

23

# MINISTRY OF URBAN DEVELOPMENT

HOSTEL ACCOMMODATION FOR  
MPs. IN DELHI

ESTIMATES COMMITTEE  
1992-93

TENTH LOK SABHA



सत्यमेव जयते

LOK SABHA SECRETARIAT  
NEW DELHI

# TWENTY-THIRD REPORT

## ESTIMATES COMMITTEE (1992-93)

(TENTH LOK SABHA)

MINISTRY OF URBAN DEVELOPMENT  
HOSTEL ACCOMMODATION FOR MPs. IN DELHI

Action Taken by Government on the recommendations contained in the  
Sixteenth Report of Estimates Committee (Ninth Lok Sabha)



*Presented to Lok Sabha on 11 March, 1993*

LOK SABHA SECRETARIAT  
NEW DELHI

*February, 1993/Phalguna, 1914 (S)*

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**COMPOSITION OF THE ESTIMATES COMMITTEE  
(1992-93)**

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30. Shri Braja Kishore Tripathy

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1. Shri G.L. Batra — *Additional Secretary*
2. Shri K.K. Sharma — *Joint Secretary*
3. Shri B.B. Pandit — *Director*
4. Shri K.L. Anand — *Under Secretary*

**COMPOSITION OF SUB-COMMITTEE ON ACTION TAKEN  
REPORTS OF ESTIMATES COMMITTEE  
(1992-93)**

1. Shri Manoranjan Bhakta — *Chairman*
2. Shri A. Charles
3. Shri Sriballav Panigrahi
4. Shri Rupchand Pal
5. Smt. Girija Devi
6. Shri Ebrahim Sulaiman Sait
7. Shri Rajendra Agnihotri

## INTRODUCTION

1. The Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Twenty-Third Report on action taken by Government on the recommendations contained in the Sixteenth Report of the Estimates Committee (Ninth Lok Sabha) on the Ministry of Urban Development—Hostel Accommodation for M.Ps. in Delhi.

2. The Sixteenth Report was presented to Lok Sabha on 7th January, 1991. Government furnished their replies indicating action taken on the recommendations contained in that Report on 26th October, 1992. Thereupon the Committee while considering the report for adoption took further evidence of Ministries of Law and Urban Development on certain points raised in the action taken report. The draft Report was considered and adopted by the Estimates Committee (1992-93) at their sitting held on 4th January, 1993. The Committee authorised the Chairman to finalize the report in the light of fresh evidence adduced at adoption stage.

3. The Report has been divided into following Chapters:—

- I. Report
- II. Recommendations/Observations which have been accepted by Government.
- III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply.
- IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee.
- V. Recommendations/Observations in respect of which final replies of Government are awaited.

4. An analysis of action taken by Government on the recommendations contained in the Twenty-Third Report of the Estimates Committee (Tenth Lok Sabha) is given in Appendix II. It would be observed therefrom that out of 19 recommendations made in the Report, 10 recommendations *i.e.* 52.63 per cent have been accepted by the Government and the Committee do not desire to pursue 5 recommendations *i.e.* 26.31 per cent in view of Government replies. Replies have not been accepted in respect of 2 recommendations *i.e.* 10.53 per cent. Final replies of Government in respect of 2 recommendations *i.e.* 10.53 per cent are still awaited.

NEW DELHI;  
February 24, 1993

*Magha 5, 1914 (Saka)*

MANORANJAN BHAKTA,  
*Chairman,*  
*Estimates Committee.*

## **CHAPTER I**

### **REPORT**

1.1 This report of Estimates Committee deals with action taken by Government on the recommendations contained in their 16th Report (9th Lok Sabha) on the Ministry of Urban Development which was presented to Lok Sabha on 7th January, 1991.

1.2 Action Taken notes have been received in respect of all the 19 recommendations in the Report.

1.3 Action Taken notes on the recommendations of the Committee have been categorised as follows:—

(i) Recommendations/Observations which have been accepted by the Government:

Sl. Nos. 1,8,10,12,13,14,15,16,17 and 19 (Total 10, Chapter II)

(ii) Recommendations/Observations which the Committee do not desire to pursue in view of Government replies:

Sl. Nos. 3,4,7,11 and 18 (Total 5, Chapter III)

(iii) Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee:

Sl. Nos. 2 and 9 (Total 2, Chapter IV)

(iv) Recommendations/Observations in respect of which final replies are still awaited:

Sl. Nos. 5 and 6 (Total 2, Chapter V)

1.4 The Committee will now deal with action taken by Government on some of the recommendations.

#### *Misuse of Hostel Accommodation*

##### **Recommendation (Sl. No. 1, Para 1.34)**

1.5 The Committee in their original report had observed that the cases of misuse of Hostel accommodation, by the guests of MPs., are clearly indicative of violation of rules on the subject whereas the rules stipulate that the guests could stay for a maximum period of two weeks there have been instances of stay for periods exceeding even 8 years. In consequence accommodation of avowed transitory nature has been converted into permanent abodes for same. Such gross violation of rules and with impunity, totally defeats the very purpose for which this hostel accommodation was originally provided. This is all the more regrettable, it involves the representative of the people.



1.6 The Ministry in their reply stated that the observation of the Estimates Committee regarding conversion of accommodation of avowedly transitory nature into the permanent abodes, defeating the very purpose for which the hostel accommodation was originally provided, was considered in the Ministry of Urban Development and was also placed before both the House Committees of Lok/Rajya Sabha. It was felt by the two Committees that the existing rules on the subject are sufficient and they only need to be enforced strictly. The proposal put forth by the Ministry of Urban Development for streamlining the existing guidelines was not considered necessary by the two House Committees. However, efforts were being made by all the three allotting agencies viz., the Directorate of Estates, House Committees of Lok/Rajya Sabha respectively to ensure that the guest accommodation is allotted only for limited period.

1.7 The Committee would like to emphasize that the existing rules on the subject should be strictly followed and guest accommodation allotted strictly as permissible under the rules.

