

residing in Delhi, New Delhi, Bombay, Allahabad, Meerut, Nagpur, Kanpur, Calcutta, Madras, Bangalore and Hyderabad only whereas the Ex-Members of Parliament not residing in these cities are not given these Medical facilities;

(b) whether parents of Members of Parliament are given the medical attendance/treatment available to Members of Parliament and Members to their families only if they reside in the above-mentioned cities;

(c) whether the type of facilities available in a hospital to Members of Parliament and their family Members has to conform to the scale prescribed by the hospital concerned for Class I Officers; and

(d) if so, the status of the Members of Parliament equal to Class I Officer in regard to availability of these medical facilities?

THE MINISTER OF STATE IN THE
MINISTRY OF HEALTH AND FAMILY
WELFARE (SHRI JAGDAMBI
PRASAD YADAV) :

(a) The medical facilities under the Central Government Health Scheme are being given to the Ex-Members of Parliament residing in the cities covered under the Central Government Health Scheme. The Central Government Health Scheme is at present functioning in the cities of Delhi, Bombay, Allahabad, Meerut, Nagpur, Kanpur, Calcutta, Madras, Bangalore, Hyderabad and Patna.

(b) The medical facilities under the Central Government Health Scheme are available to parents of Members of Parliament if they are mainly dependent upon and are residing with them at Delhi/New Delhi. Parents of the Members of Parliament who are beneficiaries of the Central Government Health Scheme and who may be visiting other cities where the Scheme is operating and stay in the areas covered by the Scheme are entitled for free medical treatment under the said Scheme on the basis of the authorisation to be given by the appropriate authority.

(c) and (d). The Members of Parliament are treated on par with Group A (Class I) Officers of the Central Government in the matter of availability of medical facilities.

12.15 hrs.

QUESTION OF PRIVILEGE AGAINST CHAIRMAN, CALCUTTA PORT TRUST

MR. SPEAKER : Now papers to be laid on the Table. Shri Barnala.

SHRI SAUGATA ROY : Sir, what about my adjournment motion?

MR. SPEAKER : I will allow you to raise it under....

SHRISAUGATAROY (Barrackpore) : Sir, I have talked to the Minister and he has agreed to meet my point.

MR. SPEAKER : He can. I do not know.

SHRI SAUGATA ROY : It is a very serious matter.....(interruptions)

MR. SPEAKER : The Minister wants to make a statement. Would you allow him?

PROP. P. G. MAVALANKAR (Gandhinagar) : Is he laying a paper on the Table?

MR. SPEAKER : No, he wants to make a statement about sugarcane. Many Members are interested in it.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, according to your Direction No. 2, a member wanting to raise a question involving breach of privilege has precedence over the Minister's statement. Sir, I have given notice of a motion of privilege against the Chairman of the Calcutta Port Trust. He gave evidence before the Public Accounts Committee....

SHRI VAYALAR RAVI (Chirayinkil) : Sir, I rise on a point of order. (interruptions) Have you allowed him to raise the privilege motion under rule 222? Are you allowing him?

MR. SPEAKER : Mr. Bosu, you are raising this question again and again.

SHRI VAYALAR RAVI : He wants to move these motions against the officers....

SHRI JYOTIRMOY BOSU : I know he is shielding the bureaucrats, including the Chairman of the Calcutta Port Trust... (interruptions) Sir, if you do not allow it to be raised now, you will have to face it in the next session.

MR. SPEAKER : All right, Mr. Bosu. I have never been afraid in my life. It is too late.

SHRI JYOTIRMOY BOSU : Sir, I want to point out....

MR. SPEAKER : I have heard you. I have told you that I am not allowing the privilege motion. If you have any other matter, you can raise it.

SHRI JYOTIRMOY BOSU : Do you mean to say that a small employee, class 3 employec...

MR. SPEAKER : I have heard you.

SHRI JYOTIRMOY BOSU : Listen to me.

MR. SPEAKER : I have listened to you half a dozen times.

SHRI JYOTIRMOY BOSU : A Class III employee comes and reveals things before one of your Committees, and for doing that he is...**

MR. SPEAKER : Please don't record.

SOME HON. MEMBERS:**

SHRI C. K. CHANDRAPPA (Cannanore) : On a point of order. The Public Accounts Committee has certain privileges to take evidence.

MR. SPEAKER : Do you know the facts?

SHRI C. K. CHANDRAPPA : I am raising a point of order. If an ordinary employee has been asked to give evidence before a Committee, it is the duty of the House, because the Committee is acting on behalf of the House, to give him protection, if a bureaucrat is going to victimise that employee. From what he has said, as I understood him, the Chairman of the Calcutta Port Trust is going to victimise this employee for giving evidence before the Public Accounts Committee. If the case is like that, it is the responsibility of the House to look into the matter and protect the employee. You cannot just shut him out. You give an assurance that you will look into the matter. I am not going into the merits of the case. I am raising an issue. Because the Public Accounts Committee is acting on behalf of this House, is a Committee appointed by this House, if anybody is victimised for giving evidence before that Committee...

