

अधिकार होना चाहिए। लेकिन पूरा यदि नहीं रहता है और बिगड़ा रहनी है, तो बिगड़ा का यह अधिकार नष्ट होना चाहिए कि वह सम्पत्ति को किसी का दान दे सके या बेच सके, उबर रोक लगनी चाहिए तथा विभागा की जो संतति है उसकी ओर भी ध्यान देना चाहिए।

18 hrs.

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ तथा मंत्री जी का ध्यान प ओर आकर्षित करता हूँ कि विभागा की संतति के साथ कोई किसी प्रकार का अन्याय नहीं होना चाहिए।

Mr. Deputy-Speaker: Shri Pattabhi Raman.

Shri Raghunath Singh rose—

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): Sir,....

Mr. Deputy-Speaker: He can reply afterwards. We will take up the half-an-hour discussion.

Shri D. N. Tiwary: But one hour was allotted for this Bill and that is not over.

Mr. Deputy-Speaker: This will be continued afterwards, after the half-an-hour discussion finishes. At 6 o'clock we have to take up the half-an-hour discussion.

18.03 hrs.

RE: M.P. FLATS *

Shri Hem Barua (Gauhati): Sir, I rise to raise a half-an-hour discussion regarding M.P. flats.

There are two sets of MP flats. One set is managed by the two Houses of Parliament and the other is under the direct responsibility of the works and Housing Ministry. May I draw the

attention of the hon. Minister to the fact that housing has become a great problem in the capital? There is an acute shortage of housing facilities in the capital and, at the same time, the rents of privately owned houses are so high that it is impossible for lowly paid Government officials to hire them. These are beyond the means of the lowly paid Government servants. That is why a policy or principle is to be evolved that can do justice to all concerned, particularly to those people who are at the lower rungs of Government employment.

18.04 hrs.

[**SHRI SHAM LAL SARAF** in the Chair]

May I say that the present Minister has evolved many a principle in order to rationalise the system, but unfortunately in the process of this rationalisation favouritism has come in? Even in his attempt to fix the criterion for the date of priority for eligibility for Government servants, he has altered the existing rules as many as six times. But then somehow or other the situation has not at all improved.

He made another change in relation to out-of-turn allotments. In June, 1962 out-of-turn allotments on grounds other than medical were abolished. But in reply to a question he has said that out-of-turn allotments were made to some 20 persons, might be on medical grounds.

Then, in June 1964 even this principle of allotment on medical grounds was also abolished. Significantly, orders abolishing out-of-turn allotments on medical grounds were given retrospective effect and the claims of persons—and the number of these persons is very limited—whose cases were recommended by the medical committees of the Willingdon and Safdarjung hospitals and to whom allotments of accommodation were sanctioned by the allotment committee that consisted of officers of the Ministry, were surreptitiously overlooked or bypassed.

*Half-an-hour discussion.

[Shri Hem Barua]

Then, there was another decision not to entertain requests for out-of-turn allotments on any ground whatsoever. But out-of-turn allotments have been made in numerous cases. The principle was evolved not to make out-of-turn allotments. But this principle has been violated and out-of-turn allotments were made in numerous cases and when out-of-turn allotments were made in numerous cases violating that principle, the only answer that the hon. Minister has given is that these allotments are made on *ad hoc* basis—this is what he has said in reply to a question in the other House also—or in view of special circumstances. In fact, I am afraid, these allotments were made on extraneous considerations and not due to any genuine hardship. This is my apprehension. Now, an officially admitted figure of such allotments is 31 although I have an apprehension that the actual figure might be much higher than the officially admitted figure.

Another loophole, may I say, for making out-of-turn allotments has been found with the surrendering of M.P. flats to the General Pool. The General Pool is meant for allotment to Government officials only. From time to time, some M.P. flats are surrendered to the General Pool either because of their being surplus to M.Ps. requirements or with the consent of the two Houses Committees of Parliament. This is what is done. But, somehow or other, in reply to a question, the hon. Minister said that 20 such allotments were made and in reply to a question in the other House he admitted that he is yet to evolve a principle for out-of-turn allotment. He is yet to evolve a principle. After making allotments to these highly paid Government officials—their designations are also given in reply to a question—now is it possible for him to evolve a principle now? Even if he is dead certain of evolving a principle, how can that principle be implemented passes my comprehension when the

allotments of M.P. flats have been on an out-of-turn basis.