*Overstay of Guests in W.C. Hostel*

**Recommendation (Sl. No. 2, Para 1.35)**

1.8 On the basis of information furnished and the cases discussed, the Committee had expressed their dismay over the fact that inspite of being adequately armed with rules and regulations the Directorate of Estates has been totally unable to implement the same. The Committee also observed that in a few cases though the sponsors had been changed the guest remained the same, in total violation of rules. In certain cases the overstaying defaulters rather than being evicted had actually been allowed to shift to other suites. The Committee had also desired to know as to how a Member was allowed to occupy two Government accommodations simultaneously, and for such long periods. Illustrating two cases of occupants of 17/18 Western Court Hostel, and 68 Western Court Hostel the Committee had observed that the Ministry has done nothing more than issuing reminders to the sponsoring ex-Minister for depositing the amount exceeding Rs. 1.20 lakhs. In the opinion of the Committee, the Ministry after pursuing the matter for reasonable period of time should have taken recourse to eviction and initiated recovery of outstanding rental dues under P.P. (E) Act. 1971. The Committee therefore had remarked adversely about the Ministry's inaction, amounting almost to collusion and desired the Ministry to immediately take all appropriate action against all unauthorised, overstaying defaulters.

1.9 The Ministry in reply stated:

"At present no one is staying unauthorisedly in Western Court (General Pool Accommodation). However, one Shri Ladli Mohan Nigam, Freedom Fighter is staying in suite No. 7, Western Court. In this case the C.C.A. has approved allotment for a period ending

30.9.89. The matter for further extension is still under consideration. So far as recovery from defaulters is concerned, it is stated that there were 10 cases of outstanding dues as intimated earlier on 31.8.90. Out of these 10 cases, the payment in respect of 5 cases have been received. In all the remaining cases appropriate action has been taken to get the amount realised.

Statement showing the details of the cases and action taken is at Appendix I.

1.10 The Committee are surprised to note that the matter for further extension beyond 30 September, 1989 in the case of one Freedom Fighter staying in Suite No. 7, Western Court is still under consideration. It is really unfortunate that a decision in matter could not be taken even though three years have elapsed. This in the opinion of the Committee indicates that the Ministry has dealt with the case in a very casual manner. The Committee would like the Ministry to take immediate action in the case and inform them of the decision taken.

1.11 The Committee also note that out of 10 cases the payment in respect of 5 cases have since been received. They desire that vigorous efforts should be made to recover the outstanding dues from the remaining 5 parties. The Committee would like to be apprised of the further recoveries affected within a period of six months.

*Amendment in the Public Premises Act, 1971*

**Recommendation (Sl. No. 9, Para 2.14)**

1.12 The Committee had been informed by the Ministry that an amendment in the Public Premises Act, 1971 was contemplated so as to have summary trials for eviction and that it was essential to give powers to the Estate Officer treating him as an Estate Tribunal so that eviction proceedings may be expedited. They were therefore of the view that these measures should be introduced without any further delay so as to obviate the misuse of hostel accommodation and to expedite the eviction cases of guests who do not pay the prescribed rent.

1.13 The Ministry in their reply stated:

"The Directorate of Estates placed a note before the Cabinet containing a proposal, *inter-alia*, for summary eviction of guest hostel accommodation, Holiday Homes and accommodation allotted temporarily for specific period. This was considered by the Cabinet in its meeting on 12.5.89. The Cabinet decided to re-examine the matter in consultation with Ministry of Law and bring it up again. The Dtc. of Estates is vigorously and actively pursuing the matter with Ministry of Law and it was discussed with Joint Secretary and Legal Adviser in the Ministry of Law. On its clearance from Ministry of Law proposal will be submit-

ted again before the Cabinet and in case the Cabinet approves the proposal, steps will be taken for bringing the legislation in this regard.

"As regards given powers of Estate Tribunals to Estate Officers while deciding the cases of summary eviction of guest hostel accommodation/temporary allotments, it is stated that in the proposal for summary eviction referred to above it has been proposed to give 24 hours show cause notice to such unauthorised occupants who were allotted accommodation for a temporary purpose. Thereafter, only 24 hours time would be allowed for vacation of the premises by the Estate Officer while passing the eviction orders. It has been categorically stated in the proposal that no appeal shall lie under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 against the eviction orders as passed by Estate Officer. Thus the purpose of the recommendations of the Estimates Committee is fully met in the present proposal of the Ministry of Urban Development i.e. it provides for expeditious vacation of unauthorised occupants of guest hostel accommodation, as well as it empowers the Estate Officer to a great extent since no appeal shall lie against his order in any District Court."

1.14 As per the intimation received from Ministry of Urban Development that the proposals for summary of eviction of Guest Hostel Accommodation was being finalised in consultation with the Ministry of Law and after clearance from Ministry of Law and the Cabinet steps would be taken to bring the Legislation. As the matter was pending for finalisation for more than 3 years, the Committee decided to call the representative of Ministry of Law and Ministry of Urban Development to get their views on the subject.

1.15 In this context the Additional Secretary, Ministry of Urban Development explained during evidence:

"As far as the proposed amendments are concerned, a Bill was introduced in the Rajya Sabha and has been passed on the 16th July, 1992. The Bill is presently before the Lok Sabha. The proposal is regarding the summary eviction proceedings, giving 24 hours notice to the party concerned; and thereafter having an inquiry conducted by the Estate Officer. Then giving another 24 hours to the party, before evicting the premises, if the accommodation is unauthorised."

1.16 Asked why the correct position was not sent to the Committee, the Additional Secretary, Ministry of Urban Development expressed regret over the lapse.

1.17 Asked whether the time-limit of 24 hours could be reduced further the Secretary, Ministry of Law opined during evidence:

"Perhaps one could think in terms of shortening of this procedure without indicating the time-limits. It could be provided that if the Estate Officer is of the opinion that public premises which were allotted for temporary occupation are in unauthorised occupation of any person, then notwithstanding anything contained in section 4 or section 5, the Estate Officer shall visit the said premises and make such inquiry thereat as is expedient and if, after the said inquiry, he is satisfied, for reasons to be recorded in writing, that any person or persons are in unauthorised occupation of the premises, he shall make an order of eviction forthwith and thereupon if any person refuses or fails to comply with the order of eviction, he may evict him from, and take possession of, the said premises and may, for that purpose use such force as may be necessary."

