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**OUT-OF-TURN ALLOTMENTS OF
GOVERNMENT RESIDENTIAL
ACCOMMODATION**

**MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT
(DEPARTMENT OF URBAN DEVELOPMENT)**

HUNDRED AND THIRTEENTH REPORT



**LOK SAKSHA SEKRETARIAT
NEW DELHI**

HUNDRED AND THIRTEENTH REPORT

PUBLIC ACCOUNTS COMMITTEE (1995-96)

(TENTH LOK SABHA)

OUT-OF-TURN ALLOTMENTS OF GOVERNMENT RESIDENTIAL ACCOMMODATION

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT
(DEPARTMENT OF URBAN DEVELOPMENT)



सत्यमेव जयते

*Presented to Lok Sabha on 22.12.1995
Laid in Rajya Sabha on 22.12.1995*

LOK SABHA SECRETARIAT
NEW DELHI

December, 1995/Agrahayana, 1917 (Saka)

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**CORRIGENDA TO 118TH REPORT OF PUBLIC
ACCOUNTS COMMITTEE (10TH LOK SABHA)**

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PART II*

Minutes of the Sitzings of Public
Accounts Committee held on 6.10.1995
and 18.12.1995

COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE
(1995-96)

Shri Ram Naik—*Chairman*

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| 5. Shri Rajeev Sharma | — | <i>Assistant Director</i> |

*Expired on 1 December, 1995

INTRODUCTION

I, the Chairman of the Public Accounts Committee, as authorised by the Committee, do present on their behalf this Hundred and Thirteenth Report on Paragraph 9.1 of the report of C&AG for the year ended 31 March, 1994, No. 2 of 1995 Union Government (Civil) relating to "Out-of-turn allotments of Government residential accommodation."

2. The report of C&AG of India for the year ended 31 March, 1994, No. 2 of 1995, Union Government (Civil) was laid on the Table of the House on 9 May, 1995.

3. The Committee's examination of the Audit paragraph and the related aspects has revealed several disquieting trends in the management and allotment of Government residential accommodation in general pool. The Committee have *inter-alia* found: existence of long waiting lists in all categories of accommodation; incorrect allotment of accommodation from general pool to employees covered under separate pools; earmarking of certain units in prime location in Delhi for non-residential purposes; unequal treatment to similarly placed employees in Tenure Pool with transfer liability; laxity in the matter of eviction of unauthorised occupants and recovery of licence fee/damages; rampant misuse of allotted accommodation by resorting to unauthorised subletting and the failure of the authorities to deal sternly in such cases etc.

4. In the light of the precarious situation in the availability of Government residential accommodation, the Committee have observed that it was imperative that the management of residential accommodation was done strictly in accordance with the Rules/guidelines so as to safeguard the interests of the employees in the matter of allotment. The Committee have noted with concern that Government, on the other hand, chose to resort to ad hoc/out-of-turn allotments on a large scale. During the examination of this subject, the Committee have found that the percentage of out-of-turn allotments with reference to total number of allotments made in a year progressively increased from 26.4 in 1991 to 33.1 in 1992; 38 in 1993; and 47.19 in 1994. Viewing this large number of ad hoc/out-of-turn allotments in the context of prescribed norm of 20 per cent and the power given to Government under SR-317-B-25 to relax all provision of Allotment Rules, the Committee have regretted to conclude that Government did precious little to restrict themselves to 20 per cent norm for out-of-turn allotment prescribed by them earlier and they rather resorted to indiscriminate use of the power given to relax all or any of the provisions of the Allotment Rules.

5. Taking note of the fact that the issue relating to out-of-turn allotment is currently pending with the Supreme Court and on the basis of the facts brought to their notice, the Committee have observed that there was a total break down in the administration and management of Government residential accommodation in general pool. While expressing their distress over the administrative paralysis which has led the entire matter to the doors of the judiciary for appropriate remedies, the Committee have hoped that the authorities concerned would atleast now take suitable corrective/remedial steps to keep their house in order and streamline the administration and management of Government residential accommodation in general pool. Considering the acute shortage of accommodation and the fact that each out-of-turn allotment deprives an eligible applicant in the long waiting list of his legitimate entitlement, the Committee have also observed that the maximum limit of 20 per cent for ad hoc/out-of-turn allotments is definitely on the high side. They have, therefore, expressed the view that this limit should be further brought down, say to 10 per cent.

