



FIFTH LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

COMMITTEE OF PRIVILEGES
(2010-11)

In the matter of Breach of Privilege raised by Shri Manohar Parrikar, Leader of the Opposition against Shri Ravi Naik, Home Minister for misleading the House while replying to a Starred Question in the House (Starred 9C regarding 'Bomb Disposal Training' tabled by Shri Rajesh Patnekar, MLA and answered on 3-8-2009).

Presented to the House on 4-2-2011

GOA LEGISLATURE SECRETARIAT
PORVORIM, GOA



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(i)

COMPOSTION OF THE COMMITTEE

(2010-11)

CHAIRMAN

Shri Mauvin Godinho

MEMBERS

Shri Francis D'Souza

Shri Agnelo Fernandes

Shri Dayanand Mandrekar

Shri Anant Shet

Shri Chandrakant Kavalekar

Shri Dilip Parulekar

LEGISLATURE SECRETARIAT

Shri J. N. Braganza

... Secretary

Shri N. B. Subhedar

... Joint Secretary

Smt. Ligia Godinho

... Under Secretary

Smt. Blandina D'Sa

... Section Officer



(ii)

INTRODUCTION

I, the Chairman of the Committee of Privileges (2010-11), having been authorized by the Committee to present this Report on the question of alleged breach of privilege raised by Shri Manohar Parrikar, Leader of the Opposition against the Home Minister for misleading the House while answering a Starred Assembly Question 9C on 4-8-2009, present it to the Goa Legislative Assembly.

The Committee held four meetings. This report was considered and adopted by circulation on 3-2-2011.

**ASSEMBLY HALL
PORVORIM, GOA.**

**MAUVIN GODINHO
CHAIRMAN**

DATED: 4-2-2011



REPORT

On 6th August 2009, Shri Manohar Parrikar, Leader of the Opposition under Rule 76 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly gave a notice of breach of privilege against Shri Ravi Naik, Minister for Home for misleading the House while answering Starred Question No. 9C on 'Bomb Disposal Training" tabled by Shri Rajesh Patnekar, MLA on 4th August 2009 (Annexure- I).

2. The reply to the said question (Annexure-II) has two annexures namely A and B. Annexure A is a list of Police Personnel who had undergone BDDS course and Annexure B pertains to the police personnel attached to Bomb Detection Squad entitled for special pay (50% of emoluments – excluding HRA & other allowances). The Member stated that the Home Minister while replying has misled the House by giving wrong information. In the reply the Minister has stated that 'Special pay to the tune of 50% of emoluments (excluding HRA and other allowances) are being paid only to the personnel attached to the Bomb Detection and Disposal Squad". The Member has contended that in Annexure – A, persons at sl. No. 26, 34, 35, 36, 38, 39 and 41 who have undergone BDDS course and attached to Bomb Disposal Squad are not figuring in the list in Annexure – B which comprises of those who have been paid 50% emoluments. This misleading reply has caused grave offence of breaching the privilege of the member who raised the question and well as the whole House.

3. The Hon. Speaker called for the comments of the Home Minister in respect to this question vide letter dated 14th August 2009. However, there was no response from the Minister and a reminder was sent once again vide letter dated 22nd September, 2009.

4. The written comments on the Minister were received on 28th October 2009 (Annexure – III). The Minister in his letter stated that though the strength of the Bomb Disposal Squad is 6, due to security concern, the strength has been increased to 45 by deploying additional police personnel from other branches. The special allowance to the squad is sanctioned from a specific budget head of the CID branch. The officials attached to the Bomb Disposal Squad and not drawing salary from this head, have not been paid the special allowance. The Minister has further stated that due to issuance of various orders on different

dates of posting/attaching officials from other branches with the Bomb Disposal Squad, inadvertently the issue of payment of special allowance to the officers who were drawing salary from other Budget Heads could not be appreciated properly by the Police Department and hence not reported correctly to the Government due to which the error crept in. The Minister also stated that he has ordered an inquiry into the matter and will fix responsibility on the officers furnishing incomplete and incorrect information to the Government with a request to drop the privilege.

5. The Hon. Speaker relied on the book 'The Practice and Procedure of Parliament' by Lok Sabha Secretariat (page 290-91) which states-

If any statement is made on the floor of the House by a member or Minister which another member believes to be untrue, incomplete or incorrect, it does not constitute a breach of privilege. If an incorrect statement is made, there are other remedies by which the issue can be decided. In order to constitute a breach of privilege or contempt of the House, it has to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. A breach of privilege can arise only when the member or Minister makes a false statement or an incorrect statement willfully, deliberately and knowingly.

Incorrect statements made by a Minister cannot make any basis for a breach of privilege. It is only a deliberate lie, if it can be substantiated, which would certainly bring the offence within the meaning of breach of privilege. Other lapses, other mistakes do not come under this category, because every day we find that Ministers make their statements in which they make mistakes and which they correct afterwards.

