

COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

NINTH REPORT

[Representation regarding accommodation problems
of retiring Government Servants]

(Presented on the 22nd December, 1972)



सम्राट्पेव जयते

LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(1972-73)

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Shri J. R. Kapur—*Under Secretary.*

NINTH REPORT OF THE COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

INTRODUCTION

I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Ninth Report of the Committee to the House, on the representation from Government pensioners regarding accommodation problems of retiring Government servants.

2. The Committee considered the matter at their sittings held on the 14th June, 5th and 6th July, and 20th December, 1972.

3. At their sitting held on the 5th July, 1972, the Committee heard the representatives of the petitioners. At their sitting held on the 6th July, 1972, the Committee took oral evidence of the representative of the Ministry of Works and Housing, including those of the Delhi Development Authority.

4. The Committee wish to express their thanks to the Officers of the Ministry of Works and Housing and others for furnishing to the Committee the material and information they wanted in connection with the examination of the subject.

5. The Committee considered their draft Report at their sitting held on the 20th December, 1972 and adopted it.

6. The conclusions/recommendations of the Committee on the representation have been included in the Report.

REPORT

A. Petitioners' grievances and prayer

1.1. Shri J. P. Goel and 45 other pensioners of the Central Government submitted a representation (See Appendix-I) dated the 2nd April, 1972, countersigned by Shri S. M. Banerjee, M.P., for providing residential accommodation to retired Government employees. In their representation, the petitioners had *inter alia* stated as follows:—

“The present rules regulating allotment and de-allotment of quarters were framed long ago and they need drastic changes in the light of the welfare schemes which are being ushered in after Independence... A large number of pensioners are in occupation of Government quarters for more than one year after the date of their retirement. This is not due to any wilful intention but due to the helpless situation that they have been put into. While in service those pensioners were not able to construct their own houses mainly due to non-availability of land. In Delhi lands have been acquired by Government (D.D.A.) and were provided and allotted through co-operative societies. No such Co-operative Society was allowed to be registered for allotment after April, 1961. Thereafter, allotments were made through auction and Government servants were not financially in a position to compete with businessmen. During the period of our service the D.D.A. had no developed schemes to provide lands or ready-made houses as they have done now. We could not buy plots from private parties due to exorbitant prices and hence could not construct houses. Even a few of us who could procure a plot could do so at the far end of their service when loans could not be raised for constructing houses. It is not now possible for us to hire private accommodation on account of prevailing exorbitant rents. Parliament has passed a Bill recently authorising Government to evict us. Eviction proceedings are being taken by the Directorate of Estates. We, who have served the Government loyally throughout our life are now facing a helpless situation. This is a social problem as is in the case of *Jhuggi*

Jhonpari dwellers and calls for merciful and most sympathetic consideration?... The question of accommodation was particularly brought to the notice of the Hon'ble Minister of Works and Housing recently but without any tangible results. It was also brought to his notice that Delhi Municipal Corporation has already passed a Resolution whereby the M.C. employees to whom Accommodation has been allotted by the M.C. are entitled to purchase them on a hire purchase basis.

Your petitioners pray that (i) before eviction, alternative arrangements for rehabilitating us may kindly be made on priority basis on easy instalments; (ii) Some such localities which have been earmarked for demolition of Government quarters therein may kindly be reserved for pensioners and quarters in these colonies may be made over to us on their depreciated value; and (iii) Pending a decision in this matter, we may very kindly be allowed to continue in our existing quarters on payment of 10 per cent of our pensions."

1.2. Subsequently, two further representations (*See Appendix-II*) dated the 29th September and 20th November, 1972, respectively were received on the subject from the President, Headquarters, All India Organisation of Pensioners, New Delhi, in which it had been *inter alia* stated as follows:—

"Kindly refer to the petition made by Shri J. P. Goel and others, most of whom have now become members of this Organisation. . .As some of the petitioners are displaced Government servants from Pakistan, their case merits special consideration because the Government accommodation allotted to them while in service from 1947 onwards was virtually by way of Rehabilitation relief and not because of their being Government employees. The circumstances under which Government accommodation was allotted to them were given in "Gadgil Assurances" and Government Press Note of 1951 issued by the Chief Commissioner, Delhi. A reference to the said Government Press Note would reveal that in case of retirement, dismissal, discharge from service, they will be provided with alternate accommodation before eviction from Government quarters. As a result of these assurances, the displaced Government servants were not allotted built up houses in the various refugee colonies then brought up by the Central Government with a view to rehabilitating the refugees."

B. Factual comments of the Ministry of Works and Housing and evidence before the Committee

I. Number of pensioners in occupation of Government accommodation.

1.3. It has been stated in the petition that a large number of pensioners are in occupation of Government quarters for more than a year after the date of their retirement. During the course of evidence before the Committee, the representatives of the petitioners stated that the number of such persons was about 2,000. When the Committee pointed out that according to the Government, there were only about 220 such persons in occupation of Government accommodation, the witnesses stated that while arriving at that figure, the Government had, not, perhaps, taken into account the number of similar persons belonging to the Posts and Telegraphs Department, the Railways and some other categories, including those of Type II, Type III, Type IV etc.

1.4. In their written comments furnished to the Committee, the Ministry of Works and Housing have *inter alia* stated:

“According to the information available at present nearly 220 retired Government servants are in occupation of general pool accommodation at Delhi/New Delhi even though the allotments in their names have been cancelled. It has been observed that, in a number of cases, even though *ad hoc* allotment has been made to the son/daughter of a retired Government servant to mitigate the hardship of the retiring officer and his family, the retiring Government servant has not vacated the Government accommodation in his occupation and the family has retained both the houses, namely, that in occupation of the retiring Government servant and that allotted on an *ad hoc* basis to his son/daughter.”

1.5. During the course of oral evidence before the Committee, the representatives of the Ministry of Works & Housing informed the Committee that there were some 294 such persons, who, he emphasised, were in un-authorized occupation of Government accommodation. In a subsequent note furnished to the Committee, the Ministry of Works and Housing have stated that, “as on 31st July, 1972, there were 229 Central Government servants in Delhi/New Delhi, who continued in occupation of general pool accommodation even after their retirement from service. This does not include the number of

retired Government servants in occupation of accommodation under the control of the Ministry of Defence, Railways, Posts & Telegraphs, etc.”

II. Stay of eviction proceedings

1.6. It has been stated in the representation that the Directorate of Estates has launched eviction proceedings against the petitioners and it has been prayed that before their eviction, alternative arrangements for rehabilitating them might be made on a priority basis. During the course of evidence before the Committee and in their subsequent representations, the representatives of the petitioners have pleaded with the Committee that pending the Committee's Report on the subject to the House, necessary steps might be taken to stay the eviction proceedings against them. In this connection, the representatives of the petitioners informed the Committee during the course of oral evidence that they felt that those pensioners who did not have their sons or other dependents in the service of the Government at the time of their own retirement were given a discriminatory treatment *vis a vis* those whose dependents were in Government service as the latter were permitted to retain Government accommodation, at the time of their retirement for no sound reason. That might be the case in spite of the retiring Government servants owning their private accommodation. The witnesses suggested that those pensioners who had served the Government and whose dependents, were not in employment of the Government should be permitted to retain Government accommodation on a payment of 10 per cent of their pensions. Besides, the relevant rules should be so modified that the son of a retiring Government servant, who had his private accommodation, should not be allotted Government accommodation at the time of the retirement of the father who might be in occupation of Government accommodation, which was permitted by the existing rules.