6. The Committee have noted that Government are contemplating certain steps for minimising the housing problems like reducing the out-of-turn allotment, removing unauthorised occupants, preventing unauthorised subletting, increasing the housing stock, incorporating changes in the policy governing grant of House Rent Allowance and House Building Advance to the Government servants etc. They have recommended that these steps should be converted into concrete plan of action in the near future with adequate budgetary support so that the hardships faced by the Government servants in the matter of residential accommodation could be mitigated to a large extent.

7. The Audit Paragraph was examined by the Public Accounts Committee at their sitting held on 6 October, 1995. The Committee considered and finalised this Report at their sitting held on 18 December, 1995. Minutes of the sitting form Part II* of the Report.

8. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix II to the Report.

9. The Committee would like to express their thanks to the Officers of the Ministry of Urban Affairs and Employment (Department of Urban Development) for the cooperation extended to them in giving information to the Committee.

* Not printed. One cyclostyled copy laid on the Table of the House and five copies placed in Parliament Library.

10. The Committee also place on record their appreciation of the assistance rendered to them in the matter by the Office of the Comptroller and Auditor General of India.

NEW DELHI;
19 December, 1995

28 Agrahayana, 1917 (Saka)

RAM NAIK,
Chairman,
Public Accounts Committee.

REPORT

OUT-OF-TURN ALLOTMENTS OF GOVERNMENT RESIDENTIAL ACCOMMODATION

I. *Introductory*

The Directorate of Estates (DOE) is an attached office of the Ministry of Urban Affairs & Employment (MUAE). The Head office of this Directorate is located at Delhi with regional offices at Bombay, Calcutta, Madras, Shimla, Chandigarh, Faridabad, Ghaziabad and Nagpur. Besides certain other estate functions, this Directorate has been assigned the main responsibility for administration of Government residential accommodation under the control of the MUAE at Delhi and regional stations mentioned above. In addition, respective CPWD offices have also been entrusted with the responsibility of allotment of such accommodation at 14 stations viz., Bangalore, Hyderabad, Shillong, Indore, Agartala, Imphal, Kohima, Cochin, Bhopal, Kanpur, Lucknow, Allahabad, Rajkot and Srinagar.

2. The DOE has been given overall responsibility for the management of general pool residential accommodation which includes calling for applications for allotment of accommodation; actual allotment of accommodation; collection of rents through the respective departments; and eviction of unauthorised occupants.

3. Allotment of Government residential accommodation is governed by Allotment of Government Residences (General Pool in Delhi) Rules, 1963 under Supplementary Rule 317 which has been made in pursuance of the powers conferred on the Government under Fundamental Rule 45-A.

4. The functioning of DOE had figured in the reports of the Comptroller and Auditor General of India (C&AG) in the past also. It had engaged the attention of the Public Accounts Committee earlier as well. This Report of the Committee is based on the examination of paragraph 9.1 of the report of the C&AG for the year ended 31 March, 1994, Union Government (Civil) relating to 'Out-of-turn allotments of Government residential accommodation' which is reproduced at Appendix-I. This Audit paragraph contained the results of the scrutiny of records pertaining to ad hoc/out-of-turn allotments made in Delhi by the DOE from 1991 to July, 1994. In the succeeding paragraphs, the Committee have examined various aspects relating to management and allotment of Government residential accommodation in the light of the facts contained in the Audit paragraph.

II. *Administration and Management*

5. Government residential accommodation in the general pool is presently classified into ten types of residences for the purpose of

allotment and entitlement for each type is determined with reference to prescribed pay range of the employees. The applications for allotment are invited for a block of two years termed as the "Allotment Year". The current Allotment Year commenced from 1 January, 1994 and will be valid upto 31 December, 1995.