6. The Hon. Speaker thereafter opined that there appeared to be no deliberate attempt on the part of the Minister to suppress information from the House and therefore desired that the factual inaccuracies in the reply to Starred Question No. 9C replied on 4-8-2009 be got corrected and authenticated by him and then circulated amongst the Members of the House during the forth coming Assembly Session. It was also informed that unless this was complied the notice of breach of privilege would remain on record. The corrected reply to the said Assembly Question was not received during the Assembly Session held in December 2009. The Hon. Speaker on 11th January, 2010 referred the matter to the Committee of Privileges for examination and Report.

7. Memorandum No. 1 of 2010 on the matter was circulated to the Members of the Privileges Committee (Annexure – IV)

8. The Committee during its sitting on 28th June 2010 acquainted itself on the issue and desired that the Home Minister be communicated to circulate the corrected reply to the said question on the first day of the Assembly Session that was to commence on 19th July 2010. However, the corrected reply to the said question was not circulated. The Committee during its sitting on 15th November 2010 deliberated on the issue and were conscious of the disregard shown by the Minister to the Committee of Privileges but as the Minister had accepted the inaccuracies in his reply to the said LAQ, the Committee in its wisdom agreed to give him another chance to rectify the reply. As there was still no response from the Minister, the Committee summoned the Chief Secretary, Home Secretary as well as the Director General of Police to appear before the Committee during its sitting on 13th January 2011.

9. The Home Minister forwarded to the Hon. Speaker on 12th January 2010 the corrected reply to the said question (Annexure – V) to be circulated to the House. A copy of the corrected reply was placed before the Committee of Privileges during its sitting on 13th January 2011. The Acting Chief Secretary, Secretary – Home and the Director General of Police along his officials appeared before the Committee on 13th January 2011. The Committee examined the officials who stated that there was a lapse on their part in furnishing the reply. There was an inadvertent error in giving the reply which they attributed to extraordinary pressure of giving about 114 assembly replies by a meager staff. The Chief Secretary apologized for the inadvertent error with an assurance that the same would not recur.

10. The DGP regretted the error that crept in inadvertently in the reply. The S.P. (Head quarters) made the following submissions before the Committee –

a) the error cropped up at the time of compiling the data. There were repetitions in the names of the officials that were trained. Secondly no records were maintained of those officials trained, therefore the reply to the question was given based on the orders issued to officials for training. The error in the reply was not intentional and the Department did not intend to give a false reply. Inquiry was made on the officers responsible and found that the officers collating the information had committed the mistake on account of pressure of assembly questions. The respective staff have been briefed to be more serious and cautious in preparing replies.

b) there are 6 sanctioned posts in the Bomb Disposal Squad who received special pay of 50% of emoluments excluding HRA and other allowances. Over the years, due to various threats faced, the duties of the Squad increased and over a period of time, the manpower in this squad had to be

increased simultaneously. The department sent 51 officers for training on bomb disposal from different units. Orders were issued that they would also draw the extra allowance in accordance with the circular issued by the Home Department for the 6 sanctioned posts and the others would draw salary from the concerned units from where they were taken. There was a dual interpretation of the orders and 22 officers from other units did not get the allowance although they were trained and posted in the bomb disposal squad.

c) a proposal was sent to the Government on 21-5-2010 requesting for an additional manpower of 48 posts. Discussions were held on this and the Department resubmitted a revised proposal on 22-12-2010 to the Government for an additional 24 posts to meet the requirements; 12 in North Goa and 12 in South Goa. The Government has not increased the posts as on date.

d) leaving aside the 6 sanctioned posts in the Bomb Disposal Squad, the Government desires to withdraw the special pay of 50% emoluments that are being given to the other trained staff working in the Squad and is also contemplating to recover the amount paid to them.

11. The Committee was disturbed to note that –

- a) the Government is not sanctioning the required number of 48 posts needed in the Bomb Disposal Squad. Instead of providing safety to the people of the State, it intends to down size the actual requirements to 24 posts.
- b) the Government intends to withdraw the 50% of emoluments (excluding HRA and other allowances) being given to those trained in Bomb Disposal and working in the Squad.
- c) the Government intends to recover the emoluments paid to the officials in the Bomb Disposal Squad.

12. The Committee feels that the Government should apply its mind and take into consideration the safety of the State. Protection to its people should be of prime importance to the Government and the Government should strive its utmost to provide security to its people. The Committee finds that the Government instead of recognizing the risk involved in lives of the personnel attached to the Bomb Disposal Squad and motivating them with incentives, intends to withdraw those officials attached to the Bomb Disposal Squad so also the special pay given to them as well as down sizing the required strength of persons in this Squad.

13. The Committee strongly recommends the Government not to breach the privilege of security for its people nor make compromises on it at any cost. The Committee recommends that the Government

- a) *create adequate posts that are required in the Bomb Disposal Unit.*
- b) *the staff working in the Bomb Disposal Squad whose posts are not yet sanctioned should continue in those posts as well as avail the special pay that they have been receiving.*
- c) *officials who are performing the same work but dues have not been given to them should be paid their dues.*
- d) *the Government withdraw its intention of recovery of emoluments from the officials that have received the same.*

14. The Committee strongly recommends the immediate computerization of the Police Department. There should be a computerized data base and the Department keep itself up to date in its records. This will help the efficiency of the Department in providing accurate records at any time without much trouble, leaving less scope for errors which will simultaneously reduce the work stress of the staff.