I am afraid, the Minister's answer is evasive by saying that these M.P. flats have not been treated at par with other residential accommodation meant for Government officials and that they have been allotted temporarily on an *ad hoc* basis. The Minister has tried to evade the real issue as to what are the principles or the basis that have been followed in allocating these flats. Here also, in reply to a question in the other House, he has said that this is done on an *ad hoc* basis and that whenever an M.P. makes a request, I mean, the occupants of those flats might be asked to withdraw from those flats. But this is a very far off thing. I am afraid.

It is also very clear from the answer that the allotments have not been given to persons entitled in regular course. This is one of my charges. In the absence of any reasons or basis specified for the allotment, it is also very clear that no fair or equitable principles have been followed and that allotments have been made just to oblige certain officials and, may be, to have some political or personal motive. My objection is this. I have great respect for Mr. Khanna and, at the same time, I am afraid that behind his back, there might be some cases of favouritism where his officials have taken an advantage and allotted flats to underserving people, the highly paid Government officials—they can, I mean, have privately-owned houses by paying the rents because they are highly paid people—thereby neglecting the lowly paid Government servants. They cannot reach these officials also. On the one hand, the Minister has been rejecting the requests from persons involved in real hardship and, on the other hand, these allotments have been made on arbitrary basis either by him or by his officials—I think it would be better to say, by his officials. In fact, he has turned down the requests of those. I know of certain persons who are deserving persons. The requests

of certain government employees, even on medical grounds or even on certain relevant grounds, were turned down and people who are highly paid were accommodated. That is the most difficult problem. I know of certain cases. They were recommended by some persons on medical grounds; their cases were recommended even by the doctors or medical grounds; even then, their cases were not considered. All the officials to whom flats have been given are highly paid ones who could otherwise also afford a private accommodation. This thing has to be taken into account because from the list of 20 persons that the Minister has kindly furnished us, this is evident because their designations are also given. Of course, at the same time I must point out that in the case of certain persons—I know of at least two—the allotment is shown as 1966, although they have been occupying the same flats since 1962. There are two cases.

The Minister of Works, Housing and Urban Development (Shri Mehr Chand Khanna): There was only one case.

Shri Hem Barua: I know the names of those two persons.

Shri Mehr Chand Khanna: Please send them to me.

Shri Hem Barua: Out of 20 flats, 9 have been given to doctors while the Minister himself is responsible for the abolition of the separate pool called the medical pool, meant for doctors. The Minister himself has abolished the special pool called the medical pool, but here out of 20 persons, I find that 9 are doctors. Here in this case also, there is a trouble. There are some other doctors who are senior to these doctors and whose services are more essential from the point of proximity to the M.P.s.; their cases are neglected whereas 9 other doctors out of 20 who are enjoying the benefit of out of turn allotment have been favoured with this. Possibly it is because of the tussle that Mr. Khanna's Ministry had with the Health Ministry. There was a tussle like that as to who would manage the affairs.

Shri Mehr Chand Khanna: I am a harmless man.

Shri Hem Barua: I know that. When there is a lady in the Health Ministry, you cannot afford to be harsh. (*Interruptions*). If doctors have to be treated as a special class, then why (i) the separate medical pool was abolished; and (ii) requests from other doctors who are, as I have said, senior and superior and whose services are more essential from the point of proximity to M.P.s. were not entertained.

Mr. Chairman: The hon. Member may try to conclude now.

Shri Hem Barua: I have spoken only for ten minutes. I suppose I will get fifteen minutes.

Mr. Chairman: He has spoken for 13 minutes. He may take two more minutes.