6. All Government employees on regular employment are entitled for Government accommodation. However, in view of the general shortage of accommodation, applications are invited only from persons who have either joined service before a particular date or who have reached certain pay levels by a specified date. The notice inviting applications for accommodation specifies the date of priority upto which applications for allotment of accommodation of different types would be entertained. The date of priority of a Government servant upto Type-IV accommodation is the date from which he is continuously in Government service whereas the priority for higher types of accommodation is reckoned with effect from the date he starts drawing emoluments corresponding to his entitlement for that type. The master waiting lists so prepared in the DOE at the beginning of the Allotment Year is thus based on the restricted number of applications called for different types of residential accommodation.

7. SR 317-B-7 of the Allotment of Governmental Residences (General Pool in Delhi) Rule, 1963 reproduced below seeks to safeguard the interests of the employees against discrimination in allotment:—

"1. Save as otherwise provided in these rules, a residence falling vacant will be allotted by the Director of Estates preferably to an applicant desiring a change of accommodation in that type under the provisions of S.R. 317-B-15 and if not required for that purpose, to an applicant without accommodation in that type having the earliest priority date for that type of residences subject to the following conditions:—

- (i) The Director of Estates shall not allot a residence of a type higher than that to what the applicant is eligible under S.R. 317-B-5.
- (ii) The Director of Estates shall not compel any applicant to accept a residence of a lower type than to what he is eligible under S.R. 317-B-5.
- (iii) The Director of Estates, on request from an applicant for allotment of a lower category residence might allot to him a residence next below the type for which the applicant is eligible under S.R.-317-B-5 on the basis of his priority date for the same.

2. The Director of Estates may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or in emergent circumstances an alternative residence of the type next

below the type of residence in occupation of the officer if the residence in occupation of the officer is required to be vacated.

3. A vacant residence may in addition to allotment to an officer under sub-rule (1) above, be offered simultaneously to other eligible officers in order of their priority dates."

8. According to a note furnished by the MUAЕ, proper vacancy Register and allocation Registers were maintained to ensure that the allotments were made with reference to the position of an applicant on the waiting list. Waiting list positions for in-turn allotments were exhibited by way of running date of priority for each type and any jumping will result in complaints to process which a separate vigilance Unit exists.

III. Demand and availability

9. The demand, availability and shortage of general pool residential accommodation at various stations calculated on the basis of limited number of applications invited for the current Allotment Year i.e., 1 January, 1994 to 31 December, 1995 as given in the Annual Report (1994-95) of the MUAЕ is reproduced below:

Station	Demand	Availability	Shortage
Bombay	41,924	8,528	33,396
Calcutta	11,426	5,823	5,603
Madras	5,663	2,272	3,391
Nagpur	2,265	1,345	920
Chandigarh	7,338	2,232	5,106
Shimla	2,361	883	1,478
Faridabad	2,280	1,502	778
Ghaziabad	986	732	254
Hyderabad	991	740	251
Bangalore	4,896	904	3,992
Lucknow	4,645	500	4,145
Cochin	307	244	63
Shillong	1,792	84	1,708
Indore	653	298	355
Agartala	499	68	431
Imphal	141	72	69
Kohima	81	64	17
Bhopal	1,514	166	1,348
Kanpur	795	394	401
Allahabad	804	717	87
Rajkot	200	140	60

Station	Demand	Availability	Shortage
Srinagar*	**	30	**
Delhi	91,997	63,760	28,237
Total	1,83,558**	91,468	92,090**

* Demand position is not available.

** Excluding figures relating to Srinagar.

10. It would be seen from the above table that as against the reflected demand for 1.83 lakhs residential units in 22 cities (excluding Srinagar) calculated on the basis of restricted number of applications invited, the availability was 0.91 lakh units only. However, this reflected demand has no relevance to the actual demand of Government residential units as it shows demand of only those employees who were permitted to get themselves registered with regard to prescribed priority and the actual demand of all eligible employees has not been taken into account. As regards the actual demand, the Committee were informed that no exercise had been made to call applications from all eligible Government servants. However, an estimate had been prepared about the number of Government employees who demand General Pool accommodation at various stations under the Directorate of Estates and it was estimated that such requirement was to the tune of 2.9 lakhs residential units for achieving 70% satisfaction in Delhi and 50% in other towns.