1.18 He further explained that Inquiry of some sort is necessary so that the courts will not strike down the provision on account of its being arbitrary. The Secretary, Ministry of Law explained the position as follows:

"The basic principle is that the person who is being evicted should get an opportunity of explaining to the Estate Officer whether he is in unauthorised occupation. What is the excuse that he has for continuing to stay there? That is the point that arises by virtue of the principles of natural justice."

He therefore suggested as under:

"Therefore, we may build into the Act a requirement that instead of giving the occupant a formal notice and asking him for a formal explanation, he could be asked to indicate on what authority he continues to stay there and, if the Estate Officer is not satisfied with the explanation, he may evict the occupant after recording the reasons for the same. The record would then also prove that the action is not *mala fide* or that it has not been taken on an extraneous consideration."

1.19 The Committee were of the view that there was need to propose an amendment to the Bill. In this context the Additional Secretary, Ministry of Urban Development stated during evidence:

"The suggestion made by the Law Secretary is on the basis of the discussions that we have had in the context of the notice issued by the hon. Committee. It should be possible for us to reconsider the amendments to the Bill presently before the Lok Sabha and then come back on the basis of these proposals."

1.20 The Committee in their Report had called for expeditious amendment of Public Premises Eviction of Unauthorised Occupation Act, 1971 so

as to facilitate summary trial for eviction of guests who were staying in the MPs Hostel accommodation. They now note that an Amendment Bill to the effect has already been introduced by the Ministry of Urban Development which the Rajya Sabha has already passed and is presently pending consideration of the Lok Sabha. The Committee have further noted that the Amendment Bill also provides for empowering the Estate Officer to effect summary eviction after giving a show cause notice of 24 hours to such unauthorised occupants who were allotted accommodation on a temporary basis. The Committee however are of the opinion that even the time limit of 24 hours may be mis-used to defeat the objective of summary eviction. Nevertheless they are also mindful of a requirement of natural justice in observance of which the person being affected should get an opportunity to explain his/her position to the Estate Officer. They, therefore, desire that the Amendment Bill may further be modified to provide for a procedure under which instead of giving occupant a formal notice and asking him for a formal explanation, he could be asked to indicate on what authority he continues to stay in the public premises i.e. MPs Hostel Accommodation and that if the Estate Officer is not satisfied with the explanation he may evict the occupant after recording the reasons for the same. The Committee further desire that as soon as the Amendment Bill is modified and re-introduced in the two Houses of the Parliament, the Committee may be suitably apprised of the position.

*Allotment of Government Official/Private Bodies*

**Recommendations (Sl. Nos. 16 & 17, Paras 5.4 & 5.5)**

1.21 During evidence before the Committee the representative of the Ministry had clarified that allotments of hostel accommodation to certain Government servants was necessitated by circumstances and were made with the prior approval of the Ministry of Urban Development.

1.22 The Committee were of the opinion that any further continuation of occupation by these officers especially when they had been allotted accommodations on unjustifiable grounds was not desirable. As these officers were eligible for General Pool accommodation, the Committee had desired that they should be provided accommodation to which they are entitled.

1.23 The Ministry in their reply stated that the latest position in respect of accommodation occupied by the Government servants in V.P. House is as under:

"Suites No. 414-D and 206-D, V.P. House these suites in occupation of Shri C.V. Sharma and Shri R.P. Madan respectively."

In March, 1977, the Hon'ble Speaker had desired that the entire accommodation in V.P. House should be utilised for MPs only. As such, it was decided that accommodation in occupation of Government officers in V.P. House be got vacated from them. In order to enable Dr. Sharma to vacate suite No. 414 V.P. House, he was twice allotted alternative

accommodation. But he did not accept those allotments. In the meanwhile Smt. Gargi Sharma W/o Dr. C.V. Sharma had represented to the Speaker that they be allowed to continue to stay in V.P House. Accordingly a decision was taken by the House Committee, Lok Sabha at their sitting held on 28.7.1977 that Smt. Nirmala R. Madan and Dr. C.V. Sharma be permitted to continue to reside in the suites occupied by them. This decision was conveyed to this Directorate *vide* Lok Sabha Secretariat's D.O. letter No. 1/1/77-MS dated 9.8.1977.

Since they were allowed to continue the accommodation in V.P. House under the direction of Speaker, Lok Sabha, the Lok Sabha Secretariat, was requested to review the matter. It has been decided by the House Committee, Lok Sabha at its sitting held on 18.7.1991, that these suites may be got vacated from them.

As per the latest decision of House Committee, Lok Sabha taken in its meeting dated 4.10.1991, Shri R.P. Madan was allowed to retain suite No. 206, V.P. House till 30.4.1992 i.e. the date of his retirement. Now he has vacated the above suite on 30.4.1992 (AN).

In the case of Shri C.V. Sharma, Minister of Urban Development after considering various representations received on behalf of Shri Sharma has allowed him to retain suite No. 414, V.P. House till the date of his retirement i.e. February 1993.

Shri P.D. Pathak, suites No. 101-S and 102-S, V.P. House. Shri P.D. Pathak has vacated suites No. 101-S & 102-S, V.P. House on 28.3.1992 and 13.3.1992 respectively.

Shri J.S. Watane, suite No.106-D, V.P. House. Shri Watane has vacated suite No.106-D, V.P. House on 16.7.1990

**1.24 The Committee desire that in future Government servants eligible for General Pool Accommodation should be provided accommodation only from the general pool to which they are entitled and not in V.P. House.**

#### *Implementation of recommendations*

**1.25 The Committee would like to emphasise that they attach the greatest importance to the implementation of recommendations accepted by Government. They, therefore, urge that Government should take steps in this regard. In cases where it is not possible to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.**

**1.26 The Committee desire that reply in respect of the recommendations contained in Chapter V of the Report may be finalised and final reply of the Government furnished to Committee expeditiously.**

## CHAPTER II

### RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

#### Recommendation (Sl. No. 8, Para 2.13)

2.1 The Committee Express their deep concern over this accumulation of rental arrears and urge the Ministry to take effective steps to get the amounts recovered from the defaulters/sponsors without any further loss of time. The Committee desire to be apprised of the outcome of their efforts.