15. The Committee considered the matter of breach of privilege in toto along with the corrected reply forwarded by the Minister. The Committee recommended that the said Starred Question be circulated to the Members in the House. The Committee has noticed with distaste the scant respect shown by the Minister in ignoring the directions of the Committee. The Minister being a part of the Government should be duty bound in providing prompt service to the people of the State. The Committee fails to see reason for the Ministers' delay in furnishing the corrected reply to the said Assembly Question specially when he had already agreed that there was an error in it.

16. *The Committees of the House are entitled to the same respect as the August House and therefore the Committee expects that responsibility, cooperation and respect be well shouldered by all the functionaries of the House. The Committee keeping in mind the dignity of the House feels that it would be inconsistent with the dignity of the House to take cognizance of the matter as the corrected reply to the said question was circulated in the House on 2-2-2011. The Committee however cautions both the Ministers and the bureaucracy to be extremely careful while furnishing replies to the House.*

17. *The Committee therefore recommends that the matter be closed.*



ANNEXURE – I

MANOHAR PARRIKAR
Leader of the Opposition
Goa

No. 3-7-09/Led of the Opp/1314

Dated: 06th August 2009

To
Shri Pratapsingh Rane,
Hon'ble Speaker
Legislative Assembly Complex,
Porvorim – Goa.

Sub: Notice of breach of Privilege against Shri Ravi S. Naik,
Member of the Goa Legislative Assembly & Minister for
Home.

Sir,

Under Rule 76 of the Rules of Procedure and Conduct of business of the Goa Legislative Assembly, I wish to raise a breach of Privilege against Shri Ravi Naik, Minister for Home for misleading the House while answering Starred Question No. 9C on "Bomb Disposal Training" tabled by Shri Rajesh Patnekar, MLA answered in writing on 4th August, 2009. The answer to Part (a) i.e. annexure A is list of Police Personnel who had undergone BDDS course. The details of the Personnel attached to Bomb detection squad entitled for special pay (50% of emoluments excluding HRA and other allowances) are given in Annexure – B of the reply.

However, the Home Minister while replying the above question has misled the House by giving wrong information as under:

"Special pay to the tune of 50% of emoluments (excluding HRA and other allowances) are being paid only to the Personnel attached to the Bomb detection and Disposal Squad."

Personnel mentioned in Annexure A "serial number 26, 34, 35, 36, 38, 39 and 41 and who have undergone BDDS course as also attached to Bomb detection squad are not figuring in Annexure B giving list of personnel who have been paid 50% of emoluments" thereby the grave offence of breaching the privilege of the member who raised the question and of the whole House.

I therefore request you to cause an inquiry into this breach of privilege and take appropriate steps to ensure that giving misleading replies to House are punished.

Yours sincerely,

sd/-

(Manohar Parrikar)
Leader of the Opposition

Encl: Starred LAQ No. 9C

ANNEXURE - II

SUBJECT : **BOMB DISPOSAL TRAINING**

STARRED QAQ NO. 9C TABLED BY SHRI RAJESH PATNEKAR, MLA, BICHAOLIM, TO BE ANSWERED ON 04/08/2009.

QUESTION

ANSWER

Will the Minister for Home be pleased to state:

By Shri Ravi S. Naik,
Home Minister

a) the number of the persons who have undergone the bomb disposal training with details of their posting;

Sir, 62 Police Officials have undergone the bomb disposal training. The detail of their posting is as per Annexure 'A' attached.

b) whether they are given special pay allowance; and

Special pay to the tune of 50% of emoluments (excluding HRA and other allowances) are being paid only to the personnel attached to the Bomb Detection and Disposal Squad.

c) if so, the details thereof; and

The details are as per Annexure 'B' attached.

d) if not, the reasons of not granting such hike allowances since the last two years?

Does not arise.

ANNEXURE 'A' * LAA No. 9C

List of Police Personnel undergone BDDS course.