11. The data given in the above table also indicates that most of the general pool residential accommodation was in Delhi where the total number of such units was 63,760 as on 31 December, 1994. Taking note of this and also the fact that Audit have test-checked the records pertaining to ad hoc/out-of-turn allotments made in Delhi, the Committee have examined the subject of residential accommodation in general pool with specific reference to Delhi.

IV. Accommodation and allotment

12. Apart from general pool under the control of the DOE, other major departmental pools of residential accommodation in Delhi were as follows:

- (i) Defence Pool
- (ii) P&T Pool
- (iii) President Estates Pool
- (iv) Lok Sabha Pool
- (v) Rajya Sabha Pool
- (vi) Directorate of Printing

13. According to the MUAЕ, the officials who were eligible from the above mentioned pools were not eligible for allotment of a house from the general pool. In case any house of the general pool was given to the

officers from the above mentioned department, it was given on exchange basis.

14. The Committee enquired whether Delhi Administration including Delhi Police also maintained their own pool of residential premises in Delhi and also about the policy adopted by the DOE for making allotments from the general pool to the officials of Delhi Administration. In their note, the MAUE stated:

It is a fact that the Delhi Admn. has got its own pool of residential accommodation. However, the pool of the Delhi Police (non-gazetted staff) is distinct from that of the Delhi Admn. Since the Delhi Admn. was earlier only a Union Territory, some of its offices were included in the list of offices eligible for allotment of general pool accommodation. However, keeping in view the shortage of residential accommodation in the general pool, a decision was taken, in June, 1990, not to increase the number of Delhi Admn. offices which would be eligible for general pool accommodation."

15. In reply to a question about the number of residential quarters allotted from general pool to officials of Delhi Administration and Delhi Police, the MUAЕ furnished the following information:

(As on 31 October, 1995)

Type	Total number of allotments to Delhi Admn. and Delhi Police	Ad hoc allotments to Delhi Admn. and Delhi Police
A	607	19
B	749	228
C	36	43
D	111	36
D(Spl.)	13	3
V-A	56	20
Spl.	2	
Hostel	63	Nil
Total	2657	356

16. The Committee have been informed that out of the general pool residential accommodation under the control of the DOE, the following three pools have also been carved out:

- (i) Tenure Officers' Pool
- (ii) Lady Officers' Pool
- (iii) SC/ST Pool

17. Explaining the proportion of residential units in these pools to the total number of units available, the MUAE in their note stated:

Tenure Pool

In Tenure Pool, 138 Quarters above Type-V, 294 quarters in Type-V and 71 quarters in Type-IV have been earmarked. This forms around 0.8% of total number of government quarters. Further, 50% of the vacancies in the Hostels under the Directorate are earmarked for allotment to officers of the All India Services. 100 two roomed suites in Curzon Road Apartments, 50 two roomed suites in Pragati Vihar Hostel are also earmarked exclusively for allotment to officers of the All India Services, under Tenure Pool.

Ladies Pool

743. quarters of different types which works out to nearly 1.15% of the total availability of general pool accommodation are in Ladies Pool.

SC/ST Pool

It consists of quarters in Type-A to D. 10% of the vacancies in Type-A and B are reserved for SC/ST and 5% in Type-C and D."

18. During evidence, the Committee enquired about the policy followed by the DOE in allotment of residential accommodation to officials of various services from the Tenure Pool. Explaining the present position in this regard, the Secretary of the MUAE stated:

".....The Tenure Pool is today given only to the IAS, IPS and IFS people and not to the Central Government Service people. The idea is very simple. These people stay for a specific period of four to five years. The normal waiting time is five to six years. If they spend the entire service like that, then they will not get any house. They will not come also. So just to attract them, this Tenure Pool is kept. It is also only kept for houses up to a particular level and not for the bigger houses where it goes according to the status of the officers, where everybody is commonly treated. Other services are not considered. They are also transferable but they are not on tenure. They can stay in Delhi for a long period. There is no specific period within which they should be shifted."