#### Reply of Government

2.2 The Directorate of Estates has taken up vigorously to recover the outstanding dues, by taking up the matter with individual M.Ps. etc. and in case of failure to clear the dues has started Rent Recovery Proceeding to recover the outstanding dues under the provision of the P.P. (E) Act, 1971. In some cases even the payment order has also been got passed. As on date, out of 10 cases of outstanding dues, as intimated earlier on 31.8.91, the payment in respect of 5 cases have been received. In all the remaining cases appropriate action has been taken to get the amount realised. The statement showing the details of the cases and action taken is enclosed alongwith the Action Taken Note of Para 1.35

#### Recommendation (Sl. No. 10, Para 3.3)

2.3 The Committee find that the position of messing charges in W.C. Hostel is unsatisfactory. Guests have been cooking their own food despite orders to the contrary and compulsory messing charges are not being paid by the occupants to the caterer, i.e. ITDC which is a government undertaking. The existing arrangements need to be reviewed in depth and modifications made accordingly. They would like to be apprised accordingly.

#### Reply of Government

2.4 The recommendations of the Estimates Committee regarding review of existing arrangements with regard to compulsory messing charges and modification therein has been considered in depth. It is reiterated that now compulsory messing charges are being recovered alongwith the room rent from the guests before handing over possession of the suite. At present, no exemption from compulsory messing charges, even on medical grounds, are being allowed. The cooking of own food by the guests is strictly prohibited and since we are insisting on payment of compulsory messing charges in advance, guests also find it uneconomical to cook their own food in the suites while paying messing charges. The House

Committee, Lok Sabha in its meeting dated 16.12.91 also agreed with the recommendations of the Estimates Committee in this regard.

**Recommendation (Sl. Nos. 12, 13, 14 and 15, Paras 4.7, 4.8, 4.9 and 4.10)**

2.5 A scrutiny of budget allocation and actual expenditure incurred under various sub-heads is indicative of slippages, wrong projection and over and under-utilisation of allocations.

2.6 In the sixth five year plan under the head Maintenance/Repairs 27% of the allocated amount had remained unutilised, while under the head additional/alteration a staggering 48% could not be spent. Under horticulture category 40% remained unspent. Under the head Capital Outlay almost 45% of the allocated amount could not be put to any use. Similarly in the first four years of the Seventh Five Year Plan slippages upto the extent of 40% to 80% have occurred under various categories enumerated above.

2.7 The Committee also note with dismay that some inconsistencies were observed in the third statement, at variance with the first two statements supplied by the Ministry.

2.8 The Committee would like the Ministry to ensure that they draw their projections carefully so that the amount asked for in the budget allocation, for various subheads is actually utilised. They would also like to caution the Ministry to ensure that due care is taken in submitting information to the Parliamentary Committee and that there are no inconsistencies and in accuracies of the type mentioned above.

**Reply of Government**

2.9 The observations have been noted for guidance. The main reason for marginal savings in the expenditure against allotment was non-availability of suites in Western Court Hostel for renovation. Necessary action is being taken to make the subhead wise projection of expenditure more realistically. Due care will also be taken to give correct information to Parliamentary Committee in future.

**Recommendation (Sl. Nos. 16 and 17, Paras 5.4 and 5.5)**

2.10 During evidence the representative of the Ministry clarified that allotments to these Government servants were necessitated by circumstances and were made with the prior approval of the Minister of Urban Development. That four Government Officers had been allotted accommodation in V.P. House, when they were working as Private Secretaries to Ministers, or otherwise, and that they are either still continuing in the same position or in a higher capacity. As these allotments were made with the approval of the competent authority and since they are eligible for



allotment from General Pool, they can retain the suites. It has been further stated that review till now be conducted to provide alternative accommodation to these officers.

2.11 The Committee are of the opinion that any further continuation of occupation by these officers especially when they had been allotted accommodations on unjustifiable grounds is not desirable. As these officers are eligible for General Pool accommodation, they should be provided accommodation to which they are entitled.

#### **Reply of Government**

2.12 The latest position in respect of accommodation occupied by the Government Servants in V.P. House is as under:-

Suites No. 414-D & 206-D, V.P. House-These suites are in occupation of Shri C.V. Sharma and Shri R.P. Madan respectively. In March, 1977, the Hon'ble Speaker had desired that the entire accommodation in V.P. House should be utilised for MPs only. As such, it was decided that accommodation in occupation of Government officers in V.P. House be got vacated from them. In order to enable Dr. Sharma to vacate suite No. 414 V.P. House, he was twice allotted alternative accommodation. But he did not accept those allotments. In the meanwhile Smt. Gargi Sharma W/o Dr. C.V. Sharma had represented to the Speaker that they be allowed to continue to stay in V.P. House. Accordingly a decision was taken by the House Committee, Lok Sabha at their sitting held on 28.7.77 that Smt. Nir-mala R. Madan and Dr. C.V. Sharma be permitted to continue to reside in the suites occupied by them. This decision was conveyed to this Directorate vide Lok Sabha Sectt.'s D.O. letter No. 1/1/77-MS dated 9.8.77.

2.13 Since they were allowed to continue the accommodation in V.P. House under the direction of Speaker, Lok Sabha, the Lok Sabha Sectt., was requested to review the matter. It has been decided by the House Committee, Lok Sabha at its sitting held on 18.7.91, that these suites may be got vacated from them.

2.14 As per the latest decision of House Committee, Lok Sabha taken in its meeting dated 4.10.91, Shri R.P. Madan was allowed to retain suite No. 206, V.P. House till 30.4.92 i.e. the date of his retirement. Now he has vacated the above suite on 30.4.92 (AN).

