

- (3) Two statements (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (2) above.

[Placed in Library. See No. LT 1922/97]

- (4) A copy of the Railway Passengers (cancellation of tickets and refund of fares) Amendment Rules, 1997 (Hindi and English versions) published in Notification No. (G.S.R. 201 (E) in Gazette of India dated the 9th April, 1997 under section 199 of the Railways Act, 1989.

[Placed in Library. See No. LT 1923/97]

**Notification under Central Excise and Salt
Act, 1944**

THE MINISTER OF STATE IN THE MINISTRY OF
FINANCE (SHRI M.P. VEERENDRA KUMAR): I beg to lay
on the Table—

A copy of the Notification No. G.S.R. 240(E) (Hindi and English versions) published in Gazette of India dated the 3rd May, 1997 together with an explanatory memorandum making certain amendments in the Notification No. 5/94-CE (N.T.) dated the 1st March, 1994 so as to restrict the credit of input duties on specified price administered petroleum products to the extent of the amount of duty actually passed on to the buyers, under sub-section (2) of section 38 of the Central Excises and Salt Act, 1944.

[Placed in Library. See No. LT 1924/97]

12.04 hrs.

[English]

**MOTION RE: REPORT OF SELECT
COMMITTEE ON CONSTITUTION (SCHEDULED
TRIBES) ORDER (AMENDMENT)
BILL-EXTENSION OF TIME**

SHRI AMAR ROY PRADHAN (COOCHBEHAR): I beg
to move:

"That this House do extend further upto the last day of the last week of Monsoon Session, 1997, the time for presentation of the Report of the Select Committee on the Bill to provide for the inclusion of Koch-Rajbongshi community in the list of Scheduled Tribes in relation to the State of Assam (excluding autonomous districts)."

MR. CHAIRMAN: The question is:

"That this House do extend further upto the last day of the last week of Monsoon Session, 1997, the time for presentation of the Report of the Select Committee on the Bill to provide for the inclusion of Koch-Rajbongshi commu-

nity in the list of Scheduled Tribes in relation to the State of Assam, (excluding autonomous districts)."

The motion was adopted.

(Interruptions)

MR. CHAIRMAN: Shri Sontosh Mohan Dev.

(Interruptions)

[Translation]

SHRI NAWAL KISHORE RAI (SITAMARHI): Mr. Chairman, Sir, one of our colleagues Smt. Bhagvati Devi is sitting outside on Dharma ...*(Interruptions)*

MR. CHAIRMAN: Everybody will get chance one by one. If all of you Stand simultaneously, nobody will get the chance.

(Interruptions)

[English]

MR. CHAIRMAN: Everybody will get a chance, if you speak one by one. I have called Shri Sontosh Mohan Dev to speak.

(Interruptions)

[Translation]

SHRI VIRENDRA KUMAR SINGH (AURANGABAD): Mr. Chairman, Sir, one of our colleagues is sitting outside on Dharma. She should be heard atleast.....

MR. CHAIRMAN: If you sit down, you will get chance.

SHRI PRABHU DAYAL KATHERIA (FEROZABAD): Mr. Chairman, Sir, I have given a notice of privilege. Hon'ble Speaker has given time for today.

MR. CHAIRMAN: Please tell what is this notice about.

SHRI PRABHU DAYAL KATHERIA: Mr. Chairman, Sir.

[English]

AN HON. MEMBER: Sir you have called Shri Sontosh Mohan Dev to speak.

MR. CHAIRMAN: This is regarding privilege motion on which the hon. Member has given notice for and the notice of privilege takes precedent over other things. Therefore, I am giving him a chance to speak.

(Interruptions)

RE: QUESTION OF PRIVILEGE

[Translation]

SHRI PRABHU DAYAL KATHERIA: Mr. Chairman, Sir, this house is custodian of our rights and for that purpose

there is a tradition in Lok Sabha under the procedure of law of the Constitution. As per this tradition I would like to refer my issue to Committee on Privilege.