Sl. No.	Name and Designation	Present Posting
1.	PSI, D. R. Naik	CID/ Sec attached to BDDS Vasco
2.	PSI, Panaji R. Gawas	CID/ ANC
3.	PSI, Suraao A. Parab	PCR Porvorim
4.	PSI, Padloskar	PTS, Valpoi
5.	PSI, Parwar	CID Security
6.	HC-300, S. Asolkar	CID Security/ BDS
7.	Dy. S. D.R. Govekar	PHQ
8.	PI, G. Desai	CID/ EOC
9.	PSI, M. Giri	CID Ponda attached to BDDS Margao
10.	PSI, R. Gawas	CID/ ANC
11.	PI, U. Y. R. Desai	Pernem PS
12.	HC-3884, S. L. Javeer	CID/ SEC
13.	HC-3917, S. B. Velip	Colva PS attached BDDS South Margao
14.	PI, P. B. Shivoikar	TC, Margao
15.	SP, A. V. Deshpande	SB
16.	PI, Pereira	TC, Mapusa
17.	PC-397, A. R. Gaunekar	CID Security attached BDDS Vasco
18.	PC-391, R. N. Mainekar	CID/ SEC
19.	PC-396, S. J. Naik	Harbour PS attached to BDDS South Margao
20.	PC-391, K. M. Ramji	Panaji PS attached to BDDS South Margao
21.	PI, G. Desai	EOC
22.	PI, U. Y. R. Desai	Pernem PS
23.	PI, B. Shirvoikar	TC, Margao
24.	P. Coy Pereira	TC, Mapusa
25.	PI, R. S. Prabhudesai	Margao Town
26.	PC-4590, S. D. Kulkarni	Bomb Disposal Squad Vasco
27.	PC-4786, S. B. Shetye	Veg. Pet, NHRC Cell
28.	PC-4783, R. D. Tari	CID/ SEC Bomb Disposal Squad
29.	PC-4812, R. L. Patil	CID/ SEC Bomb Disposal Squad
30.	ASI, B. Arlekar	TC, Panaji
31.	HC-4065, Bhagwant Mangueshkar	CID Dog Unit attached BDDS Margao
32.	HC-4074, Harishchandra Sakhalkar	CID Security attached to BDDS Panaji
33.	HC-4044, Shri Brutano Paixeto	Colva P.S.
34.	HC-4044, Raghoba Mahale	GRP 'B' Coy attached to Bomb Disposal Squad
35.	HC-4258, Lavu R. Chari	GRP 'A' Coy attached to Bomb Disposal Squad
36.	HC-43358, Sandeep M. Naik	CID Security attached to Bomb Disposal Squad
37.	HC-3148, Ladoba V. Narulkar	Curcholem PS
38.	HC-4085, Vinod S. Pagi	Colva P.S. attached to Bomb Disposal Squad
39.	HC-3917, Shanta B. Velip	attached to Bomb Disposal Squad South Margao.
40.	HC-3498, Vithu V. Gawade	PHQ Panaji attached to BDDS South Margao.
41.	HC-3897, Amit R. Gaunkar	attached to Bomb Disposal Squad Vasco
42.	HC-3492, Sunil R. Sinari	GRP 'B' Coy attached to BDDS Vasco
43.	HC-4590, Sanjay D. Kulkarni	PTS Valpoi attached to BDDS Vasco
44.	HC-3718, Gopinath S. Naik	Escort Cell Vasco
45.	HC-4185, Anil L. Kalangutkar	S.P.C.R. Panaji attached to BDDS Panaji
46.	HC-3645, Dayanand K. Betkekar	Old Goa PS
47.	HC-3409, Sudan B. Bagkar	CID Security, Panaji
48.	HC-4142, Rajaram B. Patil	CID Security attached to BDDS Panaji
49.	HC-4208, Sanjay G. Kauthankar	P.H.Q. Panaji attached to BDDS Panaji
50.	HC-4197, Vinod P. Mayekar	S. P. C. R. Panaji attached to BDDS Panaji
51.	HC-3306, Maruti S. Naik	CID Security, Panaji
52.	HC-4106, Gangaram B. Rajput	P.H.Q. Panaji attached to BDDS Panaji
53.	HC-3493, S. U. Kolamkar	CID Security (BDS)
54.	HC-4252, D. Palyekar	CID Security attached to BDDS Panaji
55.	ASI, S. R. Pednekar (Driver)	Bomb Disposal Squad
56.	ASI, P. S. Pednekar (Dog Handler)	CID CB Dog Squad
57.	HC-3605, G. V. Mekardekar	Bomb Disposal Squad Margao

	HC-4068, V. B. Harji (Dog Handler)	Bomb Disposal Squad Vasco	<i>af</i>
59.	HC-4665, V. G. Mandrekar (Dog Handler)	CID Security	
60.	C- 4993, S. A. Shetye (Dog Handler)	CID Dog Squad	
61.	Sr. Menino D'sa (Driver)	Bomb Disposal Squad	
62.	C- 6116, B. S. Parab	CID Security attached to BDDS Panaji	

Police Personnel attached to Bomb Detection Squad entitled for Special Pay PHQ, Panaji (50% of emoluments- excluding HRA & Other Allowances).