Shri Hem Barua: The out of turn allotments on medical grounds were also abolished following a tussle between the Health Ministry and the Works and Housing Ministry, as I have said, as the letter wanted to have its last word in every case after the Medical Board had given its recommendation. The contention of the Health Ministry was that once the medical experts' opinion on the desirability of giving allotment was given, it should be complied with finally. But that has not been done.

Prior to allotment of M.P. flats to the officials concerned, some of them were residing in private accommodation. I know of an officer who has been enjoying the benefit of occupying an M.P.'s. flat for the last twenty years and then whenever he is asked to remove himself to another residence or accommodation given by the Government, he does not want to go there because of the cheap rent that he pays in the M.P.'s. flat. It has become almost impossible for the hon. Minister to eject him out of the flat.

It is also understood that the House Committees of both the Houses have been feeling agitated because when

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M.P.'s flats are surrendered to the General Pool and when they are given to certain other government officials, the House Committees of the two Houses of Parliament were not informed. That is why, my information is that these two House Committees are also very much agitated. As I have already said, two names are given in the list of 20, and those two persons have been occupying the flats much earlier than what is shown against their names. At the same time, in the case of certain officials whose names have also been given in the list, their designations are also not correctly given. The above facts are nothing but a sad commentary on the functioning of the Government. It is growingly becoming a feature that the claims of persons involved in genuine hardship are ignored and favours shown to those whose cases on merits are hardly deserving. This is my contention because the legitimate cases of people are being ignored. And in spite of the Minister's attempt to rationalise the whole system, favouritism has somehow or other crept into the system and it has vitiated the system.

About the other type of flats occupied by Members of Parliament, I do not want to say anything because in that case I shall have to wash dirty linen in public, which I do not want to do.

Shri Bade (Khargone): May I know whether before the allotment of these M.P.'s flats to the officers concerned, those officers were occupying private houses in Delhi? There are two instances given in this regard. One is that of an Assistant Director of Estates and the other is a Joint Secretary in the Ministry of Education. I do not want to name them here. But I want to know whether they were occupying private houses in Delhi. When they were given this allotment, what was the justification for giving them these flats?

Shri S. M. Banerjee (Kanpur): The hon. Minister was kind enough to allot

those quarters which were actually meant for Members of Parliament to very high-paid officials. I would like to know the circumstances under which the cases of those Government employees who were entitled to quarters out of turn on medical grounds were ignored. I would like to know why the rule has been completely ignored in their cases.

Shri Mehr Chand Khanna: I am grateful to Shri Hem Barua for having brought up this question before the House. He has dealt with two aspects of the problem; one is the general pool and the other relates to those particular flats in North and South Avenues which are a part of the pool for Members of Parliament. I shall deal with the latter category first because the discussion has arisen out of the reply that I have given to the hon. Member.

When I took charge of this Ministry about four years ago or four and a half years ago, there were three kinds of pools and those three kinds of pools exist even today. One is the general pool which is meant for government servants. The second is the pool which is controlled by the House Committees of the two Houses, and this consists of the houses or residences or units which are allotted to Members of Parliament. The third is the pool which was then called and which is even now being called the pool for the leading parliamentarians. This phrase has not been accepted and has been resented but anyhow that is what the position is.

As a Minister, I only allot houses to those officers who are eligible for allotment in the general pool. The Houses meant for Members of Parliament are allotted by the two respective committees of the Houses. My Ministry does not come into the picture at all. My unfortunate position as a Minister is that if Shri Hem Barua makes a complaint about the misuse of a servant's quarter or a garage or a residence . . .

Shri Hem Barua: Or the flat itself.

Shri Mehr Chand Khanna: . . . or the flat itself, I have to go into the whole matter and see what action can be taken. It is not that I am responsible; it is not that I made the allotment; the allotment is made by the House Committee of each House, but I have to perform the painful duty of evicting the person concerned, as a Minister I have to accept that responsibility.

Shri Hem Barua: But he has not so far.

Shri Mehr Chand Khanna: I did not interrupt him. I have great respect for him. Let me proceed.

The other is the pool, as I was saying, for leading parliamentarians. Allotment from that pool is made on the recommendation of the Minister of Parliamentary Affairs with the approval of the Prime Minister.