1.7. The Ministry of Works and Housing have, in a written note furnished to the Committee, stated:

“The Public Premises (Eviction of Unauthorised Occupants) Act, which had been struck down by the Delhi High Court, was revived in the year 1971. As there is an acute shortage of accommodation for the serving employees, the Government have to resort to eviction proceedings against those employees who are in unauthorised occupation of Government accommodation. In Delhi/New Delhi, it has been possible to provide accommodation to only about 42 per cent of the Government employees working in eligible

offices and the remaining 58 per cent of the serving employees have to fend for themselves."

1.8. During the course of oral evidence of the representatives of the Ministry of Works and Housing, the Committee enquired whether it would be possible to stay such proceedings until alternative accommodation had been arranged for those persons. The Secretary, Ministry of Works and Housing, stated that those proceedings should be allowed to go on. In this connection, he also clarified that there was no connection between those eviction proceedings and the allotment of accommodation under the limited scheme being contemplated by the D.D.A. for the retired Government pensioners. The Committee made some further enquiries from the Ministry of Works and Housing regarding the stay of eviction proceedings against the petitioners. The Ministry of Works and Housing have informed the Committee that there is already an acute shortage of accommodation in the general pool and it has not been possible to provide accommodation to such Government employees as have put in service of over 25 years. There has been a lot of criticism against Government for not providing accommodation to such employees. To the extent the accommodation is in unauthorised occupation of retired Government employees, the eligible Government servants will be denied the allotment. At present 294 retired Government servants are overstaying in general pool accommodation and in case any concession is given in the matter of retention to the 46 petitioners, it will be difficult to resist the demands from other employees of similar categories. Besides, retirements are taking place every day and the number of retired Government servants, who are in unauthorised occupation of accommodation, will go increasing in case any lenient view is taken in the case of 46 petitioners. It has been added by the Ministry of Works and Housing that in these circumstances, it will not be justified to allow further retention in these cases and to encourage unauthorised occupation by such category of employees.

III. Difficulties faced by pensioners in acquiring private accommodation while in service

(a) Acquisition of land by Delhi Development Authority and policy regarding disposal of land/built up flats.

1.9. It has been stated in the representation that while in the service of the Government, the petitioners were not able to construct their own houses mainly due to non-availability of land. In Delhi, lands were acquired by Government (D.D.A.) and allotted through co-operative societies. No such co-operative society was allowed to be registered for allotment after April, 1961. Thereafter, allotments

were made through auction and Government servants were not financially in a position to compete with businessmen. During the period of their service the D.D.A. had no developed schemes to provide lands or ready-made houses as they have done now. They could not buy plots from private parties due to exorbitant prices and hence could not construct houses. During the course of the evidence of the representatives of the petitioners, the Committee enquired why they had not purchased land or built up flats sold by the D.D.A. etc., while they were still in service, the witnesses stated that some years ago, all the land in Delhi was frozen by the Government and subsequently it was given only through the co-operative societies. They added that while the price of free hold land was almost prohibitive for the pensioners, most of the cooperative societies were still in dol-drums, excepting a few which belonged either to the richer sections of the society, or to the high ranking officers of the Government, most of whom were not occupying their own houses but had rented them out for exorbitant rents. Such Government servants were also in occupation of Government accommodation allotted to them by the Directorate of Estates. In regard to built up flats, the witnesses stated that some of them, who had deposited the required advance money with the D.D.A. about three years ago, had not got any accommodation so far. They added that while houses for the lower and middle income groups were being built in some far flung areas like Lawrence Board etc., those for the higher income groups were being built in some of the prestigious areas like East of Kailash, Safdarjung etc. Besides, the built-up flats were in the multi-storeyed buildings, which it was not advisable for the elderly persons to purchase on grounds of failing health. The cost of those flats was also pretty high i.e. about Rs. 35,000, which was normally beyond their paying capacity.

1.10. In a written note furnished to the Committee, the Ministry of Works and Housing have *inter alia* stated:

“A Government servant, when he enters service knows fully well the date of his retirement and it is for him to make arrangements for a house to live in after retirement. Prior to the formation of the Delhi Development Authority, land was available at reasonable rates in various private colonies. It cannot be accepted that it was difficult for pensioners to get land at reasonable rates at that time. The Delhi Development Authority have also launched a number of schemes of allotment of accommodation to persons of the low and middle income groups and a large number of Government servants have derived benefits of these schemes. The Delhi Development Authority have allotted plots of land to a large number of Government

servants under various schemes. Besides, land has also been allotted to co-operative house building societies of Government servants. In case the pensioners had not derived benefit of these schemes, it was not for the Government to induce them to take advantage of such schemes. Besides, Government have also been sanctioning house building loans to its employees at a low rate of interest and it was for the pensioners to make use of such schemes."

1.11. During the Course of oral evidence of the representatives of the Ministry of Works and Housing, the Committee enquired about the number of Co-operative Housing Societies of Government servants in Delhi. The representatives of the Delhi Development Authority stated that except for two Societies which were exclusively for Government servants—one of them having a membership of 1300—there were no such societies for Government servants exclusively. A survey at one stage had indicated that some 60 per cent to 70 per cent of members of the co-operative societies were Government servants.

1.12. He further informed the Committee that 300 co-operative societies were registered when land was offered, but all of them did not accept the land. The number of plots developed through the co-operative societies was about 12,000 and at one stage 26,000 plots were under development by the co-operative societies. In the general scheme of the D.D.A., they were selling a large number of plots as well as houses and in both the categories, there was a reservation for the salaried class, when might include the Government servants and others like bank employees etc. Advantage was, however, taken mainly by the Government servants. For example, in Narayana, about 60 per cent of the allottees were Government servants.

1.13. The Committee asked the witnesses to comment on the contention of the petitioners that the co-operative Housing Societies of which they were the members and most of the other co-operative societies of the lower and middle income group Government servants had not been allotted land so far. The Secretary of the Ministry of Works and Housing clarified that it was not correct to assume that in Delhi one could not get a house or a plot except through the co-operative societies. He referred to the representation under discussion of the Committee, which was dated 2nd April, 1972, and pointed out that till the 31st March, 1972, that is two days before the submission of the representation to Lok Sabha, the D.D.A. had kept open a scheme for allotment of flats on easy instalment basis and even subsidised basis for the very low income group. That scheme, the Secretary of the Ministry pointed out, must have been

known to the representationists and they could have taken advantage of that scheme.

1.14. The representative of the Delhi Development Authority elucidated that some 19,000 persons in the Low and Middle Income Groups had registered themselves with the D.D.A. between the period December, 1971 and March, 1972, for allotment of flats and that they were committed to give them flats.

1.15. Besides, the D.D.A., had developed plots of less than 200 Sq Yds, and allotted them to the people in Middle and Low Income Groups. The total number of plots, allotted by the D.D.A. was 13,000 out of which 50 per cent were allotted by draw of lots at fixed price. The maximum quota in these plots was also taken by the Government servants. The Secretary of the Ministry of Works and Housing sought to clear a general misunderstanding that the co-operative societies were "annexed" by the higher income groups. As an alternative, he suggested for the consideration of the Committee that allotment of land to co-operative societies might be stopped. Instead, the D.D.A., should register the requirements.

1.16. The Committee asked the Ministry of Works and Housing to furnish a statement giving the number of cooperative house building societies registered in Delhi, the respective dates of registration, the dates on which land was allotted to them and the number of their shareholders, particularly the Government servants and the number of such societies to which land has not so far been allotted. In a written note furnished by the Ministry, it has been stated:

"For the purpose of allotment of land to co-operative house building societies under the scheme of "Large scale acquisition, development and disposal of land in Delhi", the societies have been divided into four categories comprising (i) House Building Co-operative Societies in whose favour notifications, etc., for acquisition of land had been issued before 13-11-1954,, (ii) House Building Co-operative Societies which had themselves purchased land before 13-11-1959 through private negotiations, (iii) House Building Co-operative Societies which had been dispossessed of their land and (iv) House Building Co-operative Societies which had asked for acquisition/allotment of land (the societies which were registered before 13-11-1959 and those which were registered between 13-11-1959 and 2-5-1961).