19. Asked as to why the officers from other services with transfer liability were not considered for allotment of accommodation from Tenure Pool, the Secretary of the MUAE deposed:

"Anybody who comes on tenure will be considered."

20. Elaborating further on this aspect, another representative of the MUAЕ stated during evidence:

“Actually we have received one or two representations, not really many, on this point. As Secretary explained earlier, the justification for creating a separate Tenure Pool for the officers belonging to the IAS, IPS and IFS is that they hold State cadre posts and they come of Delhi for a fixed tenure, three to five years. If they are linked to the overall general pool, where the waiting period is much longer than these officers will never get Government accommodation and so never come to Delhi. So this has been one of the attractions or incentives offered by the Central Government for a long time that the officers who are called from States on deputation basis for a fixed tenure should be provided this particular facility. However, keeping in view similar representations received from other services, we have made a study recently. If the number of houses in the Tenure Pool is increased by the Central Government, then it would be possible to accommodate services (other than All India Services and Central Secretariat Services) which come to Delhi, Bombay or other places on fixed tenure postings. The facility cannot, however, be extended to the officers of the Central Secretariat Services, Central Excise and Income Tax or other services working in their respective Departments. They generally also have their separate pools or we have separate waiting list for them in the General Pool in which they have to compete.”

21. The Public Accounts Committee (1974-75) in paragraph 1.47 and 1.48 of their 168th Report (5th Lok Sabha) had *inter-alia*, recommended for extension of Tenure Pool accommodation of officers of Central Services. In their Action Taken Note dated 15 September, 1975, the erstwhile Ministry of Works and Housing, Directorate of Estate had stated that the matter was being examined and would be placed before the Cabinet Committee on Accommodation for a final decision, if necessary. In this context, the Committee desired to know about the final decision taken in the matter by Cabinet Committee on Accommodation in pursuance of the earlier recommendation of the PAC and whether the Ministry now proposed to extend the benefit of 'Tenure Pool' accommodation to the Central Services Officers also. In their post-evidence note, the MUAЕ stated:

“The recommendation of the Public Accounts Committee (1974-75) were considered by the Cabinet Committee on Accommodation and it was decided not to extend the benefit of Tenure Pool accommodation to the Central Services Officers. This has subsequently been considered by the Committee of Secretaries on 26th October, 1995 wherein it was decided to increase the number of

houses under the Tenure Pool and also decided that the question of extension of Tenure Pool accommodation to officers belonging to services other than the All India Services could be considered separately."

V. Allotment of general pool accommodation to non-Government servants/organisations

22. The Committee learnt that certain special categories of persons had been identified who were not Government servants for allotment of Government accommodation keeping in view their services to the nation and to the society and in public interest. These categories included, persons who had held high offices in the country such as President, Vice-President and Prime Minister or their spouses; Journalists and Accredited Press Correspondents; Eminent Artists; Freedom Fighter of All India Standing; miscellaneous categories (persons engaged in useful work of national standing) and Political Parties.

23. Allotment of accommodation in those categories was governed by specific guidelines issued by Government from time to time. The period of such allotment was also governed by terms of the guidelines and/or the decision of the Cabinet Committee on Accommodation. The Committee were informed that wherever an allotment was made in excess of the quota earmarked or in relaxation of the approved guidelines, this was done with the approval of Cabinet Committee on Accommodation. Normally, such relaxation was made on the consideration of status and standing of the Artists/Freedom Fighters/Journalists etc. and also their personal problems on medical grounds.