Mr. Chairman, Sir through you, I would like to submit that on 17th Feb. my family members—my elder brother's son i.e. my nephew, a cousin of mine who is the son of my father's sister, all three persons were kidnapped. I raised the matter in a most dignified manner from 17th Feb to 4th March. I am a public servant in which capacity I can raise the issue of my family. I raised my issue in this house on 4th March. At that time Hon'ble Speaker was in the Chair. Hon'ble Speaker gave his ruling to the Parliamentary Minister, Sh. Srikant Jena and Home Minister that the detailed information in regard to the kidnapping of my family members be furnished to the house. ...*(Interruptions)*

I request my friend Sh. Ram Vilas Paswan ...*(Interruptions)*

[English]

MR. CHAIRMAN: No interruptions and cross-talk at all, please.

(Interruptions)

[Translation]

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir Paswanji is my friend. Earlier when he used to sit beside me he used to espouse the cause of the Scheduled Castes and Scheduled Tribes people anywhere on earth. Does his heart not go out in sympathy with them today or he has lost his conscience....*(Interruptions)*

THE MINISTER OF RAILWAYS (SHRI RAM VILAS PASWAN) : Is he bringing privilege motion or asking reply from me?

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir, I hope, Hon'ble Minister will agree with me but please do allow me to say something....*(Interruptions)*

MR. CHAIRMAN : Come to the main point. Do not make a prelude.

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir, hon'ble Speaker gave the ruling on 4th march but after that nothing has taken place. Thereafter I again raised the issue in the house on 12th March....*(Interruptions)*

MR. CHAIRMAN : What is the subject matter of your privilege motion ?

SHRI PRABHU DAYAL KATHERIA : I am coming to that. On 12th March Hon'ble Deputy Speaker was in the Chair. He gave his ruling in which he said that the situation is said to be out of the control but in the case of Uttar Pradesh and Prabhu Dayal Katheria it has become even worse.....*(Interruptions)*

SHRI RAM SAGAR (BARABANKI): You should talk of

dismissing the Uttar Pradesh Government....*(Interruption)*

MR. CHAIRMAN : You sit down. Something terrible has happened with the Hon'ble Member, and it should not be mocked at.

Katheriaji, you should also not deviate from the point.

[English]

Do not beat about the bush. Come to the point.

[Translation]

SHRI PRABHU DAYAL KATHERIA : On 12th March, when I did not get any information in this regard, with heavy heart I made a submission in the House that... *(Interruptions)*

[English]

MR. CHAIRMAN : Treasury Benches may please pay attention. There should be no cross talk.

[Translation]

You are making a fun. Hon'ble member is our colleague. Three members of his family have been kidnapped and you are making a fun of it. It is really very disheartening.

SHRI PRABHU DAYAL KATHERIA : On 12th March with a heavy heart I had submitted in the house that if the Government of India do not provide information in this regard to the house within four days, I will commit suicide in the house.

MR. CHAIRMAN : You please tell the subject matter of your privilege motion.

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir this matter has gone to the entire country through the newspapers and television, BBC London had also broadcast it. The whole world came to know about Hindustan that has not only lowered my dignity but that of the House also. This news has gone out to the world that a Member of Parliament of India is going to commit suicide in Lok Sabha as his case has not been solved.

MR. CHAIRMAN : I will not give you more time. You come to your privilege motion.

SHRI PRABHU DAYAL KATHERIA : Now I am coming to my privilege motion. On 20th March Hon'ble Home Minister told me that this case had been referred to CBI. I visited Home Ministry several times from 20th to 29th to know what CBI had done about my family members, whether the case has been referred or not. I must know about it. Thereafter when I met Joginder Singh, Director of CBI, he told me that the case had been registered on 29th. I have documents about it and I have attached them with my privilege notice. The CBI says that the case has been registered on 29th while the Home Minister says that the case has been referred to CBI on 20th. Is it not contempt of the House that the case of a Member of

[Shri Prabhu Dayal Katheria]

Parliament has been referred to CBI after 40 days?
....(Interruptions) It is our allegation that there is a difference of 39 days in it. After all why is it so? (Interruptions)

MR. CHAIRMAN : So far as I have understood it you have submitted that on 20th Feb. Home Ministry wrote a letter to the CBI to conduct investigation about your case. Then why are you blaming the Home Ministry? So far as my knowledge goes they had referred your case on 20th.