Now I told you a little while ago that at that time, 4½ years ago, the number of units in the pool was not adequate to meet the requirements of the M.P's. During last 4½ years, a number of units have been added in North Avenue itself, in the Vithalbhai Patel House and a number of units which did not form part of the M.P's. pool, whether they are on Rakabganj Road, Talkatora Road or Gurudwara Road, have also been added on to the pool. The result has been that after having given 100 per cent satisfaction for allotment of accommodation to M.P's., we even have a surplus today.

Mr. Chairman: No Member is without a quarter.

Shri Mehr Chand Khanna: No Member is without a quarter. During the last one year or two years, accommodation has not been refused to a single M.P. whenever a requirement has been made. In fact, I have added between 50—60 units within the last two or three years. It is my duty to look to the needs and attend to the

difficulties of my colleagues. Now these quarters or flats in North Avenue and South Avenue became surplus to the requirements of M.P's. Whether they have gone to better houses, whether they have gone to the Western Court, whether they have gone to Vithalbhai Patel House, these have become surplus to the requirements of the two respective House Committees.

Now, when these quarters are made available to me one condition is laid down, and that is that 'You will have to make these quarters available to the respective House Committees for allotment to M.P's. even at short notice'. Unless it is completely surrendered, it cannot be part of the general pool which I can allot to officers in certain pay groups. We have a system and I have been following that system.

I may revert here a little to the position of the General Pool. I have got only 37,000 or 38,000 houses in the general pool. There are 70,000 government servants on the waiting list and they have been on the waiting list for quite a long time. A majority of these people whose percentage of satisfaction is very low belong to that group, of which a mention has been made by Shri Hem Barua. They belong to the lower bracket. What has been happening upto now is, whether under the pretext of medical grounds or pushing the people from the top to the bottom, 6 comes to 5, 5 comes to 4 and 4 comes to 3. The people who are on the top, who have got satisfaction to the extent of 70, 80 or 90 per cent, they do not stand in the queue, but those who are further down, even their allotments are pushed down. So I passed an order that I shall not allow a thing like that.

As regards medical grounds, I do not want to go into that history. But I am prepared to say that if I have to justify my action before the Public Accounts Committee or audit, I try and look into each case. I admit that I can make a mistake, but I can assure you and the House that the mistake would be a *bona fide* one which will

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neither be on political considerations nor on personal considerations. But when you are dealing with human distress, when you are dealing with government servants who have to go and take houses after paying very heavy rent in Delhi, it becomes very difficult where to draw the line, which case deserves the discretion of the Minister. In fact, objections have been raised, but if any case is brought to my notice where it is felt that we have done that on any political or personal motives, or there are *mala fides* involved, I can assure you that I am prepared to look into it.

In the cases of these flats which have become available, I admit that the allotments have been made on, when you call it an *ad hoc* basis, or an out-of-turn basis, or you might even say on no rational basis, I admit and concede it, for the obvious reason that this allotment is only of a temporary nature, it is made to an officer on the clear understanding that at short notice he shall be required to vacate the premises and he shall have no relief in the matter at all. In the case of quarters allotted to Government servants from the general pool, the Government servant has got security. As long as he goes on paying the rent, as long as he is not dismissed, his services are not dispensed with, or he is not taken to the Nigambodh Ghat, he stays in that quarter. We have laid down a specific rule for allotment of quarters in Patudi House. We have done it for Vithalbhai House. We have laid down some kind of criterion, whether we have pay or length of service, but for the quarters which form part of the pool of M.P's., no categorisation has been done up till now. So, I can tell the House that as far as these quarters are concerned in the North and South Avenues, I am going to have a proper procedure, and I shall see that quarters are allotted in accordance with proper procedure. So, whatever has happened in the past has not happened on this account that we were trying to show favour to somebody.

But one thing that I must tell the House is this, that if I make a regular allotment to an officer, then it will not be very easy for me to get these quarters vacated at short notice. I am even prepared to go a little further, and tell that officer that after this allotment has been made on a regular basis according to either pay scale or length of service, if he is required to vacate that quarter to meet the requirements of a colleague of mine at the request of the House Committee concerned, I shall give him a commitment that I shall see that he is not thrown on the road side—that is, if it is a regular allotment. Then, naturally we will have to accommodate him when his quarter is required.