The societies falling under categories (i), (ii) and (iii) were given preference in respect of allotment of land. They

were allotted land equivalent to land owned by them or notified in their favour, subject to slight adjustments due to requirements of Zonal/Layout Plan, etc. The position in regard to allotment of land to the societies in those categories is as follows:—

- (a) About 1,770 acres of undeveloped land had been allotted to 41 co-operative house building societies for the purpose of development and allotment of developed plots to their members. Out of these societies, 27 have already developed land measuring about 1,400 acres providing about 7,710 residential plots of various sizes. It has not been possible to find out how many members in these societies are Government servants.
- (b) 18 societies, which had areas too small to be developed independently, have been given 988 developed plots (total area 1,79,893 sq. yards) in proportion to 38 acres of land owned by them prior to 13-11-1959. These developed plots fall in the colonies developed by the Delhi Development Authority or the Municipal Corporation of Delhi. Of the total of 988 plots, 77 plots have been allotted to the societies formed by Central Government employees. For the societies in category (iv), about 2,100 acres of land were earmarked for allotment to them. The total number of societies in this category was 151. Out of these, 96 had responded to the offer made to them by the Delhi Administration. The number of societies and the areas where allotments have been made are as under:—

Sl. No.	Area where allotment has been made	No of societies	Acres of land allotted	Total Membership
1	Pritampur	23	589	7,500*
2	Rohtak Road	16	466	7,000**
3	Shahdara	44	1100	11,000

Note: Approximate number of Government servants, who are members of these societies or societies which exclusively belong to them, comes to nearly 11,000. These societies were registered between April, 1948 and July, 1970 and the land was allotted to them between May, 1959 and May, 1972."

*After the general development was completed in December, 1968 societies have accepted the allotment and taken possession thereof.

**General development completed in February, 1969.

1.17. The Committee asked the Ministry of Works and Housing to comment on the contention of the petitioners that no co-operative societies were allowed to be registered for allotment of land after April, 1961. In a written note furnished by the Ministry, it has been stated:

“It was in the year 1961 that Government had imposed a ban on the registration of co-operative house building societies for allotment of land on plot housing basis. In February, 1970, this ban on the registration was lifted by Government and orders were issued that new co-operative house building societies could be registered for allotment of land for group housing. In pursuance of this decision, new co-operative house building societies are being registered by the Registrar Co-operative Societies, Delhi. The Registrar, Co-operative Societies has intimated that so far 125 such societies have been registered by him under this scheme. Besides these new societies, there are 50 old societies which were registered prior to 1961 but which had not accepted the land offered to them earlier and have now opted for allotment of land under group housing scheme. As such there will be about 175 societies which will be considered for allotment of land under this scheme. So far land has been allotted to five group housing societies under this scheme as per the decision of Government. The cases of all the remaining societies will be considered by the Housing Committee of the Delhi Development Authority shortly and these cases processed further in accordance with the policy laid down”.

1.18. The Committee enquired whether a blanket ban on registration of cooperative societies came in the way of adding to the existing housing units in Delhi/New Delhi, besides putting a stop to channelise the savings of the common man towards building activity, which could provide additional employment and other benefits. In a written note furnished to the Committee, the Ministry of Works and Housing have replied in the negative and have stated:

“Apart from allotting land to a very large number of co-operative house building societies, the Delhi Development Authority had put in the market a large number of plots for the low and middle income groups. It also constructed a very large number of houses for the low and middle income groups.”

1.19. In this connection, the Committee enquired from the Ministry of Works and Housing the number of retired Government employees in Delhi/New Delhi still occupying residential accommodation allotted to them by the Directorate of Estates, who have/had applied to the Delhi Development Authority for purchase of land from time to time under different schemes, but they have not been able to get any land so far, and also the number of those who have/had got their names registered with the Delhi Development Authority for purchase of built houses/flats from time to time under different schemes, but they have not been able to get any built houses/flats so far. In a written note furnished to the Committee, the Ministry of Works and Housing have stated:

“No such statistical data are maintained. However, about 19,000 people in the ‘Janta’ Low and Middle Income Groups have got themselves registered with the Delhi Development Authority under its advance registration scheme. This registration scheme commenced from the 15th November, 1971. This is a general scheme in which any person can get himself registered. There is no column in the application form which gives information whether the applicant is a retired Government servant and is in occupation of Government accommodation. Efforts made to find out information on this point have not yielded worthwhile results. All those, who have registered themselves with the Delhi Development Authority under the advance registration scheme, including retired Government servants, would be able to get flats in due course.”

1.20. The Committee referred to the present policy of the Delhi Development Authority for disposal of developed plots under which 50 per cent of the plots are put to auction and the other 50 per cent plots are given out at fixed price to those who fall in the Low/Middle Income Groups, and desired to know whether in view of the fact that the number of persons in the Low/Middle Income Groups and those of fixed, income, including Government servants, was more in number, would not the sale of 50 per cent plots by open auction tantamount to giving much greater weightage to those in higher income slabs at the cost of the lower income groups people. The Committee also desired to know the basis for earmarking 50 per cent plots for sale by public auction, in which these plots are allegedly exclusively

cornered by the richer people. In a written note furnished by the Ministry of Works and Housing, it has been stated:

“Apart from the plots that are made available to the low and middle income groups on the basis of draw of lots, the Delhi Development Authority is utilising a good portion of developed land for constructing houses and allotting them exclusively to the “Janta” and low and middle income groups. Thus, the utilisation of land is tilted heavily in favour of low and middle income groups. It has also been kept in view that the auction conditions are restrictive and most of the rich people are excluded by the condition that no body can participate in the auction if he has any other plot or house in Delhi either in his name or in the name of his wife or in the name of any dependant children.”

1.21. The Committee also asked the Ministry of Works and Housing to state the total number and the respective area of the developed plots sold (i) by open auction; and (ii) on fixed price by draw of lots, since the inception of the Delhi Development Authority. The Ministry has informed the Committee that:

“So far 12,913 plots have been disposed of by the Delhi Development Authority. Out of these, 6,498 plots have been disposed of by auction and the remaining have been sold at fixed price to the low and middle income groups or to those whose lands were acquired. Apart from this, a large number of plots have been allotted at fixed rates to Co-operative societies. Large chunks of land are being utilised by the Delhi Development Authority for putting up houses on group housing basis exclusively for the low and middle income groups. The position, as on the 1st October, 1972, is that the Delhi Development Authority is constructing about 32,000 houses for the “Janta” low and middle income groups. About 10,000 houses have already been constructed and another 15,000 are at different stages of construction and the construction of the remaining 7,000 houses has been sanctioned and the preliminary works has been taken up.”

(b) *High rents in private accommodation*

1.22. It has been stated in the representation that the retired Government pensioners are not able to afford to acquire private accommodation on rent as the prevailing rents are exorbitant.

1.23. The Ministry of Works and Housing have, in a written note furnished to the Committee, stated that:

“it is a fact private accommodation in Delhi is difficult to get and that the rents prevailing are very high. Keeping in view these difficulties the Government has now formulated a scheme for registration of Central Government employees who are due to retire within a period of three years to enable them to purchase flats to be built by the Delhi Development Authority.”