MR. SPEAKER : Your point of order has many "if's".

SHRI SOMNATH CHATTERJEE (Jadavpur) : The question is whether he is being victimised for giving evidence or not. It is very easy for the bureaucrat to say that he is not taking action against him for this. Under the garb of some fictitious charge, he can be dismissed, when the real object is to penalise him for giving evidence. Therefore, kindly do not go by the language of the charge given to

him. It is very easy to suppress it. Therefore, it is essential that the Privileges Committee should go into the matter. Otherwise, do you expect that anybody in this country will co-operate with any Committee of the House? This is a question of the very functioning of this House. Let the Privileges Committee decide whether there was a real intention which has been camouflaged by the notice. This matter cannot be decided like this.

SHRI VAYALAR RAVI : On a point of order. An attempt at victimisation by the Chairman of the Calcutta Port Trust against an employee is being alleged. Before taking a decision, you have to find out whether the concerned employee had made an appeal to the same Committee to look into this matter, requesting the protection of the Committee. Before it comes to this House, the PAC must look into it.

SHRI SHYAMNANDAN MISHRA (Begusarai) : Sir, the House would like to be enlightened by you in this matter. Here is a serious allegation made by an hon. Member. He makes out a case of breach of privilege. *Prima facie*, it seems that it would amount to a breach of privilege if certain investigations confirm his allegation. So, the duty of the House clearly to my mind is to go into this matter and to ask the Chair to investigate this matter because the Committee of the House is the House itself. There is no difference between the Committee of the House and the House itself. Therefore, if any witness has tendered, an evidence which has ultimately led to his persecution, then the House will have to protect that witness. We would like to be assured by you that you will look into the matter, investigate into it and then come before the House with your finding.

SHRI JYOTIRMOY BOSU : What was the observation of the Committee? I quote:

"Thank you very much. Your assistance has been very useful to the Committee.

Now, you apprehend some attack on you. You say, you require some protection. I am quite sure that the Committee is unanimous in this regard that such persons should be protected by the arms of law. Secondly, for tendering evidence before the Committee, nobody can be penalised or victimised under any circumstances by any authority because this is a Committee of the highest forum in democracy."

What is the letter that he has received? I quote that also:

"You have submitted a number of memoranda containing allegations relating to various departments/sections and personnel of Calcutta Port Trust. The allegations made "are purported to be based on official documents and records." I have been directed by the Chairman to obtain explanation from you as to how you procured such records and documents and in case such records and documents or information pertaining thereto were obtained through other Calcutta Port Trust employees, you are required to furnish the names and designation of such employees."

What more do you want? I feel that the matter be referred to the judicial committee of this House, namely, the Privileges Committee. It is an all-party Committee. So, there is no cause for complaint. I move that the matter be referred to the Privileges Committee. Sir, you get the sense of the House (*Interruptions*)

SHRI RAM JETHMALANI (Bombay North West): Sir, in the Public Gallery, we have got a lot of school children. In the interest of their education, they should be sent away from the Public Gallery before we carry on our deliberations.

MR. SPEAKER: No, no. They are entitled to know what we are doing. (*Interruptions*).

श्री गौरी शंकर राय (गाजीपुर): अध्यक्ष महोदय, हमारे मित्र यहां नये घारे हैं। उन्हें दूसरी जगह की ट्रेनिंग है, इस लिए वह कभी कभी चैक उठते हैं।

PROF. P. G. MAVALANKAR: On a point of order. Mr. Jethmalani, my esteemed friend, made some observations. I want to go on record to say that the practice here has been that a Member of the House shall not take any notice of anybody in the Gallery. That is the practice. Therefore, he need not refer to persons in the Gallery. That is not done. We are not supposed to take any notice of whosoever may be sitting in the Gallery. (*Interruptions*).

SHRI SUSHIL KUMAR DHARA (Tamluk): Sir, I want to say something. Please give me a chance.

