nature that it gives the discretion to the Government to cancel it or not to cancel it and . . . (*Interruption*). that it is obligatory on the Government to cancel the passport *ipso facto*? What is the provision?

**SARDAR SWARAN SINGH:** It is correct that the issue of a passport is at the discretion of the Government and generally the attitude is to grant the passport. I may remind this House, Mr. Chairman, the hon. Members who are now pressing for restriction were foremost in their criticism when the Bill was being considered, and they said that these were arbitrary powers and that they were going to be utilised to curb the right of citizens to travel. The attitude of Government in these cases is normally to allow the issue of passport and also to grant renewal unless there are compelling reasons to the contrary. That is the policy.

**श्री राजनारायण :** श्रीमन् इम प्रश्न का (ग) भाग है, यह बहुत ही महत्वपूर्ण प्रश्न है, और इसका उत्तर अभी तक साफ नहीं है, इस लिये मैं जानना चाहता हूँ कि सरकार इस बात को साफ करे कि—उड़ीसा की सरकार ने केन्द्र की सरकार को किस तारीख किस महीने को लिख कर दिया कि श्री बीजू पटनायक का पासपोर्ट रिन्यू नहीं होना चाहिये और उस तारीख उस महीने में आर्डिनेंस था या नहीं या यहां पर बिल इंट्रोड्युज हो चुका था या नहीं? उस आर्डिनेंस के मातहत सरकार को पूरा हक हासिल था कि सरकार उस पर जो उचित कदम उठाना चाहती वह उठा सकती थी। तो राज्य सरकार के बार बार आग्रह करने पर कि श्री बीजू पटनायक को बाहर जाने का पासपोर्ट नहीं दिया जाना चाहिये, केन्द्र की सरकार क्यों आवश्यक समझती है श्री बीजू पटनायक के पासपोर्ट को रिन्यू करना। यह बहुत ही वैलिड प्रश्न है, राज्य और केन्द्र की सरकारों के सम्बन्ध से भी इसका घनिष्ठ ताल्लुक है।

**SARDAR SWARAN SINGH:** As I have said the policy of the Government is normally to grant passport unless the case is such in which the passport should be refused and for that also a very strong case must be made out. Here was a case in which the individual had the passport, and whatever are the proceedings or the action which are pending against him or continuing, he applies for the extension of the period of that passport after the expiry of the period for which he held the passport, and this will normally be granted and should be granted. The only ground before the Central Government at the time when they considered this case was a request on the part of the Orissa Government that they intended to constitute a Commission of Enquiry and therefore this should be refused. We carefully considered it and came to the conclusion that this was not sufficient ground to refuse the extension of the passport.

श्री राजनारायण : मुझे यह कृपया बतायें कि मंत्री जी ने जवाब दिया वह हमारे सवाल का जवाब दिया गया है। मैंने मंत्री जी से जानना चाहा था कि वह क्लियरली नारीख, महीना बतायें कि राज्य सरकार ने किस तारीख, किस महीने में चिट्ठी लिखी, वह चिट्ठी क्या थी, उस समय श्री बीजू पटनायक पर कितने मुकदमे चल रहे थे ? केन्द्र की सरकार ने सब को छिपाया है। मैं चाहूंगा कि आप केन्द्र की सरकार को कम्पेल कर कि वह राज्य सरकार के खत को टेबिल पर रखे।

SHRI SURENDRA PAL SINGH: The communication from the Orissa Government in the first instance came to the Home Ministry sometime prior to March 1967—I have not got the date for that. But we received instructions from the Home Ministry to the effect that the External Affairs Ministry should not issue a passport to Mr. Biju Patnaik if an application to that effect was made. On the 28th March Mr. Patnaik applied for a passport but no passport was issued until after the 19th of May, that is after the Supreme Court judgement. During that period no passport was issued. The whole thing was kept pending, but when the decision of the Supreme Court came, we could not withhold it.

(Several hon. Members stood up)

MR. CHAIRMAN: I will call only one person to put a question. Mr. Mani.

SHRI A. D. MANI: The Minister stated just now that he was not sure on what charges Mr. Biju Patnaik was being investigated. He knows very well that Mr. Patnaik wrote to the Central Government asking them to appoint a Commission of Enquiry on the basis of the memorandum which was submitted to the President. The contents of the memorandum are known to all members of

the Cabinet. I would like to ask him whether it is the policy of the Government to allow persons, against whom serious charges are pending either before Commissions of Enquiry or Courts of law, to be given passports. If they say that is the policy, a person must be cleared in a court of law. Otherwise they must issue passports to all other persons, who are accused of criminal offences, before the trial is concluded and they are convicted in a court of law. If that is the policy, I am prepared to accept this position. The feeling has gone abroad . . .