IV. Displaced persons retired from Government service occupying Government accommodation

1.24. During the course of oral evidence before the Committee, and in the subsequent representations received on behalf of the pensioners through the All India Organisation of Pensioners, New Delhi, it has been pointed out to the Committee that some of the petitioners are displaced persons whose case merits special consideration. It has been stated that while they were in service of the Government after 1947 onwards, residential accommodation was allotted to them by the Government virtually by way of rehabilitation relief. It has been further stated that the circumstances under which Government accommodation was allotted to them were given in the “Gadgil Assurances” and the Press Note of 1951 issued by the Chief Commissioner, Delhi (See Annexure to Appendix II). The petitioners have pointed out that reference to this Press Note would reveal that in case of retirement, dismissal, discharge from service, they would be provided with alternative accommodation before eviction from Government accommodation and as a result of those assurances, the displaced Government servants were not allotted built up houses in the various refugee colonies then built by the Central Government with a view to rehabilitate the refugees. It has been emphasised that the number of displaced Government servants who had been allotted Government accommodation from general pool by way of rehabilitation relief was comparatively small. The petitioners have added that Government are committed to provide them alternative accommodation on production of an affidavit that they do not own any house in New Delhi|Delhi|Delhi Cantt. The petitioners have contended that all displaced retired Government employees who were allotted Government accommodation out of refugee quota from 1947 onwards may be provided with alternate accommodation as envisaged in “Gadgil Assurances”.

1.25. During the course of oral evidence of the representatives of the Ministry of Works and Housing, the Committee enquired about the number of displaced persons amongst the petitioners who had retired from Government service but were continuing to occupy residential accommodation allotted to them while in service by the Directorate of Estates. The representatives of the Ministry of Works and Housing stated that they did not have the requisite information. The Committee then drew his attention to the statement made by the Minister of Works and Housing in the Rajya Sabha on the 14th August, 1971, in which he had stated that the "Gadgil Assurances" for providing alternative accommodation to displaced persons would be implemented. The Secretary of the Ministry of Works and Housing expressed doubt whether the "Gadgil Assurances" were applicable to accommodation allotted to Government servants by the Directorate of Estates in their capacity as Government servants. He explained that the said "Assurances" related to "accommodation or land occupied by certain persons in other capacities".

1.26. Subsequently, in a written note furnished by the Ministry of Works and Housing, it has been stated:

"Accommodation allotted by the Directorate of Estates from the general pool to Central Government employees, some of whom may be displaced Government servants, is not covered under the 'Gadgil Assurances' as this assurance does not apply to allottees of Government accommodation, its application being restricted to displaced persons from West Pakistan who had unauthorisedly squattered upon Government land in Delhi before 15th August, 1950.

Allotment of accommodation from the general pool at Delhi/ New Delhi can only be made to Government servants working in eligible offices. Such of the displaced Government servants as were absorbed in eligible offices were allotted Government accommodation in accordance with the provisions contained in the then Allotment Rules, which are statutory. Retention of accommodation by Government servants is governed by the Allotment Rules and such cases are not covered under the "Gadgil Assurances" as stated above."

1.27. The Ministry of Works and Housing were asked on the 8th December, 1972 to intimate specifically whether the displaced Government servants who are still in occupation of residential accommodation allotted to them by the Directorate of Estates, after their retirement from service, are covered by the provisions of item No. 6 of the Press Note of the Chief Commissioner, Delhi. In their communication dated the 14th December, 1972, the Ministry of Works and Housing have intimated that "in order to give our comments in the matter, it will be necessary to consult the Delhi Administration, Ministry of Rehabilitation and other offices. Our comments will be communicated to the Lok Sabha Secretariat immediately after the information is received from the concerned Ministries|Offices."

V. Scheme for providing accommodation to pensioners

1.28. During the course of oral evidence, the representatives of the petitioners drew the attention of the Committee to the statement by the then Minister of State in the Ministry of Works and Housing (Shri I. K. Gujral) in the Lok Sabha on the 15th May, 1972, in which he was stated to have announced that "the Government had more or less finalised housing schemes with the DDA for retired Government servants and those who are on the verge of retirement. He further said that special allocation would be available for the Urban Housing Developing Corporation to build these houses". The witnesses desired that the petitioners should also be covered under that scheme and should not be evicted from their present Government accommodation till alternative accommodation was provided to them. In a further representation (*vide* Appendix II) received on behalf of the petitioners from the All India Organisation of Pensioners, New Delhi, it has been *inter alia* stated that the new scheme planned by Government envisages provision of alternate accommodation to the retired employees who will retire with effect from 1st April, 1972 without taking into account the Government servants retired prior to 1st April, 1972. It has been added that this scheme was formulated as a result of the petitioners efforts who have been left out of the scheme. They have also pleaded that in the name of equity and justice it is neither reasonable nor justified on the part of the Government to treat their employees in different ways and have prayed that those who have already retired and are still in occupation of Government accommodation need immediate attention of Government over those who will retire within three years from 1st April, 1972. To achieve this object, the petitioners have suggested that D.D.A. may be directed to allot them build-up flats on hire-purchase system on long-term basis to enable them to vacate the Government accommodation.

1.29. The Committee enquired whether the Government or the D.D.A. proposed to launch some special scheme for providing land/flats to Government pensioners. In a written note furnished to the Committee, the Ministry of Works and Housing have stated that:—

“The Delhi Development Authority has already initiated a scheme of allotting flats to retiring public servants. The details of the scheme are as under:—

- (i) The purpose of the scheme is to give relief to retiring public servants, i.e. those, who are employed in the Central Government, Delhi Administration and Central Government Undertakings, statutory and local bodies, autonomous organisations, etc., under the control of the Central Government/Delhi Administration. In the first instance, the scheme is being confined to public servants retiring within three years, i.e. from 1st April, 1972 to 31st May, 1975. A Government servant must have declared Delhi as his/her home town before the commencement of the scheme and should not own in full or in part, on freehold or leasehold basis, any house or plot in the urban area of Delhi, New Delhi or Delhi Cantonment, either in his own name or in the name of wife/husband or in the name of any other dependent relation, including unmarried children.
- (ii) Registration under this scheme started on 21st September, 1972 and closed on 20th October, 1972. The public servants whose income before retirement does not exceed (a) Rs. 3,000 per annum, (b) Rs. 7,200 per annum and (c) falls between Rs. 7,201 and Rs. 18,000, who after retirement fall in the low income group or in the middle income group and the public servants whose income before retirement exceeds Rs. 18000 per annum but after retirement would come in the Middle Income group were entitled to apply under this scheme. Applicants had option to get this registration in accordance with their pre-retirement or post-retirement income. The total number of houses/flats to be constructed under this scheme at present is 538 and these will be hold on perpetual leasehold basis. The public servants would have to deposit a fixed amount decided for different categories at the time of registration and this amount will be treated as earnest money and adjustable to the cost of the house/flat at the time of allotment.

1.30. In this connection, the Minister of State in the Ministry of Works and Housing (Prof. D. P. Chattopadhyaya) gave the following

reply to Unstarred Question No. 13 in the Lok Sabha on the 13th November, 1972:—

“A Scheme for the registration of retiring ‘public servants’ for the purchase of houses/flats built by the Delhi Development Authority has been introduced recently to give relief to retiring public servants. In the first instance the scheme has been confined to the public servants retiring within three years, i.e. between 1st April, 1972 and 31st March, 1975, irrespective of the reason of retirement. He|She must have declared Delhi as his|her ‘home town’ before the commencement of the scheme and should not own in full or in part on freehold or leasehold basis any house or plot in the urban areas of Delhi, New Delhi or Delhi Cantt. either in his|her own name or in the name of his|her wife|husband or in the name of any other dependent relation including unmarried children.

The registration of the scheme commenced on 21st September, 1972 and closed on 20th October, 1972.