No.	Designation	Name	Arrears from 08/02/08 to 05/08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09
1	HC-3480	Shri. S. Asolkar	14658	3900	3900	3900	6085	6085	6085	6085	6085	6085	6085	6085	6085	6085
2	HC-3493	Shri. S. U. Kolamkar	14658	3900	3900	3900	6085	6085	6085	6085	6085	6085	6085	6085	6085	6085
3	HC-3884	Shri. S. Javeer	14245	3825	3825	3825	5910	5910	5910	5910	5910	5910	5910	5910	5910	5910
4	HC-4065	Shri. B. Mangueshkar	13813	3675	3675	3675	5995	5995	5995	5995	5995	5995	5995	5995	5995	5995
5	HC-4252	Shri. D. Palyekar	13095	3484	3484	3484	5645	5645	5645	5645	5645	5645	5645	5645	5645	5645
6	PC-4783	Shri. R. D. Tari	10614	2850	2850	2850	4680	4680	4680	4680	4680	4680	4680	4680	4680	4680
7	PC-4812	Shri. R. Patil	10614	2850	2850	2850	4680	4680	4680	4680	4680	4680	4680	4680	4680	4680
8	PC-6074	Shri. H. Sakhalakar	9922	2682	2682	2682	4455	4455	4455	4455	4455	4455	4455	4455	4455	4455
9	ASI	Shri. S. R. Pednekar (Driver)	15504	4125	4125	4125	6695	6695	6695	6695	6695	6695	6695	6695	6695	6695
10	ASI	Shri. P. S. Pednekar (Dog Handler)	14941	3975	3975	3975	6500	6500	6500	6500	6500	6500	6500	6500	6500	6500
11	HC-3/05	Shri. G. V. Mokardekar (Dog Handler)	14005	3739	3739	3739	5990	5990	5990	5990	5990	5990	5990	5990	5990	5990
12	HC-4/68	Shri. V. B. Harji (Dog Handler)	13576	3612	3612	3612	5815	5815	5815	5815	5815	5815	5815	5815	5815	5815
13	HC-665	Shri. V. G. Mandrekar (Dog Handler)	11178	2974	2974	2974	4960	4960	4960	4960	4960	4960	4960	*0	0	0
14	HC4993	Shri. S. A. Shetye (Dog Handler)	10827	2910	2910	2910	4795	4795	4795	4795	4795	4795	4795	4795	4795	4795
15	ASI	Shri. Menino D'sa (Driver)	15222	4050	4050	4050	6610	6610	6610	6610	6610	6610	6610	6610	6610	6610
16	ASI	Shri. Menino D'sa (Driver)	16003	4388	4388	4388	7605	7605	7605	7605	7605	7605	7605	7605	7605	7605
17	SI-6116	Shri. B. S. ...	9922	332	332	332	4455	4455	4455	4455	4455	4455	4455	4455	4455	4455
Total																

ANNEXURE – III

SHRI RAVI S. NAIK

Minister for home, Co-operation, Women & Child Development and
Animal Husbandry & Veterinary Services

Tel: 0832 - 2419528

0832 – 2419827

GOVERNMENT OF GOA
SECRETARIAT, PORVORIM, GOA.

Fax: 0832 – 2419857

Mobile: 9922582066

D.O. No. 12/103/2009-HD (G)

Dated 28th October, 2009

Dear

Kindly refer to the Notice of Breach of Privilege moved by Shri Manohar Parrikar, Hon'ble Leader of Opposition in respect of reply to Starred Question No. 9C answered by me in the Assembly on 4/8/2009.

In this regard, I would like to mention that sanction of the Government was accorded vide order dated 8/2/2009 for giving Special pay to the tune of 50% of emoluments (excluding HRA and other allowances) to the officials in the Bomb Disposal Unit.

Although the sanctioned strength of the Bomb Disposal Squad is 6 posts which were created way back in 1996, due to security concern in the changing security scenario strength of the Squad has been augmented by deploying additional police personnel by withdrawing from other branches. Presently the strength of the Bomb Disposal Squad is 45 against the sanctioned strength of 6.

Since while issuing the sanction for payment of special allowance a specific budget head of the CID branch was mentioned, the officials who were attached with the Bomb Disposal Squad but drawing salary from this head have not been paid the special allowance. It appears that due to issuance of various orders on different dates posting/attaching officials from other branches with the Bomb Disposal Squad, inadvertently the issue of payment of special allowance to the officers who were drawing salary from other Budget Heads could not be appreciated properly by the Police Department and not reported correctly to the Government due to which error has crept in the reply.

I have separately ordered for an inquiry into the matter and fix the responsibility of the officers furnishing the incomplete and incorrect information to the Government,

In view of the foregoing, I would like to request you to drop the privilege motion.

Yours sincerely,

Sd/-
(Ravi S. Naik)

Shri Pratapsingh R. Rane,
Hon'ble Speaker,
Legislature Secretariat,
Porvorim-Goa.

ANNEXURE – IV

GOA LEGISLATURE SECRETARIAT

PRIVILEGES COMMITTEE

Memorandum No. 1 of 2010

Subject: Breach of privilege against Shri Ravi Naik, Home Minister by Shri Manohar Parrikar, Leader of the Opposition for giving a misleading reply to an assembly question.

Shri Manohar Parrikar, Leader of the Opposition tabled a notice of breach of privilege on 6th August 2009 (Annexure –I) against Shri Ravi Naik, Home Minister for misleading the House while giving reply to the Starred Question No. 9C on '*Bomb Disposal Training*' tabled by Shri Rajesh Patnekar on 4th August 2009 (Annexure –II).

2. The member, Shri Rajesh Patnekar tabled a question on the Bomb Disposal Squad. In query No. 1 of the said question, information was asked on the number of persons that underwent training on bomb disposal along with the details of their postings; Annexure A to the reply provided a list of police personnel that underwent BDDS course. Further it was asked whether special pay allowance was given to them with details. The Government replied that a special pay to the tune of 50% of emoluments (excluding HRA and other allowances) was being paid to the personnel attached to the Bomb Detection and Disposal Squad. Annexure B gave the list of personnel attached to bomb disposal squad entitled for special pay.