श्री गौरीशंकर राय: ऐसा है कि वह एक नये व्यापकी हैं, व्यापको नोटिस नहीं लेना चाहिए। (अवधान)

मैं यह निवेदन कर रहा था कि कमेटी में बयान देने के लिए कोई धादमी प्रान्सट्रस्ट किया जाता है या विक्टिमाइज किया जाता है तो वह बीच घाफ प्रिविलेज का केस है। जो बयान दिया है माननीय सदस्य ज्योतिर्मय बामु ने उससे यह पता लगता है कि उन से कहा गया है कि घाफ ने कमेटी को इन्फार्मेशन पास प्रान किया है तो यह मामला एक जांच का धवश्य बनता है। हाउस की एक कमेटी को या प्रिविलेज कमेटी को इसकी एन्क्वायरी करनी चाहिए ताकि यह मालूम हो जाए कि कोई धादमी इस बात के लिए पैनलाइज हुआ है या नहीं। जितने बीच घाफ प्रिविलेज होते हैं उन में सब से सीरियस बीच घाफ प्रिविलेज होता है विक्टिमाइजेशन फार दि सर्विस घाफ दि कमेटी ऐंड प्रान्सट्रेशन इन दि सर्विस घाफ दि कमेटी। तो यह सब से सीरियस किस्म का बीच घाफ प्रिविलेज है। तो कमेटी इसी की एन्क्वायरी करे और एन्क्वायरी के बाद अगर जिम्मेदारी साबित हो जाए तो उसको सजा दी जाए। लेकिन प्राइमाफेक्ती यह केस एन्क्वायरी के लिए बनता है, इसलिए इस को प्रिविलेज कमेटी के सामने भ्रज दिया जाय।

SHRI SUSHIL KUMAR DHARA: I have been trying my best to impress upon you something. Please listen to me, Sir. This is also a question of privilege for a Member. What Mr. Jyotirmoy Bosu alleged, I am also alleging in the same manner. I sent notices of privilege motions twice, but you rejected them. In support of what Mr. Jyotirmoy Bosu has said today, I want to say that it is clear, from the letter which he read out just now, that this notice which was given to Mr. Haripada Ghosh was given to him on the 17th December, 1976. He came before the Public Accounts Committee on the 15th March, 1975. Some unscrupulous officers took advantage of the Emergency and he was suspended. That poor man is now in the streets. You will be astonished to know that he has nothing to feed his family of seven members. He has a very brilliant son, but he had to give up his studies. He is now a wage-earner; he is earning wages by manual labour and thereby he is maintaining the whole family. You should take some notice of it. In this

[Shri Sushil Kumar Dhara]

way the bureaucracy, the unscrupulous officers must not be allowed to do anything; they should be restrained. I can tell you sir, that Shri Haripada Ghosh is going to be repented soon; this retrenchment order has been signed by FA & CAO and it has been kept by the Chairman of the Calcutta Port Trust in this desk. As soon as this House rises on 23rd on the 24th that notice will be served to Mr. Haripada Ghosh. That employee who came before the Public Accounts Committee to help the Committee is thus being punished. I can say with all assurances that the Calcutta Port Trust authorities are very corrupt. I have written to the Minister and to the Secretary several letters in this respect during the last four months. But nothing has been done.

SHRI CHITTA BASU (Barasat) : Mr. Speaker, Sir, Shri Haripada Ghosh appeared before the Public Accounts Committee on the 15th March, 1975. He was issued a charge-sheet on 12th July, 1975 and again on 21st July, 1975. Ultimately, a letter was written to him on 17th December, 1976, that he should disclose the names of those persons from whom he got the information and placed it before the Public Accounts Committee.

The Public Accounts Committee is a body which is there to have surveillance over the Government and it is accountable to this House. This Mr. Ghosh was asked to give relevant evidence before the Public Accounts Committee and he did so and mentioned about the functioning of the Port Trust. For this, he has been victimised. This does amount to breach of privilege and needs to be referred to the Committee of Privileges.

SHRI MOHD. SHAFI QURESHI (Anantnag) : Sir, Shri Jyotirmoy Basu has raised a very important point, but the only trouble is that he does not take the entire House into confidence, because he presents the matter in such a way, it seems, that he is quarrelling with the whole House.

The point is that there are various Committees which have been appointed by you and as Shri Shyamanandan Mishra pointed out those are the Committees of the House and people giving evidence before such Committees should not be victimised. This is, therefore, a fit case to be sent to the Privileges Committee.

MR. SPEAKER : In view of the strong views of the House, I shall revise my opinion, but I am duty-bound to tell you why I withheld my consent. When Shri Jyotirmoy Basu sent me a notice about this—I always think that the privilege is a quasi-criminal matter and one must

take a serious view of it—immediately I called or a report from the Chairman of the Public Accounts Committee whether it is a case of victimisation or it is something outside the victimisation.

SHRI JYOTIRMOY BOSU : Not necessary.

MR. SPEAKER : Please hear me now. I have heard you; you have a duty to hear me now.

The Chairman of the Public Accounts Committee sent me a report saying that this has nothing to do with the evidence given before the Committee; it is totally something different. It is on that basis that I have withheld my consent. I have a duty to respect the opinion of the Chairman of any Committee, for that matter, that is appointed. It is because of that that I withheld my consent. Now, that the House is so much agitated about it, I shall revise my opinion.