The location of the houses/flats to be constructed, their area, cost and the manner in which it will be recovered from the allottees etc. is as follows:—

[See next page]

Particulars of houses/flats being constructed for Retiring Public Servants

Sl. No.	Category	Location	Plinth Area Sq. ft.	No. of flats	Disposal cost	Payment to be made on allotment	Balance amount recoverable in instalments	Balance	
								No. of monthly instalments	Rate of each instalment
					Rs.	Rs.	Rs.	Rs.	
1	2	3	4	5	6	7	8	9	10
1	Janta	South of Kalkaji	300	300	9,800	5,600	4,200	120	47.69
	(Income not exceeding Rs. 3,000/- per annum).								
2	L.I.G.	Rajouri Garden	600	103	25,700	13,200	12,500	120	145.23
	(Income not exceeding Rs. 7,200/- per annum).								
3	M.I.G. (A)	Sheikh Sarai	1000	90	41,600	30,000	11,600	120	134.77
	(Income between Rs. 7,201 - to Rs. 18,000/- per annum)								
4	M.I.G. (B)	Do.	1229/1300	18	52,300/52,800	52,300/52,800			...
	(Income exceeding Rs. 18,000/- per annum)								

1.31. The Committee enquired from the Ministry of Works and Housing how the continuity of this scheme would be ensured. The Ministry have stated that continuance of the scheme will be examined in the light of the experience gained in the implementation of the scheme. The Committee also enquired whether the Government employees would be eligible only for the built-up flats or they would be eligible for purchasing land also so as to construct a house of their own choice. The Ministry of Works and Housing have stated that the persons registered under the scheme will be eligible only for built-up flats.

1.32. During the course of oral evidence of the representatives of the Ministry of Works and Housing, the Committee asked the witnesses to comment on the suggestion of the petitioners to earmark a certain number of plots or houses constructed by D.D.A., for the retired Government servants, as their competitive powers *vis-a-vis* the general public to purchase the plots etc. in open auction was much weaker. The representative of the Delhi Development Authority explained the position as follows:—

“I think there is an impression which has been created that D.D.A. is selling all the plots by auction. That is not correct. Out of the plots developed, only 50 per cent are put to auction. Rest are being allotted at fixed rate basis. Apart from that, all the houses which we are constructing, are meant for middle and lower income group. There is no question of any auction. They are allotted at fixed or cost price. This is subject to certain conditions. For middle income group, the income level should be between Rs. 7,200—18,000 per annum. For low income group, it should be less than Rs. 7,200 and for Janta group, it should be less than Rs. 3,000. This allocation of amount is very much in favour of the middle and lower income groups which should normally be the case. During the last 2-3 years we have constructed 11,000 houses and they are all meant for these people. Now, we are constructing 20,000 houses. Out of this, 14,000 are under construction. They are all meant for these people and this is, in fact, the highest rate of construction in any city in our country—even 5 to 6 times higher than in cities like Bombay. They are all exclusively meant for lower income groups. As I explained to you earlier, we have no correct statistics. But a sample survey conducted, reveals that 60—70 per cent of the Government employees have been benefited by these schemes.”

1.33. In reply to a question, the representative of the Delhi Development Authority also explained the procedure for the allotment of built flats and developed plots as follows:—

“I will split this into two. One is the allotment of flats which the D.D.A. has built up. The procedure is like this. We will advertise in the Press. We say that this is the scheme which the D.D.A. has started and those who are interested in taking advantage of the same may do so. The condition is that if you belong to the middle income group, as I have already explained, their income should be less than Rs. 18,000 per annum and should be more than 7,200. Then you have to deposit with the D.D.A., registration amount equivalent to Rs. 5,000. If you belong to the lower income group, you have to deposit Rs. 3,000 and for Janta Group the deposit is Rs. 500. Those who have got houses are not eligible and there are income and other restrictions, Now, we have 19,000 people who have applied to us. Our present programme is geared to these 19,000 people. We are now constructing 20,000 houses and everybody is bound to get a house. It may take one and a half or two years. The procedure is by advertisement, as you might have seen in the press. We say 900 or 1,000 houses have been built in a particular colony for the middle income group. Those who are already registered, may apply. Allotment is made by draw of lots. Everybody will get a house. But the locality in which he gets a house or a particular floor, that depends upon the draw of lots. That is the procedure. This is about the allotment of flats. So far as land is concerned, they are advertised. There, the procedure is slightly different. We say we have 1,200 plots which will be allotted. So we say if you belong to the middle income group, the security will be Rs. 1,000 and for low income group it is Rs. 500. After the deposit is made, applications are received. Then allotment is made by draw of lots and those who do not get, money is refunded to them. For anybody who is registered with the D.D.A., there is no difficulty about it. Whether he gets it today or tomorrow or within two years that depends upon the number of claims with us.”

1.34. The Committee enquired whether it was possible to sell houses to retired Government servants, i.e., pensioners, on instalment basis. The Secretary of the Ministry of Works and Housing stated that after their retirement, the Government servants become

a part of the rest of the population. He expressed doubts whether they would be justified in making special housing policy and housing schemes for Government employees, excluding all others. He added that various schemes of the D.D.A., referred to above, were open to Government servants and they could avail themselves of those schemes. Besides, a facility had been extended to Government servants under which they could get loans on concessional terms, at 6 per cent while they were in service, for acquiring houses.

1.35. In reply to another question, the representative of the Delhi Development Authority stated that "If you were to reserve too big a quota for the retiring Government servants, expressly, there may be objections from other members of the public. This is not a formal scheme by Government for providing housing for all people who retire from service". He added that the Scheme was likely to be finalised in a month or two. The Secretary, Ministry of Works and Housing, however, added a word of caution and said that that was a limited scheme, which was being tried by the D.D.A. It would be a self-financing scheme. He further added that "that is not an assumption of responsibility by Government to extend it to all Government servants.... Financial implications are there. Suppose there are 4,000 Government servants retiring every year and there may be accumulation also. That may take away 25 per cent of the entire activities of the D.D.A. for this purpose. That may create public objections from other sections of the public, These are the contingencies on account of which Government cannot make a commitment now."

VI. *Accommodation provided to Government employees.*

1.36. The Ministry of Works and Housing have intimated to the Committee that in Delhi|New Delhi, it has been possible for the Government to provide accommodation to only 42 per cent of the Government employees working in eligible offices and the "remaining 58 per cent of the serving employees have to fend for themselves". The Ministry have also stated that in certain cases the employees have put in service of over 20 years, but they have not been provided with residential accommodation.

1.37. During the course of oral evidence of the representatives of the Ministry of Works and Housing, the Committee enquired about the number of Government servants who retired every year while being in possession of Government accommodation at the time of their retirement. The representative of the Ministry of Works and Housing stated that the exact figures were not available with them.

However, there were 97,134 persons in Delhi who were entitled to Government accommodation under the rules and if 4 per cent of them retired every year, the figure of retiring persons roughly came to about 4,000. Out of the 97,134 persons entitled to Government accommodation, 41,269 were occupying Government accommodation. Thus, the percentage of satisfaction came to 42.49. Similar figures in respect of the retiring persons might be about 80 per cent, although exact figures were not available. In a subsequent note furnished to the Committee, the Ministry of Works and Housing have stated that no statistical data are maintained in the Ministry of Works and Housing (Directorate of Estates) in regard to the number of Central Government employees in Delhi|New Delhi who retire every year. Moreover, the Directorate of Estates controls the accommodation in the general pool only. There are certain Departments, like Railways, Defence, Posts and Telegraphs, who have got their separate pools of accommodation for Central Government employees working under their control. In this connection, the Committee also enquired the average number of Central Government employees who are in possession of Government accommodation at the time of their retirement and who do not possess a house either in their own names or in the names of their sons or dependants. The Ministry of Works and Housing have informed the Committee that no such statistical data, in so far as general pool accommodation is concerned, are maintained. However, during 1971, there were 497 Government servants, who at the time of retirement, were in occupation of general pool accommodation in Delhi|New Delhi. It is not known whether they, and if so, how many of them, owned houses in their own names or in the names of their sons or dependants.