24. The details of the total number of houses in possession of the persons belonging to each of the categories mentioned above as at present are understood to be as follows:—

Sl. No.	Category	No. of houses allotted
1	2	3
(i)	Ex-President, Ex-Vice President, Ex-Prime Minister and their Spouses	7
(ii)	Journalists and Accredited Press Correspondents	95
(iii)	Eminent Artists	47
(iv)	Freedom Fighters of All India Standing	55
(v)	Miscellaneous Categories (Persons engaged in useful work of national standing)	25

1	2	3
(vi)	Political Parties or Groups recognised as such by the Speaker	13
	Total:	242
	No. of cases of retention allowed by C.C.A. after the allottee became ineligible	54
	Grand Total:	296

VI. *Waiting period for allotment*

25. The following note furnished by the MUAE indicates the current status of waiting period for allotment of residential accommodation in different types in general pool in Delhi:—

“(a) The waiting period for allotment in respect of Types I to IV would be evident from the date of priority which has been covered as on 31.10.95 and which is as mentioned below:—

Category of accommodation	Date of Priority covered
Type-I	15.10.80
Type-II	19.07.68
Type-III	19.05.64
Type-IV	22.05.68

With regard to Types IV (Spl.) and above categories it is difficult to give the waiting period. However, pay scale upto which accommodation has been provided in respect of each of these categories from Type—IV (Spl.) to Type-VI-A and the eligible pay scale for such of these categories would give an indication. This

position varies every month depending upon the number of fresh applications received from transferred officers. A statement on this is as mentioned below:—

Type	Eligible pay scale as on 1.10.93	Pay scale covered as on 1.10.95
IV(Spl.)	4250	5700
V-A(GP)	5000	6300
(TP)	3600	5550
V-B(GP)	6100	6700
(TP)	5500	6700
VI-A	6300	7500

26. Based on the master waiting lists prepared on the basis of the restricted number of applications called for, the number and percentage of employees still waiting for accommodation in various types in Delhi as furnished by the MUAЕ is given below:—

Type	Number of applications received (as fed in Computer)	No. of applications covered	No. of persons waiting for allotment	Percentage of Government servants waiting allotment
As on 12.7.1995				
1	2	3	4	5
A	5333	869	4464	84%
B	10486	783	9703	92%
C	10508	1065	9443	89%
D	3263	1871	1392	42%
IV(Spl.)	622	101	521	83%
D.II	619	283	336	54%
D.I	251	113	138	54%
C.II	282	133	149	52%

1	2	3	4	5
C.I	132	27	105	79%
VII	(-)	(-)	(-)	(-)

(-):—Allotment not made on waiting lists.

27. As regards the system of communicating the position in the waiting list of the applicants, the MUAE stated as follows:—

(b) Waiting lists are displayed on a Notice Board on the ground floor of Nirman Bhavan. Running Date of Priority, i.e. the date of joining of an applicant upto which accommodation has been provided, is also displayed. Personal enquiries from the concerned sections between 12.00 noon to 1.00 P.M. on Mondays to Thursdays are also replied to.

VII. *Unauthorised occupation and recovery of licence fee/damages*

28. The following procedure has been prescribed by the DOE for getting the residential accommodation in general pool vacated from the unauthorised occupants of such premises:—

“When the period of retention of residential accommodation to an allottee gets over and if the allottee does not vacate this accommodation, eviction proceedings are taken up as provided under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. This Act requires a notice to be issued to unauthorised occupants and hearings to be taken, through a quasi-judicial process, by designated Estate Officer. Physical eviction is taken up only if such orders are passed by the Estate Officer.”

29. Explaining the eviction procedure, the Director of Estates stated during evidenc:—

“.....all eviction procedures are carried out under the Public Premises Act. As soon as the person who is either transferred or retired or under some other exigency he becomes unauthorised occupant, and show cause notice is issued under the Public Premises Act and the matter is placed before the Estate Officer who is so notified by the Ministry of Urban Development. We have three Estate Officers in the Directorate of Estate where they are having the powers under the Public Premises Act. Majority of the court cases are taking place after the eviction orders are passed under the Public Premises Act.”