3. The Leader of the Opposition has alleged that the Minister has misled the House by giving wrong information in the reply. The personnel mentioned in Annexure – A at Sr. Nos. 26, 34, 35, 36, 38, 39 & 41 have undergone BDDS course and attached to the Bomb Detection Squad but are not figuring in the Annexure – B which indicates the persons attached to the Bomb Detection Squad that are paid 50% emoluments.

4. According to 'Practice & Procedure of Parliament' (pgs. 290-291) by the Lok Sabha Secretariat -

“If a statement is made on the floor of the House by a Member or Minister which another member believes to be untrue, incomplete or incorrect, it does not constitute a breach of privilege. If an incorrect statement is made, there are other remedies by which the issue can be decided. In order to constitute a breach of privilege or contempt of the House, it has to be proved that the statement was not only wrong or misleading but it was made deliberately to mislead the House. A breach of Privilege can arise only when the member or the Minister makes a false statement or an incorrect statement willfully, deliberately and knowingly.”

5. The Secretariat sought the comments from the Home Minister on the notice of breach of privilege by the Leader of the Opposition. The Minister in his comments (Annexure –III) has stated that while issuing the sanction for payment of special allowance a specific Budget Head of the CID branch was mentioned, the officials who were attached with the Bomb Disposal Squad but not drawing salary from this head have not been paid the special allowance. It appears that due to issuance of various orders on different dates posting/attaching officials from other branches with the Bomb Disposal Squad, inadvertently the issue of payment of special allowance to the officers who were drawing salary from other Budget Heads could not be appreciated properly by the Police Department and not reported correctly to the Government due to which error has crept in the reply.

The Minister further informed that he has ordered an inquiry into the matter and will fix responsibility on the officers furnishing incomplete and incorrect information to the Government. The Minister has requested to drop the Privilege Motion.

6. On perusing the reply of the Minister, the Hon’ble Speaker felt that there was no deliberate attempt on the part of the Minister to suppress information and therefore asked the Minister vide a letter No. LA/Priv/2009/2398 dated 24th November 2009 to correct the reply and place the same before the Members in the forthcoming Assembly. He also asked for the report on the inquiry that the Minister assured to hold in the matter. It was also informed that if these conditions were not fulfilled, the notice of breach of privilege would remain on record. As the Minister did not furnish the corrected reply to the LAQ for being placed before the House, the Speaker has referred the matter to the Committee of Privileges for examination and report.

ANNEXURE V

SUBJECT: BOMB DISPOSAL TRAINING

STARRED LAQ NO. 9C TABLED BY SHRI RAJESH PATNEKAR, MLA BICHOLIM, TO BE ANSWERED ON 04/08/2009

The Answers for sub question at Sr. No. a, b, c are as on 17.07.2009 and for sub question at Sr. No. d is as on date.

QUESTION	ANSWER
Will the Home Minister be pleased to state:	By Shri Ravi S. Naik, Home Minister
a) the number of the persons who have undergone the bomb disposal training with details of their posting;	51 Police Officials have undergone the bomb disposal training. These include 6 Dog Handlers who have done Explosive Dog Training Course. The details of their posting are as per enclosed Annexure 'A'.
b) whether they are given special pay/allowances; and	Special pay to the tune of 50% of emoluments, excluding HRA and other allowances was made effective from 08.02.2008 (Copy of Order Annexure-A 1). 16 police personnel (including 6 sanctioned posts) attached to Bomb Detection and Disposal Squad (BDDS) are being paid said allowances and one police personnel (Sl. No. 13 at Annexure-B) was paid up to 31.03.2009, as he was transferred out from BDDS.
c) if so, the details thereof; and	The details of 17 personnel are given in Annexure-B attached. As the special pay to the tune of 50% of emoluments, excluding HRA and other allowances to 11 personnel (excluding 6 sanctioned posts) have been paid by Goa Police without Government approval and matter is under examination.

d)	if not, the reasons of not granting such hikes/allowances since the last two years?	<p>The reasons for not granting such hike/allowances since the last two years are as under:-</p> <ol style="list-style-type: none"> 1. Government had accorded sanction for creation of six posts in BDDS vide Government Order No. 2-43-85-HD(G)/Vol-II dated 04.07.1996. 2. Subsequently Government sanctioned special pay to the tune of 50% of emoluments, excluding HRA and other allowances for those who are posted in BDDS vide Government Order No. 1/34/2007-HD(G) dated 08.02.2008. 3. As on August, 2008, 17 persons were attached by Goa Police to BDDS. Goa Police had issued orders granting special pay to the tune of 50% of emoluments, excluding HRA and other allowances to all 17 persons (including 6 sanctioned posts), out of which one HC was posted out of BDDS and hence his special pay to the tune of 50% of emoluments, excluding HRA and other allowances were stopped by Goa Police from 01.04.2009. Thus against the sanctioned strength of 6 posts Goa Police had granted special pay to the tune of 50% of emoluments, excluding HRA and other allowances to 17 persons (including 6 sanctioned posts) without Government approval.
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	<p>4. As regards 22 more police officers posted in BDDS from 2008 to 2010 special pay to the tune of 50% of emoluments, excluding HRA and other allowances was not paid to them. The special pay to the tune of 50% of emoluments, excluding HRA and other allowances can be paid only to the police officers posted against the sanctioned posts.</p>
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List of Police Personnel undergone BDDS course as on 17.07.2009