VII. *Need to review existing rules for allotment of Government residences*

1.38. In the representation, the petitioners have stated that the present rules regulating allotment and de-allotment of quarters were framed long ago and they need drastic changes in the light of the welfare schemes which are being ushered in after Independence. It has been added that rules are intended to fit in with the requirements of the society and the requirements of the society are not intended to adjust themselves to the old out-moded rules. There is therefore, a need to change these rules. During the course of oral evidence before the Committee, the representatives of the petitioners stated that the rules relating to allotment of Government accommodation and de-allotment to its employees were framed about 30 years ago and were outdated and needed to be changed. They added that

the conditions in the forties were quite different from those prevailing now, inasmuch as during those days Government servants were not much interested in having Government accommodation, but now since the rents prevailing in Delhi and other places were very high, every one preferred to have Government accommodation which was available at comparatively much lower rents. In the further representation received on behalf of the petitioners through the All India Organisation of Pensioners, New Delhi, it has been stated that two different sets of rules have been framed for tenants—one for those who are living in private accommodation and the other for those living in Government accommodation. In the former case the landlords cannot evict them easily whereas in the latter case Government have powers to evict them without much difficulty. It has been added that it looks odd that people of the same country are given different treatment and the fact remains that Government servants living in Government accommodation are losers as compared to those living in private accommodation. It has been pointed out that in the former case they draw the house rent allowance and the landlord can neither increase the rent nor can evict them whereas in the latter case they do not draw house rent allowance and the Government have the powers to increase the rent as well as to evict them from Government accommodation.

1.39. In a written note furnished to the Committee, the Ministry of Works and Housing have stated:—

“It is not correct that the present rules regulating the allotment and de-allotment of quarters were framed long ago and they need drastic changes in the light of the welfare schemes which are being ushered in after Independence era. The existing allotment rules were promulgated in May, 1963 and became effective from the 15th May, 1963. The Government set up a committee under the Chairmanship of Shri Anil K. Chanda, the then Deputy Minister for Works, Housing and Supply, in January, 1960 to advise on the simplification, rationalisation and streamlining of rules and procedure regarding the allotment of Government residential accommodation in Delhi|New Delhi under the control of the Directorate of Estates, New Delhi. These rules were framed keeping in view the recommendations made by this Committee. According to a provision contained in these rules, a Government servant on retirement can retain the accommodation in his occupation for a period of two months from the date of retirement, on payment of normal rent; where leave preparatory to re-

tirement is granted or refused leave under F.R. 86 is granted, the retiring officer can retain the accommodation in his occupation for the full period of leave on full average pay subject to the maximum of four months inclusive of the period permissible in the case of retirement. Besides the provision contained in the allotment rules, executive instructions have been issued by relaxing the provision of the rules and, according to these instructions, the son|daughter, etc., of a retiring Government servant, if he is working in an eligible office and has been sharing accommodation with the retiring officer for a period of six months, is given *ad hoc* allotment of accommodation from the general pool. In case the near relation is entitled to a higher type or the same type of accommodation, the accommodation in the occupation of the retiring officer is regularised in his name; otherwise, he is allotted accommodation of his|her own entitled type."

1.40. During the course of oral evidence before the Committee, the Secretary, Ministry of Works and Housing, stated that the allotment rules were not old and were reviewed from time to time and amended whenever considered necessary.

C. Conclusions/Recommendations of the Committee

1.41. The Committee express their grave concern about the housing problem of the serving and retired Government employees. The percentage of serving Central Government employees in Delhi, eligible for allotment of Government accommodation from the general pool, who have been provided with Government accommodation, is only 42. In many cases, even the Government employees who have put in service of 25 years or more, have not been provided with Government accommodation. The large majority of about 58 per cent of Government employees have to fend for themselves and have to arrange private accommodation at exorbitant rents much beyond their means.

1.42. The Committee feel that provision of Government accommodation at reasonable rent is in the interest of the efficiency of Government employees, apart from its being a welfare measure. The Committee, therefore, recommend that Government should step up the construction and provision of accommodation to its employees on a large scale, according to a time-bound programme, so that the majority of the employees may be provided with Government accommodation at the earliest.

1.43. In the view of the Committee, Government owe a moral responsibility in the case of its retired employees also, particularly, those who, at the time of their retirement, are in possession of Government accommodation but do not possess a house of their own, to see that they are not thrown on the roads in their old age after serving the Government during the best part of their lives. Apart from formulating long term schemes, which may enable a Government employee to construct or purchase a built house of his own on a hire-purchase basis, Government may consider the question of liberalising their allotment rules in such a way that the retired Government employees, who do not have a house of their own, are allowed to retain the Government accommodation for a more reasonable period than at present, after their retirement, during which they may arrange alternative accommodation.

1.44. The Committee welcome the recent scheme of the Delhi Development Authority for the registration of public servants retiring within three years, i.e., between 1st April, 1972 and 31st March, 1975, for the purchase of houses/flats built by D.D.A., as a step in the right direction. The Committee hope that this scheme will not only be continued but further improved and extended to cover those employees who may be retiring during the next five to seven years, in the light of the experience gained in its working. The Committee also recommend that the feasibility of extending this scheme, with such modifications as may be necessary, to the Government servants who retired before the 1st April, 1972 and were in possession of Government accommodation in their own names and who do not own a house in their own name or in the name of any of their family members, may be expeditiously examined.

1.45. In view of the financial difficulties of the Government employees due to rising prices, the Committee also feel that the terms of allotment of flats to public servants under the new scheme for retiring Government employees need to be liberalised by D.D.A. The amount required to be paid on allotment of a flat, which is more than 50 per cent of the total cost of the flat at present, should be reduced to one-third of the cost of the flat and the payment of the balance amount should be spread over a longer period of time.

1.46. The Committee have carefully considered the request of those petitioners who are displaced persons that they are entitled to alternative accommodation before they are evicted from their present unauthorised Government accommodation under what has been frequently stated as "Gadgil Assurances". From the material placed before the Committee (the Committee are unable to deter-

mine whether the cases of the petitioners are covered by the "Gadgil Assurances" stated to have been given in 1951. To a specific query by the Committee whether the Press Note issued by the erstwhile Chief Commissioner of Delhi on the 21st June, 1951, did not cover the cases of the petitioners, the Ministry of Works and Housing have stated that "it will be necessary to consult the Delhi Administration, Ministry of Rehabilitation and other offices". Be that as it may, the Committee would like the cases of the petitioners, and others similarly placed, to be considered with compassion with a view to avoid human misery, as far as possible.

The Committee would also like to be informed of the result of the examination by the Ministry of Works and Housing of the question of applicability of the aforesaid Press Note to the petitioners, as soon as possible.

1.47. The Committee note that Government employees enjoy the facility of taking loans from the Central Government at low rates of interest for building houses. The Committee, however, feel that a large majority of the Government employees, especially in Low Income Group, are unable to take advantage of this facility because of their inability to raise funds for purchasing land for house building at the prevailing exorbitant prices of land in Delhi and other cosmopolitan cities. It may be mentioned that at present only 15 to 20 per cent of the total admissible house building loan is given to a Government employee for purchase of a plot of land. Similarly, a large number of employees are unable to take advantage of the facility of taking loans for purchasing ready-built flats from the D.D.A. as they are unable to deposit the necessary amount of money (i.e., Rs. 3000 for Low Income Group and Rs. 5000 for Middle Income Group) for registration of their names with the D.D.A. The Committee, therefore, recommend that sufficient number of plots of land should be developed and made available to the Government employees and other salaried classes at reserved prices. Government may also raise the existing percentage of total house-building loan given to a Government employee for the purpose of purchasing a plot of land for house building and also grant loans to their employees for making deposits for registration with the D.D.A. for purchasing a built-up flat, which may be subsequently adjusted against the loan sanctioned to him for purchase of the flat.