2.15 In the case of Shri C.V. Sharma, Minister of Urban Development after considering various representations received on behalf of Shri Sharma has allowed him to retain suite No. 414, V.P. House till the date of this retirement i.e. Feb. 1993.

2.16 Shri P.D. Pathak, suites No.101-S and 102-S, V.P. House.-Shri P.D. Pathak has vacated suites No.101-S & 102-S, V.P. House on 28.3.92 and 13.3.92 respectively.

Shri J.S. Watane, suite No.106-D, V.P. House-Shri Watane has vacated suite No.106-D, V.P. House on 16.7.90.

**Recommendations (Sl. No. 19, Para 5.23)**

2.17 The Committee express its great concern that the Government has not carried out adequate fire safety measures in one of its own buildings, while it has been emphasising the enforcing of such measures in private buildings. This lack of adequate safety measures in Vithal Bhai Patel House is indicative of the aparthetic attitude of the Government in a matter so vital for the safety of public men, their guests and families. The Committee would like the Ministry to take immediate and appropriate remedial measures.

**Reply of Government**

2.18 Action has been initiated to provide adequate fire system measures like portable fire extinguishers, fire alarm system, exist signs, public address system, static underground tank, 6 mtrs approach road and gate, emergency power supply, fireman switch for lifts and down comer system.

## **CHAPTER III**

### **RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES**

#### **Recommendation (Sl. No. 3, Para 1.36)**

3.1 The Committee are also of the opinion that the present prescribed period of stay of one week extendable by another week, needs to be re-examined.

#### **Reply of Government**

3.2 The recommendations of the Estimates Committee regarding re-examination of the present prescribed period of stay of one week, extendable by another week was considered by the Ministry in consultation with both the House Committees of Lok Sabha/Rajya Sabha. The Lok Sabha House Committee did not consider it further necessary to revise the guidelines as according to them, to existing rules only need to be enforced strictly. The Rajya Sabha House Committee also unanimously decided to follow the existing procedure.

#### **Recommendation (Sl. No. 4, Para 1.37)**

3.3 They also held that the procedure of sponsorship of quests by MPs needs to be suitably changed by strengthening it.

#### **Reply of Government**

3.4 The recommendations of the Estimates Committee regarding strengthening of the procedure of sponsorship of guests of MPs was also considered by both the House Committee of Lok Sabha/Rajya Sabha. It was reiterated that the existing rules are sufficient and only the eviction of unauthorised guests, after the allotment period is over, needs to be resorted to effectively. At present, advance payment for the entire period of allotment is received from the sponsoring Member/guest before the physical possession is given. As such, no licence fee out-stands in the name of the sponsoring MP/guest for the bona-fide period of allotment. Therefore, it is felt that the existing procedure are adequate.

#### **Recommendation (Sl. No. 7, Para 2.12)**

3.5 The Committee deprecate the highly unsatisfactory state of affairs in regard to non-recovery of rentals from the occupants of hostel occupation in total violation of prescribed rules. It is really unfortunate that such laxity has been shown in recovering legitimate dues of the state. In fact the Ministry's role in this regard has largely been of near

total apathy. The reply of the Ministry about in-adequacies of existing laws cannot be accepted.

3.6 The Committee however recommend the scheme of prepayment of rent. This has salutary effect in improving the state of the affairs.

#### **Reply of Government**

3.7 So far as the recommendations of the Estimates Committee regarding seeking of pre-payment of rent is concerned, it is reiterated that Rule 6 of the terms and conditions of allotment of accommodation in Western Court Hostel provides that the amount of rent plus messing charges are to be deposited in advance. These instructions are now being followed in letter and spirit and there is no fresh case where any sum is outstanding against the bona-fide period of allotment.

#### **Recommendation (Sl. No. 11, Para 3.7)**

3.8 The Committee feel that since, V.P. House is being used as a hostel accommodation for guests of Ministers/MPs, it is desirable that a canteen is established there. The Committee hope that the Ministry would take an early decision in the matter.

#### **Reply of Government**

3.9 The recommendations of the Estimates Committee regarding opening of a canteen at the V.P. House was further explored. Since no public sector organisation has come forward to open the canteen, the Amenities Committee, a sub-committee of the House Committee, Lok Sabha has decided not to pursue the matter further. Under the circumstances it is felt that the laudable recommendations of the Committee can't be given effect.

#### **Recommendation (Sl. No. 18, Para 5.15)**

3.10 The Committee hope that the Government would take an early decision about converting the Western Court Hostel into a National Art Gallery or a Museum after examining the issues involved and simultaneously ensuring the provision of a proper alternative Hostel accommodation for MPs and their guests. They would like to be apprised of a decision in the matter expeditiously.

#### **Reply of Government**

3.11 On further reconsideration, it has been decided not to convert the Western Court Hostel into an Art Gallery. Besides the shortage of general pool accommodation, it is also seen that a new building is already being added to the National Art Gallery and expansion of National Museum building is also in progress. The prestigious Art Complex at the Indira

Gandhi National Centre for Art is also likely to come up in the near future. In view of the above, the Western Court Hostel would continue to be utilised as it is currently being utilised, *i.e.*, as Hostel accommodation for guests of Members of Parliament.

**CHAPTER IV**  
**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH**  
**REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY**  
**THE COMMITTEE**

**Recommendation (Sl. No. 2, Para 1.35)**

4.1 The Committee note with dismay, from the information furnished and the cases discussed, that though adequately armed with rules and regulations the Directorate of Estates is totally unable to implement them. The Committee also find that in a few cases though the sponsors have been changed but the guest remained the same, again in total violation of rules. In certain cases the overstaying defaulters rather than being evicted have actually been allowed to shift to other suites. The Committee would also like to know us to how a Member was allowed to occupy two Government accommodations simultaneously, and for such long periods. The cases of occupants of 17/18 Western Court Hostel, and 68 Western Court Hostel are illustrative. Two guests of the then Home Minister, Shri Buta Singh, Collectively owe the exchequer a sum of more than Rs. 1,20,000.00. The Ministry has done nothing more than issuing remainders to the sponsoring ex-Minister for depositing the amount. This matter has been dragging for more than three years. In the opinion of the Committee, the Ministry after pursuing the matter for a reasonable period of time should have taken recourse to eviction and initiated recovery of outstanding rental dues under P.P. (E) Act, 1971. The Committee cannot help remarking adversely about the Ministry's in action, amounting almost to collusion. The Committee view the situation with great concern. They expect the Ministry to at least now take all appropriate action against all unauthorised, over staying defaulters urgently. They would like to be apprised of further development and progress in this regard.