Sl. No.	Name and Designation	Posting as on 17.07.2009
1.	PSI, D. R. Naik	Attached to BDDS Vasco vide No.E-1/189-E/6827/2008 dated 05.09.2008 from CID Security but was not relieved by CID Security office
2.	PSI, Punaji R. Gawas	CID/ ANC
3.	PSI, Baburao A. Parab	Reader North Porvorim
4.	PSI, Suresh R. Padloskar	PTS, Valpoi
5.	PSI, P. Y. Parwar	Attached to BDDS Panaji from CID Security
6.	HC-3480, S. Asolkar	Attached to BDDS Panaji from CID Security
7.	Dy. SP, D.R. Govekar	PHQ
8.	PI, B. G. Desai	Curchorem PS
9.	PSI, P. M. Giri	Attached to BDDS, South Margao vide No.E-1/189-E/6827/2008 dated 05.09.2008 from CID Centre Ponda but was not relieved by CID Centre Ponda
10.	PI, U. Y. R. Desai	Pernem PS
11.	HC-3884, S. L. Javeer	Attached to BDDS Panaji from CID Security
12.	HC-3917, Shanta B. Velip	Attached to BDDS South Margao from Colva PS
13.	PI, P. B. Shivoikar	TC, Margao
14.	SP, A. V. Deshpande	SB
15.	PI, Roy Pereira	TC, Panaji
16.	PC-3897, A. R. Gaunekar	Attached to BDDS, Vasco vide No.E-1/189-E/6827/2008 dated 05.09.2008 from CID Security but was not relieved by CID Security
17.	PC-3931, R. N. Mainekar	CID/ SEC
18.	PC-3936, S. J. Naik	Attached to BDDS South Margao from Harbour PS
19.	PC-3981, K. M. Ranji	Attached to BDDS South Margao from Panaji PS
20.	PI, R. S. Prabhudesai	Immigration Vasco
21.	PC-4590, S. D. Kulkarni	Attached to BDDS Vasco from PTS Valpoi
22.	PC-4786, S. B. Shetye	Vigilance Petition NHRC Cell
23.	PC-4783, R. D. Tari	Attached to BDDS in Goa Police for duty from CID Security
24.	PC-4812, R. L. Patil	Attached to BDDS in Goa Police for duty from CID Security
25.	ASI, Y. B. Arlekar	TC, Panaji
26.	HC-4065, Bhagwant Mangueshkar	Attached to BDDS in Goa Police for duty from CID Security
27.	PC-6074, Harishchandra Sakhalakar	Attached to BDDS in Goa Police for duty from CID Security
28.	PSI, Shri Brutano Paixeto	Attached to BDDS Panaji from Colva PS
29.	PC-4104, Raghoba Mahale	Attached to BDDS Panaji from GRP 'B' Coy
30.	PC-4258, Lavu R. Chari	Attached to BDDS Panaji from GRP 'A' Coy
31.	HC-3358, Sandeep M. Naik	Attached to BDDS Panaji from CID Security
32.	HC-4085, Vinod S. Pagi	Attached to BDDS Panaji from Colva PS
33.	HC-3498, Vithu V. Gawade	Attached to BDDS South Margao from PHQ Panaji
34.	HC-3492, Sunil R. Sinari	Attached to BDDS Vasco from GRP Altinho
35.	HC-3718, Gopinath S. Naik	Attached to BDDS, Panaji from Escort Cell Vasco
36.	HC-4185, Anil L. Kalangutkar	Attached to BDDS Panaji from S.P.C.R. Panaji
37.	HC-3645, Dayanand K. Belkekar	Attached to BDDS Panaji from Old Goa PS
38.	HC-3409, Sudan B. Bagkar	Attached to BDDS Panaji from CID Security Panaji
39.	HC-4142, Rajaram B. Patil	Attached to BDDS Panaji from CID Security Panaji
40.	HC-4208, Sanjay G. Kauthankar	Attached to BDDS Panaji from P.H.Q. Panaji
41.	HC-4197, Vinod P. Mayekar	Attached to BDDS Panaji from S. P.C.R. Panaji
42.	HC-3306, Maruti S. Naik	Attached to BDDS Panaji from CID Security, Panaji
43.	HC-4106, Gangaram B. Rajput	Attached to BDDS Panaji from P.H.Q. Panaji
44.	HC-3495, S. U. Kolamkar	Attached to BDDS in Goa Police for duty from CID Security
45.	PC-4252, D. Palyekar	Attached to BDDS in Goa Police for duty from CID Security
46.	ASI, P. S. Pednekar (Dog Handler)	Attached to BDDS in Goa Police for duty from CID CB Dog Squad Altinho

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7.	HC-3605, G. V. Mokardekar (Dog Handler)	Attached to BDDS in Goa Police for duty from CID CB Dog Squad Altinho
8.	HC-4068, V. B. Harji (Dog Handler)	Attached to BDDS in Goa Police for duty from CID CB Dog Squad Altinho
9.	HC- 4993, S. A. Shetye (Dog Handler)	Attached to BDDS in Goa Police for duty from CID CB Dog Squad Altinho
10.	PC- 6116, B. S. Parab	Attached to BDDS in Goa Police for duty from CID CB Dog Squad Altinho
11.	HC-4665, V. G. Mandrekar (Dog Handler)	Attached to CID Security

[Handwritten Signature]

Superintendent of Police
Head Quarters,
Panaji

No. 1/34/2007-HD(G)
Government of Goa,
Home Department (General),
Secretariat, Porvorim.