ANANT PRASAD SHARMA,
CHAIRMAN,
COMMITTEE ON PETITIONS

NEW DELHI;
The 20th December, 1972.

APPENDIX I

(See para 1.1 of Report)

Representation from Shri J. P. Goel and others for providing residential accommodation to retired Government servants

To

Lok Sabha,
New Delhi.

The humble petition of Shri J. P. Goel and 45 other pensioners of the Central Government.

SHEWETH:

1. That the present rules regulating allotment and de-allotment of quarters were framed long ago and they need drastic changes in the light of the welfare schemes which are being ushered in after Independence. Rules are intended to fit in with the requirements of the society and the requirements of the society are not intended to adjust themselves to the old out-moded rules. There is, therefore, a need to change these rules.
2. A large number of pensioners are in occupation of Government quarters for more than one year after the date of their retirement. This is not due to any wilful intention but due to the helpless situation that they have been put into.
3. While in service these pensioners were not able to construct their own houses mainly due to non-availability of land. In Delhi lands have been acquired by Government (D.D.A.) and were provided and allotted through co-operative societies. No such Co-operative Society was allowed to be registered for allotment after April, 1961. Thereafter allotments were made through auction and Government servants were not financially in a position to compete with businessmen.
4. During the period of our service the D.D.A. had no developed schemes to provide lands or ready-made houses as they have done now. We could not buy plots from private

parties due to exorbitant prices and hence could not construct houses. Even a few of us who could procure a plot could do so at the fag end of their service when loans could not be raised for constructing houses. Delhi Administration and Life Insurance Corporation who grant loans do so only on the basis of income assessed for income tax purposes. Our income is now below taxable amount.

5. It is not now possible for us to hire private accommodation on account of prevailing exorbitant rents.
6. Most of us have still got big families to support and also to marry daughters and sons.
7. Parliament has passed a Bill recently authorising Government to evict us. Eviction proceedings are being taken by the Directorate of Estates.
8. We, who have served the Government loyally throughout our life are now facing a helpless situation. This is a social problem as is in the case of Jhuggi Jhonpari-dwellers and calls for merciful and most sympathetic consideration.
9. The hardships mentioned above along with other hardships which are faced by a Government servant immediately on the date of retirement which, in fact, is the date of death for him, have been voiced from time to time in various forums and the question of accommodation was particularly brought to the notice of the Hon'ble Minister of Works and Housing recently but without any tangible results.
10. It was also brought to his notice that Delhi Municipal Corporation has already passed a Resolution whereby the M. C. employees to whom accommodation has been allotted by the M. C. are entitled to purchase them on a hire purchase basis.

Your petitioners pray:—

- (i) that before eviction, alternative arrangements for rehabilitating us may kindly be made on priority basis on easy instalments;
- (ii) Some such localities which have been ear-marked for demolition of Government quarters therein may kindly be reserved for pensioners and quarters in these colonies may be made over to us on their depreciated value; and

(iii) Pending a decision in this matter, we may very kindly be allowed to continue in our existing quarters on payment of 10 per cent of our pensions.

Name of petitioners	Address	Signature
Shri J. P. Goel & 45 others	Govt. Qr. No. 6-D, Dev Nagar, Karol Bagh, New-Delhi-5.	Sd/- J. P. Goel 2-4-1972.
Counter-signed by:	Shri S. M. Banerjee, M.P. 27-4-1972.	

APPENDIX II

(See para 1.2 of Report)

Further representations received through the All India Organisation of Pensioners, New Delhi.

(I)

ALL INDIA ORGANISATION OF PENSIONERS,

(Head Office) 17/9 West Patel Nagar,

(Tel. No. 584274)

Ref. No. HQ/AIOP/1256

New Delhi-8,

Dated the 29th September, 1972.

To

The Speaker,
Lok Sabha,
Parliament House,
New Delhi-1.

Sir,

Kindly refer to the Petition dated 2nd April, 1972, regarding provision of alternative accommodation to the retired Central Government Employees in occupation of Government quarters after their retirement made by Shri J. P. Goel and others most of whom have now become members of this Organisation. In this connection, I beg leave to submit as under:—

- (i) Some of the petitioners were called upon to tender evidence in connection with the said petition by the Committee on Petitions of Lok Sabha on 5th July, 1972. Accordingly they appeared before the Committee on that date. During the course of their evidence the petitioners had requested the Committee that till any final decision was arrived at, it was most essential that the eviction proceedings launched against the petitioners should be stayed as otherwise the Directorate of Estates would clear out all

the petitioners from Government accommodation thus defeating the very object for which the petition was submitted. Even in such cases when approached, Courts of Law always grant stay orders with a view to maintaining *status quo* till a final decision is arrived at on any matter brought before them. In the name of equity and justice, it is but fair that the eviction proceedings now being vigorously pursued against the petitioners ever since their representatives appeared before the Committee on Petitions, may also be stayed and *status quo* maintained till the Committee completes its findings and places the same on the Table of the House for such action as considered necessary.

- (ii) As some of the petitioners are displaced Government servants from Pakistan, their case merits special consideration because the Government accommodation allotted to them while in service from 1947 onwards was virtually by way of Rehabilitation relief and not because of their being Government employees. The circumstances under which Government accommodation was allotted to them were given in Gadgil Assurances and Government Press Note of 1951 issued by the Chief Commissioner, Delhi. A reference to the said Government Press Note would reveal that in case of retirement, dismissal, discharge from service, they will be provided with alternate accommodation before eviction from Government quarters. As a result of these assurances, the displaced Government servants were not allotted built up houses in the various refugee colonies then brought up by the Central Government with a view to rehabilitating the refugees.
- (iii) To the best of my knowledge and belief, the number of displaced Government servants who had been allotted Government accommodation from general pool by way of Rehabilitation relief was very small. Evidently, the Government is committed to provide them alternate accommodation on production of an affidavit that they do not own any house in New Delhi/Delhi Cantt. The former Minister of Works and Housing (Shri I. K. Gujral) had given an assurance in the Rajya Sabha on 14-8-1971 (when the present Public Premises Eviction Act came under discussion) that Gadgil Assurances were still binding on Government and that these would be honoured and nobody would be thrown out of their present accommodation without providing them alternate accommodation.

- (iv) It is also worth consideration that two different sets of rules have been framed for tenants which naturally go against the socialistic pattern of society i.e., one for those who are living in private accommodation and the other for those living in Government accommodation. In the former case the landlords cannot evict them whereas in the latter case Government have powers to evict them. How odd it looks that people of the same country are given different treatment. The fact remains that Government servants living in Government accommodation are great losers as compared to those living in private accommodation. In the former case they draw the House Rent Allowance (H.R.A.) and the landlord can neither increase the rent nor can evict them whereas in the latter case they do not draw H.R.A. and the Government have the powers to increase the rent as well as the evict them from Government accommodation.
- (v) I further argue, when Government have accepted to provide them with C.G.H.S. facilities to their retired employees the contribution for which is charged on the basis of pension drawn by them, it is not known why the facilities are being denied to them in the matter of accommodation as shelter is equally most important item of necessity for every one.
- (vi) The Government have now planned a new scheme for providing alternate accommodation to the retired employees who will retire with effect from 1st April, 1972 without taking into account the Government servants retired prior to 1st April, 1972. It will not be out of place to mention here that this scheme was formulated as a result of the petitioners' efforts who have been left out of the justice it is neither reasonable nor justified on the part of the Government to treat their employees in different ways. I, therefore, feel that those who have already retired and are still in occupation of Government accommodation need immediate attention of Government over those who will retire within three years from 1st April, 1972. To achieve this object, I beg leave to suggest your honour that D.D.A. may be directed to allot them built up flats on hire purchase system on long-term basis to enable them to vacate the Government accommodation. This will not only help the hard hit pensioners to get shelter but would

also go a long way to make the promise of the ruling party to ensure food, cloth and shelter for all a reality.