[English]

I may be corrected if I am Wrong.

[Translation]

CBI can not take over the case until the State Government is pleased to hand it over. Until the State Government grants its permission and sends its request, the CBI can not take up the case just on the orders from the Home Ministry.

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir the Governor of Uttar Pradesh, Shri Bhandari has written to the Government of India that he is referring the case.

MR. CHAIRMAN : Has the Governor granted permission?

SHRI PRABHU DAYAL KATHERIA : Yes, Sir, he has given permission in writing.

MR. CHAIRMAN : Just now Atalji said that the Governor of Uttar Pradesh had granted permission and the CBI has registered the case and initiated enquiry into it.

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir how can the difference of 39 days be explained?

[English]

SHRI RAJESH PILOT (DAUSA) : Mr. Chairman, Sir, on a previous occasion also this matter was raised. We totally share the feelings of the hon. colleague. The hon. Speaker then said that the Government should ask for the report from the U.P. Government. That report must be brought to this House because everybody is concerned with what has happened to the hon. Member. So, this Government must get the report from the Uttar Pradesh Government and should tell the House as to how all these things have happened. It is because we were told that the Central Government would get a report from the Uttar Pradesh Government and would certainly look into the matter. The Central Government must now assure us that they would get the report from the U.P. Government and tell the House as to how all this has happened. The hon. Member is raising this matter almost everyday and we feel bad about it. How long would be continue listening to such feelings of our colleague? So, this Government must assure us as to what is the report of the U.P. Government; the status of the whole case and how it all has happened. The House has the privilege to know about it.

MR. CHAIRMAN : I would request somebody from the

Government side to react to whatever has been said now.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANT JENA) : Sir, let me clarify the position though I am not equipped with all the information of the case. So far as the case of the hon. Member is concerned, the Home Minister had made a statement after ascertaining the facts from the U.P. Government. A detailed statement in this regard was given in this House itself and subsequently...(Interruptions)

MR. CHAIRMAN : Do you mean that the statement that Shri Rajesh Pilot has been referring to has already been presented in this House?

SHRI SRIKANT JENA : Yes, Sir.

SHRI RAJESH PILOT : No, no. We want to complete report of the whole case.

SHRI SRIKANT JENA : Sir, a detailed statement had been made by the Home Minister and after that the case has been referred to the CBI for investigation and the CBI is already investigating the case. As has been pointed out by the hon. Member and as all of us know that nothing could be done till the case has been registered. If there is any other development in this regard, I would request the hon. Home Minister to make a statement.

SHRI RAJESH PILOT : That is right.

SHRI SRIKANT JENA : Sir, we are interested in protecting the hon. Member in any manner possible.

[Translation]

SHRI ATAL BIHARI VAJPAAE (LUCKNOW) : Mr. Chairman, Sir the complaint of the Hon'ble Member is that despite the announcement to conduct CBI enquiry in this matter the delay has been made in taking over the case by the CBI not in receiving the report from Uttar Pradesh Government. Hon'ble Home Minister had made a statement here. As per that statement when the case was referred to CBI they have not started the enquiry as quickly as they should have and hence the Hon'ble Member is making complaint. Hon'ble Home Minister should clear the position in the House in this regard...(Interruptions)

[English]

SHRI SRIKANT JENA : Sir, it has been stated by the hon. Member that the matter was referred by the Home Minister to the CBI on the 20th and the CBI registered the case on the 29th...

MR. CHAIRMAN : But that was done on the 29th March, 1997.

SHRI SRIKANT JENA : Sir, naturally only after the case was referred to the CBI and CBI took cognisance and registered the case, the investigation started. I would ascertain the facts from the Home Minister and find out as to whether the case is being investigated expeditiously or not....(Interruptions)

SHRI SAT MAHAJAN (KANGRA) : Sir, there is a delay in the implementation of the direction given by the Chair. That is the point... (*Interruptions*)

MR. CHAIRMAN : I think, all sections of the House appear to be deeply concerned about this matter and as has been suggested by the hon. Leader of the Opposition, I would like to request the Government to ask the Home Minister to make a detailed statement after getting the report from the U.P. Government, as has been suggested by Shri Rajesh Pilot. In addition to that, the hon. Speaker has informed me that he is actively pursuing the case of this privilege motion. So, at present we would leave it at that.