SHRI LOKANATH MISRA: They have done it against the advice of the Home Ministry.

SHRI A. D. MANI: . . . that the writ of Mr. Biju Patnaik runs all over Delhi; he can do just what he likes; he can get a passport even if he is convicted in a court of law and go to South America and settle down. I would like to know, therefore, whether it is the settled policy of the Government to give passports to all persons who are accused of criminal offences.

SHRI A. D. MANI: . . . that the writ of Mr. Biju Patnaik runs all over by the Ordinance and when Parliament approves of the Bill that is before Parliament, then that will be the policy. In accordance with that policy each case has to be considered on merits, and if another case comes where there is intention to constitute some Commission to hold enquiry, that case will also be considered just as we have considered Mr. Biju Patnaik's case. I would like to add that this remark is absolutely unjustified that Mr. Biju Patnaik's writ runs. I do not know, it might be running in some other directions. Surely as far as we are concerned we grant him passport as any other citizen. In spite of the criticism, the right to passport is there and it should be issued or renewed; merely because there are people who are always agitating against him, it should not deter us from the exercise of our right and authority.

MR. CHAIRMAN: I think the question is sufficiently discussed. Next question.

(Several hon. Members stood up.)

MR. CHAIRMAN: I think this question has been sufficiently discussed. Next question.

SHRI G. MURAHARI: Can I ask a supplementary on this question?

MR. CHAIRMAN: No more.

SHRI DAHYABHAI V. PATEL: It is too embarrassing to the Government. Let it go.

#### MINISTERS IN THE PAY OF BUSINESS HOUSE

\*577. SHRI G. MURAHARI: Will the PRIME MINISTER be pleased to state:

(a) what action the Prime Minister proposes to take on the charges levelled against some of the Ministers accused of being in the pay of some business houses; and

(b) whether any enquiry has been instituted in the matter?

THE DEPUTY MINISTER [DR. (SHRIMATI) SARAJINI MAHISHI]: (a) and (b) A statement is laid on the Table of the House.

#### STATEMENT

Some time back, Shri Arjun Arora, while addressing a meeting of the Congress Parliamentary Party, made a general statement to the effect that some Central Ministers were in the pay of the Birlas. This statement naturally attracted the attention of the House. I requested Shri Arora to specify the allegations and the evidence bearing on them. He told me that the Ministers he had in mind were Shri Satya Narayan Sinha and Shri K. C. Pant. Subsequently, he sent me some notes concerning them.

I have gone into this material in consultation with my colleagues, the

Deputy Prime Minister, the Home Minister and the Minister of External Affairs, Shri Chagla. They have carefully examined the material made available to me together with the written statements of Shri Sinha and Shri Pant.

The Deputy Prime Minister, the Home Minister and Shri Chagla have come to the conclusion that the allegations made have not been substantiated. They are convinced that their examination of the material has revealed nothing relating to the conduct of Shri Sinha and Shri Pant which can be regarded as inconsistent with their integrity and honour as Ministers of Government. I am in entire agreement with this conclusion.

श्री गोडे मुराहरी : स्टेटमेंट में यह कहा गया है कि अर्जुन अरोड़ा साहब ने कुछ बयान दिये कांग्रेस पार्लियामेंटरी पार्टी की मीटिंग में। उसके बारे में प्रधान मंत्री, डिप्टी प्राइम मिनिस्टर, होम मिनिस्टर, एक्सटर्नल अफेयर्स मिनिस्टर्स इन चार की एक कमेटी बनी और उन्होंने, जो भी मेटिरियल उनको दिया गया उसको केयर-फुली एग्जामिन करके यह पाया कि इसमें कोई तथ्य नहीं है। मुझे समझ में नहीं आता कि अर्जुन अरोड़ा साहब ने जो नोट उनको दिये उनमें क्या यह नहीं कहा गया था कि श्री सत्यनारायण सिंह और श्री के० सी० पंत बिड़ला ट्रस्ट्स के डाइरेक्टर थे, ट्रस्टी थे और सत्यनारायण सिंह जो बिड़ला ट्रस्ट के डाइरेक्टर थे ट्रस्टी थे उनके पुत्र भी कुछ बिड़ला की कम्पनियों के डाइरेक्टर हैं और साथ साथ क्या यह सही नहीं है कि श्री के० सी० पंत कुछ बिड़ला कम्पनियों के डाइरेक्टर रह चुके हैं और यह सब जब उन्होंने उस नोट में दिया, तो फिर समझ में नहीं आता कि कैसे इस कन्क्लूजन में कमेटी आई कि इसमें तथ्य नहीं है कि ये बिड़ला के पास नौकरी करते हैं क्योंकि ये डाइरेक्टर जब फीस लेते हैं, तो कम्पनी के नौकर समझे जायेंगे ?