**Reply of Government**

4.2 At present no one is staying unauthorisedly in Western Court (General Pool Accommodation). However, one Shri Ladli Mohan Nigam, Freedom Fighter is staying in suite No. 7, Western Court. In this case the C.C.A. has approved allotment for a period ending 30.9.89. The matter for further extension is still under consideration.

4.3 So far as recovery from defaulters is concerned, it is stated that there were 10 cases of outstanding dues as intimated earlier on 31.8.90. Out of these 10 cases, the payment in respect of 5 cases have been received. In all

the remaining cases appropriate action has been taken to get the amount realised. Statement showing the details of the cases and action taken is at Annexure I, at page 22.

### **Recommendation (Sl. No. 9, Para 2.14)**

4.4 The Committee note that the Ministry was contemplating amendment in the Public Premises Act, 1971 and have summary trials for eviction. It is essential to give powers to the Estate Officer treating him as an Estate tribunal so that eviction proceedings may be expedited. They are of the view that these measures should be introduced without any further delay so as to obviate the misuse of hostel accommodation and to expedite the eviction cases of guests who do not pay the prescribed rent.

### **Reply of Government**

4.5 The Directorate of Estates placed a note before the Cabinet containing a proposal, *inter-alia*, for summary eviction of guest hostel accommodation, Holiday Homes and accommodation allotted temporarily for specific period. This was considered by the Cabinet in its meeting on 12.5.89. The Cabinet decided to re-examine the matter in consultation with Ministry of Law and bring it up again. The Dte. of Estates is vigorously and actively persuing the matter with Ministry of Law and it was discussed with Joint Secretary and Legal Adviser in the Ministry of Law. On its clearance from Ministry of Law proposal will be submitted again before the Cabinet and in case the Cabinet approves the proposal, steps will be taken for bringing the legislation in this regard.

4.6 As regards giving powers of Estate Tribunals to Estate Officers while deciding the cases of summary eviction of guest hostel accommodation/ temporary allotments, it is stated that in the proposal for summary eviction referred to above it has been proposed to give 24 hours show cause notice to such unauthorised occupants who were allotted accommodation for a temporary purpose. Thereafter, only 24 hours time would be allowed for vacation of the premises by the Estates Officer while passing the eviction orders. It has been categorically stated in the proposal that no appeal shall lie under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971 against the eviction orders as passed by Estate Officer. Thus the purpose of the recommendations of the Estimate Committee is fully met in the present proposal of the Ministry of Urban Development *i.e.* it provides for expeditious vacation of unauthorised occupants of guest. Hostel Accommodation, as well as it empowers the Estate Officer to a great extent since no appeal shall lie against his order in any District Court.

## **CHAPTER V**

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF GOVERNMENT ARE STILL AWAITED**

#### **Recommendation (Sl. No. 5, Para 1.40)**

5.1 The Committee note that there has been variations in dates of allotment and occupations of these accommodations. In several cases the accommodations have been occupied in period ranging from one to six months after the dates of allotment. In case of 26-D and 48-S in V.P. House the allottees occupied the sets after three and a half years of allotment. The Government's contention that as allotment of MPs. Pool are done by the respective House Committee information about such deviations may be had from their respective Secretariats is not acceptable. The rules clearly specify that occupation has to be within 48 hours of allotment or else it should be cancelled.

#### **Reply of Government**

5.2 The matter is still under consideration in consultation with Lok Sabha House Committee.

#### **Recommendation (Sl. No. 6, Para 1.41)**

5.3 The Committee accordingly desire that the Ministry should review the whole procedure in consultation with concerned authorities. Delay in occupation besides resulting in loss of revenue to the exchequer also prevent optimum utilisation of such suites. The Committee would like to be apprised of a decision taken in this regard.

#### **Reply of Government**

5.4 The matter is still under consideration in consultation with Lok Sabha House Committee.



(Vide Para 1.9 of the Report)

Statement showing further positions of dues in respect of Members of Parliament  
as on 1.10.1992

Sl. No.	Suite No.	Name S/Shri	Balance Dues as on 1.12.91	Subsequent Recovery upto Sept., 92	Balance as on 1.10.92	Remarks
1	2	3	4	5	6	7
4.	517, V.P. House	Anant Prasad Sathy, Ex-MP	4,177.00	—	4,177.00	At present a sum of Rs. 5,000/- due up to the date of vacation i.e. 25.8.89. Payment orders passed by Estate Officer under P.P. (Act.)
6.	18/17, Western Court Hostel	Iqbal Singh, G/o Sh. Buta Singh	51,632.00	4,000.00	47,632.00	Recovery was being made from the salary of Sh. Buta Singh, MP(LS) every month in instalments. The balance has subsequently reduced. On the instructions of Sh. Buta Singh, Lok Sabha Sectt. has stopped recovery from his salary after June 92. For further recovery matter is being pursued with M.P. directly.
7.	51, Western Court hostel	H. Pandey, G/o Sh. B.D. Dubey, Ex-MP	28,369.00	—	28,369.00	Total amount due upto the date of vacation i.e. 12.2.90 is Rs. 55,407.00. The Recovery case is on the hearing stage in the court of Estate Officer under the P.P. (E) Act.