SHRI G. M. STEPHEN (Idukki) : Mr. Speaker, Sir, I want to make one submission. When you referred this to the Chairman of the Public Accounts Committee, I have no opinion either way. The fact of the matter was that this employee sent in a petition to the former Chairman of the Public Accounts Committee, Shri H. N. Mukherjee. He made a record on that after going through it that this Committee has nothing to do with it; this does not amount to any violation of any privilege or any undertaking given. He did that after going through all the facts. Subsequently, you sent it to me and I quoted that Chairman's observations. Before the Speaker sent these papers to me, this employee sent the papers to this Committee also. I saw that he was given a transfer order from one section to another. He disobeyed the transfer orders. On the basis of violation of that transfer order, some action was taken. This is a very distant thing from what is happening. Therefore, before the privilege matter came up, objectively, I made a casual record before I received any intimation from you saying that this has nothing to do with the assurance given by the Committee and, therefore, there is nothing that the Committee has got to pursue. When you sent it to me, I gave this background material and passed it back to you. I have got very definite views about it, but as this is a matter which I dealt with, I do not want to make any representation before this House.

There is another point and that is, you will have to consider what it does amount to.

If all the facts stated are correct, it amounts to contempt of a Committee.

And there is a procedure, if it amounts to contempt of a Committee, and that is that the Committee will consider and the Chairman of the Committee, as per the opinion of the Committee, will make a submission to you.

SHRI JYOTIRMOY BOSU : No, no.

SHRI C. M. STEPHEN : This I am saying not as the Chairman of the Committee, but as a Member of this House. You may kindly take this aspect into consideration.

SHRI JYOTIRMOY BOSU : The House is supreme.

SHRI C. M. STEPHEN : That is all right. What the procedure must be.....

SHRI JYOTIRMOY BOSU : On a point of order, Sir.

MR. SPEAKER : You have a duty to bear others also.

SHRI JYOTIRMOY BOSU : I cannot be misled like this.

Under Rule 222....(Interruptions) I am on a point of order, Sir.

SHRI C. M. STEPHEN : I am already on a point of order.

I am not pleading for anybody. I am only putting this question before you, not as Chairman of the Public Accounts Committee but as a Member of this House which is keen that precedents laid down must be healthy precedents. Supposing somebody comes before my committee or the committee on Lokpal and supposing he has committed a contempt there and that committee is seized of that and if the Chairman writes to you, then you can take it as a matter of privilege. This is the procedure. Before you finally say as to what should be done, what the procedure must be is a matter you may kindly consider so that healthy precedents are laid down.

I have nothing against sending this matter to anybody. I am not at all taking any position either way. Now that you have mentioned that the matter was sent to the Chairman of the Public Accounts Committee, I am giving to the House the background of the matter without expressing an opinion as to whether a privilege is involved or not. As a member of the House again and not as a Chairman of the Public Accounts Committee, I am submitting that healthy precedents should be laid down. If the allegation is that a privilege of a committee has been violated, then the matter must initially go before that committee and you may consider this.....

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI RAJ NARAIN) : No, no.. (Interruptions) It is a question of privilege. You please give your ruling.

MR. SPEAKER : I am allowing it..
.....(Interruptions)

Taking into consideration the strong views expressed in the House, I am revising my opinion and I am sending it to the Privileges Committee.

SHRI RAJ NARAIN : What about my privilege motion ?

MR. SPEAKER : It is under consideration. I have called for an explanation.

Mr. Barnala.

SHRI RAJ NARAIN : Privilege matters should come first. Then, Sir, this House is going to adjourn tomorrow.

MR. SPEAKER : Privilege questions will not lapse.

SHRI RAJ NARAIN : Then, what is the meaning of 'earliest opportunity' ?

MR. SPEAKER : 'Earliest' means as early as possible.

Mr. Barnala.

12.43 hrs.

RE. DISCUSSION ON PRICES OF SUGAR CANE AND GUR

श्री सुरेन्द्र विष्णु (साहजहांपुर) : अध्यक्ष जी, मेरी बात सुन लीजिये। मैं चाहूँगा कि कृषि मंत्री जी, जो अभी बोलने के लिए खड़े हो रहे हैं, चीनी और गुड़ को जो दुर्दशा हो रही है, उसके बारे में हम सब लोगों को पूरी जानकारी दें और यह बताएं कि वे इस संबंध में क्या कर रहे हैं।

श्री मनो राम बालाड़ी (मथुरा) : अध्यक्ष जी, यह लोक सभा है और भारत के किसानों का जब दिल हिनता हो, तो लोक सभा को भी हिलना चाहिए। यह लोक सभा है और यहाँ पर मुबल दरबार जैसे कायदे कानून नहीं चलेंगे। गुड़ और गन्ने के सवाल को ले कर, मैं गाँवों में होकर आया हूँ, किसान