Dated: 08/02/2008.

ORDER

Sanction of the Government is hereby accorded for grant of following benefits to the Police Personnel posted in Bomb Detection and Disposal Squad in Goa Police: -:

- i) Special Pay to the tune of 50% of the emoluments, excluding HRA and other allowances.
- ii) Darga Suit, Helmet etc. during the work in addition to their normal uniform.
- iii) Life Insurance cover worth Rs. 1,25,000/- in case of death and Rs. 75,000/- in the event of permanent disability and Rs. 10,000/- in case of injury, to the member of the team or his family members.
- iv) Free transportation between their residence and office and back.

The Expenditure will be met from the Budget Head "2055- Police, 00, 101- Criminal Investigation & Vigilance, 01-C.I.D, 01-Salaries.

This issue with the concurrence of Finance Department vide their U.O. No. Fin (Exp)/3021 -F dated 23/11/2007.

By order and in the name of
the Governor of Goa.

(Signature)
(Siddhivinayak Surendra Naik)
Under Secretary (Home)

To:

1. The Director of Accounts, Panaji.
2. The Director General of Police, Panaji.
3. The Joint Director of Audit, R.A.O. Porvorim.
4. The Finance (Exp.) Department, Secretariat, Panaji.
5. Guard File.
6. Office Copy.

Annexure - B

List of Police Personnel attached to Bomb Detection Squad entitled for Special pay PHQ, Panaji (50% of emoluments excluding HRA & Other) Allowances

Sr. No.	Designation	Name	Arrears from 08/02/08 to 05/08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Total
1	HC-3480	Shri. S. Asolkar	14658	3900	3900	3900	6085	6085	6085	6085	6085	6085	6085	6085	6085	6085	87208
2	HC-3493	Shri. S. U. Kolamkar	14658	3900	3900	3900	6085	6085	6085	6085	6085	6085	6085	6085	6085	6085	87208
3	HC-3884	Shri. S. Javeer	14245	3825	3825	3825	5910	5910	5910	5910	5910	5910	5910	5910	5910	5910	84820
4	HC-4065	Shri. B. Mangueshkar	13813	3675	3675	3675	5995	5995	5995	5995	5995	5995	5995	5995	5995	5995	84788
5	HC-4252	Shri. D. Palekar	13095	3484	3484	3484	5645	5645	5645	5645	5645	5645	5645	5645	5645	5645	79997
6	PC-4783	Shri. R. D. Tari	10614	2850	2850	2850	4680	4680	4680	4680	4680	4680	4680	4680	4680	4680	65964
7	PC-4812	Shri. R. Patil	10614	2850	2850	2850	4680	4680	4680	4680	4680	4680	4680	4680	4680	4680	65964
8	PC-6074	Shri H. Sakhalakar	9922	2682	2682	2682	4455	4455	4455	4455	4455	4455	4455	4455	4455	4455	62518
9	ASI	Shri. S. R. Pednekar (Driver)	15504	4125	4125	4125	6695	6695	6695	6695	6695	6695	6695	6695	6695	6695	94829
10	ASI	Shri. P. S. Pednekar (Dog Handler)	14941	3975	3975	3975	6500	6500	6500	6500	6500	6500	6500	6500	6500	6500	91866
11	HC-3605	Shri. G. V. Mokardekar (Dog Handler)	14005	3739	3739	3739	5990	5990	5990	5990	5990	5990	5990	5990	5990	5990	85122
12	HC-4068	Shri. V. B. Harji (Dog Handler)	13576	3612	3612	3612	5815	5815	5815	5815	5815	5815	5815	5815	5815	5815	82562
13	HC-4665	Shri. V. G. Mandrekar (Dog Handler)	11178	2974	2974	2974	4960	4960	4960	4960	4960	4960	4960	4960	0	0	54820
14	HC-4993	Shri. S. A. Shetye (Dog Handler)	10827	2910	2910	2910	4795	4795	4795	4795	4795	4795	4795	4795	4795	4795	67507
15	ASI	Shri. Mehino D'sa (Driver)	15222	4050	4050	4050	6610	6610	6610	6610	6610	6610	6610	6610	6610	6610	93472
16	PSI	Shri. P. Y. Pawar	16393	4388	4388	4388	7605	7605	7605	7605	7605	7605	7605	7605	7605	7605	105607
17	PC-6116	Shri. B. S. Parab	9922	2682	2682	2682	4455	4455	4455	4455	4455	4455	4455	4455	4455	4455	62518
Grand Total																1356770	

* NOTE:- HC-4665, V. G. Mandrekar (Dog Handler) mentioned at Sr. No. 13 was transferred out from BD & DS, hence extra emoluments was discontinued from April 2009.