1	2	3	4	5	6	7
8.	535, Western Court Hostel	Jagpal Singh, G/o Sh. K.P. Rawat, Ex-MP	41,489.00	—	41,489.00	The payment orders in this case have been passed by Estate Officer under P.P. (E) Act.
10.	68, Western Court Hostel	Shanker Dass G/o Sh. Buta Singh, MP	60,925.00	10,000.00	50,925.00	Recovery was being made from the salary of Shri Buta Singh, MP(LS) every month in instalments. The balance has subsequently reduced. On the instructions of Sh. Buta Singh, Lok Sabha Sectt. has stopped recovery from his salary after June, 92. For further recovery matter is being pursued with M.P. directly.

In respect of Sl. Nos. 1,2,3,5, and 9 the balance has reduced to Nil.

## (Vide Introduction of the Report)

*Analysis of Action Taken by Government on the 16th Report of Estimates Committee (Ninth Lok Sabha)*

I.	Total number of recommendations	19
II.	Recommendations/Observations which have been accepted by Government (Nos. 1, 8, 10, 12, 13, 14, 15, 16, 17 and 19)	total 10
	Percentage	52.63%
III.	Recommendations/Observations which the Committee do not desire to pursue in view of Government replies (Nos. 3,4,7,11, and 18)	Total 5
	Percentage	26.31%
IV.	Recommendations/Observations in respect which Government's replies have not been accepted by the Committee. (Nos. 2 and 9)	Total 2
	Percentage	10.53%
V.	Recommendations/Observations in respect of which final replies of Government are still awaited (Nos. 5 and 6)	Total 2
	Percentage	10.53%

ESTIMATES COMMITTEE  
(1992-93)

MINUTES  
17th Sitting

4.1.1993

The Committee sat from 1100 to 1315 hours.

PRESENT

Shri Manoranjan Bhakta — *Chairman*

MEMBERS

2. Shri A. Charles
3. Shri Rajendra Agnihotri
4. Shri Mumtaz Ansari
5. Shri Ayub Khan
6. Shri Somjibhai Damor
7. Shri Santosh Kumar Gangwar
8. Shri Nurul Islam
9. Smt. Girija Devi
10. Shri Manjay Lal
11. Shri Hannan Mollah
12. Shri G. Devaraya Naik
13. Shri Rupchand Pal
14. Shri Harish Narayan Prabhu Zantye
15. Shri Amar Roypradhan
16. Shri Ebrahim Sulaiman Sait
17. Shri Manabendra Shah
18. Shri Mahadepak Singh Shakya
19. Shri Rajnath Sonker Shastri
20. Shri Braja Kishore Tripathy.

SECRETARIAT

Shri K.K. Sharma - *Joint Secretary*

Shri B.B. Pandit - *Director*

Shri K.L. Anand - *Under Secretary*

4. The Committee also considered the following draft report with certain amendments/modifications and remarks as indicated in Annexure-II

- (i) Draft Report on action taken by Government on the recommendations contained in the 16th report of the Estimates Committee (9th Lok Sabha) on the Ministry of Urban Development—Hostel Accommodation for M.Ps in Delhi.

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5. The above Reports were however not adopted by the Committee as they desired further clarifications from the Ministries concerned on some recommendations. It was, therefore, decided to invite representatives of the Ministries concerned for oral evidence before the Committee in the current week itself.

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*The Committee then adjourned.*

(See para 4 of Minutes of Sitting held on 4.1.1993)

**AMENDMENTS/MODIFICATIONS MADE BY THE ESTIMATES COMMITTEE IN THE DRAFT REPORT OF ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE SIXTEENTH REPORT OF ESTIMATES COMMITTEE (10TH LOK SABHA) ON THE MINISTRY OF URBAN DEVELOPMENT—HOSTEL ACCOMMODATION FOR MPs.**

Para No.	Line	Amendments/Modifications/Remarks
1.10	3	<i>For Shri Ladli Mohan Nigam Substitute one</i>
1.14	—	As the proposals for summary eviction of Guest Hostel Accommodation is being finalised in consultation with the Ministry of Law, the Committee decided to call the Secretary, Ministry of Law to get his views on the subject.

**ESTIMATES COMMITTEE**

(1992-93)

**MINUTES**

**22nd Sitting**

8.1.1993

The Committee sat from 1030 to 1130 hours.

**PRESENT**

Shri Manoranjan Bhakta — *Chairman*

**MEMBERS**

2. Shri A. Charles
3. Shri Mumtaz Ansari
4. Shri Ayub Khan
5. Shri Sartaj Singh Chhatwal
6. Shri Somjibhai Damor
7. Shri Nurul Islam
8. Shri R. Jeevarathinam
9. Shri C.K. Kuppuswamy
10. Shri Dharampal Singh Malik
11. Shri Hannan Mollah
12. Shri Moreshwar Save
13. Shri Manabendra Shah
14. Shri Mahadeepak Singh Shakya
15. Shri Rajnath Sonker Shastri
16. Shri Manku Ram Sodhi
17. Shri Braja Kishore Tripathy

**SECRETARIAT**

1. Shri K.K. Sharma — *Joint Secretary*
2. Shri B.B. Pandit — *Director*
3. Shri K.L. Anand — *Under Secretary*

**WITNESSES**

1. Dr. P.C. Rao - Secretary, Ministry of Law, Justice and Company Affairs
2. Dr. M.K. Mishra, Consultant, Ministry of Law, Justice and Company Affairs
3. Shri R.V. Pilai, Additional Secretary, Ministry of Urban Development
4. Miss Shcila Sangwan, Director of Estates.

6. The Committee took up evidence of the representatives of the Ministry of Law, Justice and Company Affairs and Ministry of Urban Development on the subject of Hostel Accommodation for M.Ps. in Delhi for further clarification on some of the recommendations:

*Amendment in the Public Premises Act, 1971*

7. The Additional Secretary, Ministry of Urban Development explaining the position about the proposals for summary of eviction of Guest Hostel Accommodation stated during evidence:

“As far as the proposed amendments are concerned, a Bill was introduced in the Rajya Sabha and has been passed on the 16th July, 1992. The Bill is presently before the Lok Sabha. The proposal is regarding the summary eviction proceedings, giving 24 hours notice to the party concerned; and thereafter having an inquiry conduction by the Estate Officer, then giving another 24 hours to the party, before evicting the premises, if the accommodation is unauthorised.”