(vii) On 9th September, 1972, some of the representatives of the petitioners also met Hon. Minister of Works, and Housing and Supply (Shri U. S. Dixit) at his residence and discussed the matter with him. The following documents were handed over to him for sympathetic consideration of their problem of accommodation:—

(a) A copy of the Petition submitted to the Committee on Petitions on 2-4-1972.

(b) A copy of the letter originally addressed to him and forwarded through Shri Shashi Bhushan, M.P.

(viii) To sum up the above position, I request your honour that the following problems need immediate attention of the Government to mitigate the sufferings of these petitioners:

(a) All eviction proceedings already launched or proposed to be launched by the Estate Office be stopped immediately;

(b) All displaced retired Government employees who were allotted Government accommodation out of refugee quota from 1947 onwards may be provided with alternate accommodation as envisaged in Gadgil Assurances;

(c) All retired persons be covered under the DDA's Pensioners' Scheme irrespective of the date of their retirement

OR

the DDA may allot them built up houses of general public quota on hire purchase system on easy monthly instalments spread over 15 years subject to fulfilment of the conditions.

2. I shall be grateful if your honour will kindly have the matter looked into urgently so that the decision is expedited on the Petition submitted by the retired Government servants and eviction notices are withdrawn.

Thanking you in anticipation and awaiting anxiously a favourable reply.

Yours faithfully,

Sd/-

Maj. (Retd.)

President Headquarters.

(II)

All India Organisation of Pensioners,
(Head Office) 17/9, West Patel Nagar,
New Delhi-8.

(Telephone No. 584274)

Ref. No. HQ|AIOP|1299

New Delhi-8,
Dated the 20th November, 1972.

From

The President Headquarters,
All India Organisation of Pensioners,
New Delhi-8.

To

The Speaker,
Lok Sabha,
Parliament House,
New Delhi.

SUBJECT:—Provision of alternative accommodation to retired displaced Government servants at the time of their retirement before eviction from Government quarters.

Respected Sir,

Some of the retired Government servants who are staying in the Government quarters allotted to them while in service made a Petition to the Lok Sabha on 2nd April, 1972, for allotment of alternative accommodation before their eviction from the present quarters as they neither have a house of their own in Delhi nor they can hire a house due to high rents beyond their capacity to pay.

I reminded the Lok Sabha on 29th September, 1972 (No. HQ|AIOP|1256) for speedy decision on the petition as the petitioners were being harassed by the Directorate of Estates, New Delhi.

I believe that the petition is being considered by the Committee on Petitions in consultation with the Ministry of Works and Housing. Some of the petitioners are displaced Government servants.

2. On a further study of the facts of the case I am convinced that the case of displaced persons stands on a footing different from the rest of the pensioners on the grounds that the Chief Commissioner,

Delhi, who was responsible for the rehabilitation of refugees in Delhi issued a Press Note in 1951, a copy of which is enclosed, (Annexure) wherein the refugees were divided in six categories for the purpose of fixation of priority for resettling them. It was laid down in para 6 of this handout that in regard to displaced Government servants then settled in Government quarters the question of their rehabilitation would arise on their retirement, dismissal, retrenchment or death if they have no other place to live in Delhi/New Delhi.

These displaced Government servants were allotted Government quarters out of one-sixth of quota earmarked for them from the general pool in relaxation of the statutory rules governing allotment of these Quarters. This was apparently done on humanitarian grounds with a view to mitigate their hardships.

3. I now humbly request that while considering the petition the above facts may be kept in view so far as displaced Government servants are concerned, and the same humanitarian feelings may also be extended to them even now to relieve them from mental torture to which they are being put by the Directorate of Estates. I can assure your goodself that the number of such pensioners will not be large and it will not be difficult for the Government to find out a viable solution.

4. Apart from the facts stated above, I would again draw your attention to some of the assurances/promises given below which were made by the Minister of State for Works and Housing as late as 14th September, 1971, while discussing the Public Premises (Eviction of unauthorised occupants) Act in the Rajya Sabha:—

- (a) I can assure my friend that if the rules have to be changed they will be changed in such a way that Society's needs are met.
- (b) We will not remove any body without giving alternative accommodation.
- (c) One thing I can tell my friend here is that this Ministry is the Ministry of Housing and not a Ministry of de-housing.
- (d) Nobody will be removed wherever he might be residing because the basic issue is to provide accommodation. I would not like people to go out in streets without a house.

5. Being the Chairman of the August Body (Lok Sabha), it is the right of every citizen of India to expect from you to see that such assurances are not left on the floor of the House unheeded

but they are properly reflected in the relevant orders of the Government and are implemented by the Government in their true spirit.

6. Since it is the policy of the Government not to evict any body unless he is allotted alternative accommodation and on top of it socialistic pattern of society is being advocated by Government from all avenues, it urges me more to stress for the relief of those poor souls who worked loyally for the Government throughout their life but lived from hand to mouth.

Charity begins at home. With this theme the Government may kindly be advised to look into this matter urgently and find a suitable solution.

7. Meanwhile, the petitioners may also be consoled that penal rent will not be charged from them as their overstay in Government quarters is not wilful but under compulsion of circumstances stated by them in the petition.

8. In the end, I humbly request that the case of these poor petitioners may kindly be settled sympathetically and expeditiously to save them from physical and financial torture in their old age especially when their paying capacity is reduced to one-fourth and liabilities remain the same.

Yours faithfully,
Sd/-
(Major Partap Singh Retd.)
President H.Q. TIOP.

ANNEXURE TO APPENDIX II
OFFICE OF THE CHIEF COMMISSIONER
DELHI

PRESS NOTE

Dated the 21st June, 1951

The Government have decided to bifurcate the work of allotment of houses and shops to displaced persons in Delhi state.

All shops and houses available for outright sale are to be given on instalment basis will be dealt with by the Government of India,

Ministry of Rehabilitation direct. Displaced persons are advised to see Shri K. S. Kane, Assistant Secretary in that Ministry for all information in this matter.

A Committee has been set up under the Chief Commissioner for allotment of houses and shops on rental basis and the following priorities have been laid down:—

1. Eligible member of camps who were in camps on 14-4-1949.
2. Street Squatters according to the Sector-wise Scheme.
3. Displaced persons in unauthorised occupation of Government quarters (non-defaulters).
4. Displaced persons in unauthorised occupation of buildings of Public utility services like hospitals, schools and libraries.
5. Occupants of Public buildings like Dharamsalas and religious places of worship like temple and gurdwaras.
6. Displaced Government servants who have been allotted accommodation by the state Officer and are required to vacate it as a result of retirement, resignation, dismissal, retirement or death, if they have no other place to live in.

At present top priority is being given to providing alternative accommodation to street squatters under the sector-wise scheme.

In the circumstances, it is regretted that applications for allotment of houses on rental basis from individual will not be entertained.

The provision of alternative accommodation to eligible displaced persons in Government quarters required to be vacated is being done by the Estate Officer in consultation with the Ministry of Rehabilitation. All applications on the subject should be addressed to him direct.