A reference was made to the officers who own houses and have received allotment from the general pool. That is a fact. We took a decision a couple of years ago, three years ago, and I did it with the sole object of saving as many houses as we could from those officers who own houses in Delhi. They are getting good rents, and on top of it they are occupying Government accommodation, which I felt was not correct. But then the question came of certain commitments given to the officers in the Defence Services and other services where, according to the Ministry of Law, it would have been discriminatory to have an order of that nature. The matter went before the Cabinet twice, and we had to rescind that order. Whatever the fact may be, whether it is 500 or 1,000 houses, the fact remains that we had to rescind the order, and every Government servant, whether he owns a house or not, is entitled to the allotment of a house from the general pool in accordance with the procedure laid down.

If we want to eradicate favouritism, if we want to help cases which require consideration, cases of which mention has been made by Mr. Hem Barua, and not a day passes when I do not receive letters both from my colleagues as Members of Parliament and Minis-

ters where human distress is brought to my notice, I do what I can. It is not humanly possible for me to deal with all the cases, we have to rationalise the whole thing when we can do better. Now, a man knows on the 25th of every month whether he is going to get a quarter or not. This year, I have said this before in this House, my funds have been cut to the extent of 100 per cent. I have not got a single penny from the Ministry of Finance for the construction of houses. I am finishing in a minute, Sir. If more funds are given to me, naturally we can help the poor and we can help all those persons who are in the lower rungs of the ladder. As long as more houses are not constructed, my position remains that of a bridge-player who can only reshuffle the same old pack without getting a new one.

18.32 hrs.

HINDU SUCCESSION (AMENDMENT) BILL—Contd.

Mr. Chairman: Shri Pattabhi Raman may continue his reply.

Shri C. R. Pattabhi Raman: The Bill of my esteemed friend Shri Tiwari seeks to prevent widow from making gifts or *mala fide* sales in favour of her son after ignoring the step-son in the case of two wives. It has been explained in detail and the Bill seeks only to have a provision to sub-section (1) of section 14 of the Hindu succession Act, 1956 to which reference has been made I do not want to tire the House by reading the section. The House is aware how the Hindu women property rights were acquired and how it was decided that 'before and after the commencement' of the Act she should have these rights, as a full owner and not as a limited owner. Many Members referred to the discriminatory aspect of the old Hindu law. All that has been referred to. The explanation there is rather important. It includes both the movable and im-

movable property and goes on with various other categories. Before the enactment she did not possess absolute property rights in all cases. Reference has been made to *Stridhanam* and all the other things and what was called the limited estate which was a peculiar practice, which was typical of the Hindu law as it was before the amendment. It was not as if we were caught napping when section 14 of the Act was passed by the Parliament.

Section 14 of the said Act was the subject of elaborate discussion in Parliament. It was not as if there was any slip. As originally drafted it was intended to apply to properties acquired by a female Hindu after the commencement of the Act, but Parliament decided that the provision should also apply to properties acquired by a female Hindu before the commencement of the Act and which were in her possession at the commencement of the Act subject to sub-section (2) of section 14 of the Act. As the widow is now the absolute owner of the property, she can lawfully dispose of any such property in any manner she likes even to the detriment of the interest of her step-sons and step-daughters, such a result was not totally un-intended, it was done with open eyes. As I said, it is not as if we were caught napping or there was some slip. Cases in which such rights may have been affected by reason of the retrospective operation given to section 14 of the Act have not been many and would further decline with the passage of time. We have the prevention of Bigamy Act and all this and with the passage of time, these cases will be few and far between.

As regards the suggested amendment to declare void such transfers of property acquired after the commencement of the Act by the widow which are not for consideration and *bona fide* and which prejudice the claims of step-sons and step-daughters, the amendment, if accepted, may give rise to some difficulties. I shall finish in a few minutes. Sir. Firstly, it would