8. Asked why the correct position was not sent to the Committee, the Additional Secretary, Ministry of Urban Development expressed regret over the lapse.

9. Asked whether the time-limit of 24 hours could be reduced further the Secretary, Ministry of Law opined during evidence:

“Perhaps one could think in terms of shortening of this procedure without indicating the time-limits. It could be provided that if the Estate Officer is of the opinion that public premises which were allotted for temporary occupation are in unauthorised occupation of any person, then notwithstanding anything contained in section 4 or section 5, the Estate Officer shall visit the said premises and make such inquiry thereat as is expedient and if, after the said inquiry, he is satisfied for reasons to be recorded in writing, that any person or persons are in unauthorised occupation of the premises, he shall make an order of eviction forthwith and thereupon if any person refuses or fails to comply with the order of eviction, he may evict him from, and take possession of, the said premises and may, for that purpose use such force as may be necessary.”

10. The Secretary, Ministry of Law further explained that inquiry of some sort is necessary so that the courts will not strike down the provision on account of its being arbitrary. He explained the position as follows:

“The basic principle is that the person who is being evicted should get an opportunity of explaining to the Estate Officer whether he is



in unauthorised occupation. What is the excuse that he has for continuing to stay there? That is the point that arises by virtue of the principles of natural justice."

He, therefore, suggested as under:

"Therefore, we may build into the Act a requirement that instead of giving the occupant a formal notice and asking him for a formal notice and asking him for a formal explanation, he could be asked to indicate on what authority he continues to stay there and, if the Estate Officer is not satisfied with the explanation, he may evict the occupant after recording the reasons for the same. The record would then also prove that the action is not *malafide* or that it has not been taken on an extraneous consideration."

11. The Committee were of the view that there was need to propose an amendment to the Bill. In this context the Additional Secretary, Ministry of Urban Development stated during evidence:

"The suggestion made by the Law Secretary is on the basis of the discussions that we have had in the context of the notice issued by the hon. Committee. It should be possible for us to reconsider the amendments to the Bill presently before the Lok Sabha and then come back on the basis of these proposals."

12. After the witnesses withdrew the Committee briefly deliberated upon the evidence and authorised the Chairman to finalize the report in the light of fresh evidence adduced at adoption stage and factual verification received from the respective Ministries. He was also authorised to make verbal and consequential changes therein and present them to Lok Sabha.

*The Committee then adjourned.*

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA  
SECRETARIAT PUBLICATION**

<b>Sl. No.</b>	<b>Name of Agent</b>	<b>Sl. No.</b>	<b>Name of Agent</b>
<b>ANDHRA PRADESH</b>		<b>UTTAR PRADESH</b>	
1.	M/s. Vijay Book Agency, 11-1-477, mvlargadda, Secunderabad-500 306.	12.	Law Publishers, Sardar Patel Marg, P.B. No. 77, Allahabad, U.P.
<b>BIHAR</b>		<b>WEST BENGAL</b>	
2.	M/s. Crown Book Depot, Upper-Bazar, Ranchi (Bihar).	13.	M/s. Madimala, Buys & Sells, 123, Bow Bazar Street, Calcutta-1.
<b>GUJARAT</b>		<b>DELHI</b>	
3.	The New Order Book Company, Ellis Bridge, Ahmedabad-380 006. (T. No. 79065)	14.	M/s. Jain Book Agency, C-9, Connaught Place, New Delhi, (T.No. 351663 & 350806).
<b>MADHYA PRADESH</b>		15.	M/s. J.M. Jaina & Brothers, P. Box 1020, Mori Gate, Delhi-110006. (T.No. 2915064 & 230936).
4.	Modern Book House, Shiv Vilas Place, Indore City. (T.No. 35289)	16.	M/s. Oxford Book & Stationery Co., Scindia House, Connaught Place, New Delhi-110 001. (T.No. 3315308 & 45896).
<b>MAHARASHTRA</b>		17.	M/s. Bookwell, 2/72, Sant Nirankari Colony, Kingsway Camp, Delhi-110 009. (T.No. 7112309).
5.	M/s. Sunderdas Gian Chand, 601, Girgaum Road, Near Princes Street, Bombay-400 002	18.	M/s. Rajendra Book Agency, IV-DR59, Lajpat Nagar, Old Double Storey, New Delhi-110 024. (T.No. 6412362 & 6412131).
6.	The International Book Service, Deccan Gymkhana, Poona-4.	19.	M/s. Ashok Book Agency, BH-82, Post Office, Shalimar Bagh, Delhi-110 033.
7.	The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-400 001.	20.	M/s. Venus Enterprises, B-2/85, Phase-II Ashok Vihar, Delhi.
8.	M/s. Usha Book Depot, 'Law Book Seller and Publishers' Agents Govt. Publications, 585, Chira Bazar, Khan House, Bombay-400 002.	21.	M/s. Central News Agency Pvt. Ltd., 23/90, Connaught Circus, New Delhi-110 001. (T.No. 344448, 322705, 344478 & 344508).
9.	M & J Services, Publishers, Representative Accounts & Law Book Sellers, Mohan Kunj, Ground Floor, 68, Jyotiba Fuele Road Nalgaum, Dadar, Bombay-400 014.	22.	M/s. Amrit Book Co, N-21, Connaught Circus, New Delhi.
10.	Subscribers Subscription Service India, 21, Raghunath Dadaji Street, 2nd Floor, Bombay-400 001.	23.	M/s. Books India Corporation Publishers, Importers & Exporters, L-27, Sastri Nagar, Delhi-110 052. (T.No. 269631 & 714465).
<b>TAMIL NADU</b>		24.	M/s. Sangam Book Depot, 4378/4B, Murari Lal Street, Ansari Road, Darya Ganj, New Delhi-110 002.
11.	M/s. M.M. Subscription Agencies, 14th Murali Street, (1st Floor). Mahalingapuram, Nungambakkam, Madras-600 034. (T.No. 476558)		