12.15 hrs.

[*English*]

REGULARISATION OF OUT-OF-TURN ALLOTMENT OF ACCOMMODATION TO GOVERNMENT EMPLOYEES

SHRI SONTOSH MOHAN DEV (SILCHAR) : Sir, today I am raising a humanitarian issue with which all sections of the House are aware. A large number of Class III and IV employees of the Central Government, as also Doctors, Superintendents and other Central Government employees are under eviction order of the Supreme Court on out-of-turn allotment. Unfortunately, this particular issue has been tagged up by the hon. Supreme Court with the issue of allotment of petrol pumps and other houses to the civilians. All political Parties have taken up this issue with the Government and have requested that since these Government employees have no alternate accommodation, their allotment should be regularised and they should be allowed to stay at those particular places.

In the last two days when they held a demonstration outside the Parliament House and another demonstration was held yesterday outside the residence of the hon. Speaker This issue needs to be considered by the Government.

As per the newspaper report, in my opinion there are two alternatives. As has happened in the case of Aquaculture where we have come out with a Bill, if there is a scope for the Supreme Court to review this case, the matter should be kept pending till that petition is disposed of. They should not be evicted.

There was an all Party meeting with the then Prime Minister, Shri Deve Gowda and the Government agreed to introduce a Bill to regularise these allotments. Just now Shri Vajpayee has said that some other Government servants are also in queue, because if these are vacated they will get them. They are also objecting that it should not be done. Their views also should be taken into consideration and some solution should be found out. Through you I appeal to all sections of the House to take up this cause with the Government and the Government should react on it.

[*Translation*]

SHRI PRABHU DAYAL KATHERIA : Mr. Chairman, Sir you please listen my one request. Whatever decision is taken by the House, I follow that. I request that a statement in this regard should be laid on the Table of the House before its adjournment. The House should be informed about the decision taken on my privilege motion. This is my request.

MR. CHAIRMAN : The Government should seek report from the U.P. Government as Rajesh Pilotji has said, I do not know whether the report from U.P. has been received or not but there will be no use of making incomplete statement here. Therefore, report from the U.P. Government should be sought immediately and as soon as the same is received, the Home Minister should come out with his statement.

SHRI PRABHU DAYAL KATHERIA : Report from U.P. Government has been received but I request that before the House is adjourned the Government should come out with the statement.

SHRIMATI SUSHMA SWARAJ (SOUTH DELHI) : Mr. Chairman, Sir the issue which has just been raised by Sontosh Mohan Devji in the House affects the people belonging to my Constituency the most. Therefore, I rise to voice their pains. I understand the dilemma of the Government that it is feeling helpless before the ruling of the Supreme Court but I would like to submit that the Government are not facing this type of dilemma and helplessness for the first time. In many other cases the Government have come across similar dilemma and found a way out of it. If I may cite an example, during this session itself when the Supreme Court gave its ruling regarding aqua-culture Hon'ble Law Minister is present here the issue pertained to his area, the Government found a way out and a Bill was brought forward in the House to provide relief to the affected people.

Mr. Chairman, Sir this issue started from cheating and has now become a matter of sympathy. Through you, I would like to urge the Government that it should issue directives to the effect that the instructions of the Supreme Court would be strictly complied with and if out of turn accommodation will not be allotted to any one, people who are in queue and waiting for accommodation would have a sigh of relief and injustice will not be done towards them in view of the instructions of the Supreme Court.

Mr. Chairman, Sir if the people who have already got accommodation are rendered homeless in order to provide accommodation to the needy people, we would come in the grip of another problem while finding out the solution of this problem. Therefore being a people's representative, I am presenting a mercy petition to the Government so as to prevent them from being rendered homeless. I request the Government to accept this appeal for mercy from them and issue strong directives to the effect that out of turn allotment would not be made to anyone as a result of which both parties would be benefited thereby.