30. In reply to a specific query of the Committee whether any review had been made regarding efficacy of the Public Premises Act, Director of Estates deposed:—

“Not very recently. But we are proposing to make some amendments in the Public Premises Act. This we have submitted to the Supreme Court also....”

31. In this context, the Secretary of the MUAE added:—

“No comprehensive review has been made yet. But we need an amendment.”

32. As regards the difficulties being experienced in implementation of Public Premises Act and the precise amendments proposed in this regard, the MUAE in thier post-evidence note stated:—

“Difficulties have been faced particularly with regard to the time consuming process prescribed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and stays granted by some of the courts to whom appeals against orders of the Estate Officer lie..... While certain amendments in the PP(E) Act are being contemplated, formal proposals have not yet been finalised.”

33. At the instance of the Committee, the MUAE furnished the following information regarding the number of unauthorised occupants of general pool accommodation as on 31 May, 1995:—

Station	Total number of Cases of unauthorised occupants	Unauthorised Occupants for more than two years
Bombay	153	57
Calcutta	184	54
Madras	28	10
Faridabad	7	—
Shimla	10	4
Ghaziabad	3	—
Nagpur	4	1
Chandigarh	4	1

With regard to Delhi, the matter is at present subjudice. A list of 391 unauthorised occupants has been filed before the Supreme Court in response to directives received from it.”

34. The Committee enquired whether eviction proceedings were initiated by the DOE in all these cases of unauthorised occupation immediately

after the effective date of cancellation of allotment of premises/expiry of retention period allowed. In their post-evidence note, the MUAE stated:—

“It has not been possible in all the cases to initiate proceedings immediately if the occupancy becomes unauthorised. The main reasons for this is the delay in receiving intimation from the concerned office of the allottee regarding the transfer, retirement or death of the allottee. Further, the manual system of record keeping which is presently followed does not facilitate keeping track of all such cases and inadvertent omissions do take place.”

35. According to the MUAE, the delays in carrying out physical eviction, even after eviction orders are passed by the Estate Officers has been on the following grounds:—

- (i) Non-availability of police assistance;
- (ii) Non-availability of transport and other support for the eviction squad;
- (iii) Stays granted by various courts;
- (iv) Pendency of requests for regularisation of that accommodation in the name of the spouse/wards.
- (v) Requests for deferment on accounts of certain special circumstances.”

36. In reply to a question about the rate of licence fee/damages recoverable from the unauthorised occupants and the procedure adopted for recovering the same, the MUAE stated:—

“Upon expiry of the authorised period of stay, an unauthorised occupant is liable to pay ‘damage’ rate of licence fee which currently stands at Rs. 55/- per sq. mt. in respect of Type-I to IV accommodation and Rs. 80/- per sq. mt. in respect of Type-IV (Spl.) and above category of accommodation.

Licence fee by unauthorised occupants is required to be paid by a demand draft or by cash at the cash counter of the Dte. of Estates. In case the licence fee is not paid, the procedure requires filing of recovery proceedings before the Estate Officer under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and upon orders passed by the Estate Officer such recovery is affected as an arrear of land revenue through the Distt. Collector.”

37. According to the information furnished by the MUAE, a total amount of licence fee/damages recoverable as on 1 April, 1995 stands at Rs. 6.5 crores out of which 1161 cases relate to arrears of Rs. 10,000/- or more each. For recovery of these arrears rent recovery proceedings have been filed in respect of 599 cases.

38. At the instance of the committee, the MUAE have also furnished a statement of outstanding amount against Government officers who have

been transferred but still retaining Government accommodation unauthorisedly in Delhi. A scrutiny of this statement reveals that there were 77 such cases of which outstanding rent recovery cases involving arrears of Rs. 10,000 and above in each case were 61. Out of these 61 cases, the arrears involved exceeded Rs. 1,00,000 each in 21 cases with one Government officer liable to pay an arrear of the order of Rs. 5,12,537/-.

VIII. *Mis-use of Government residential accommodation*

39. In the context of the acute shortage of Government residential accommodation, the Committee drew attention of the Ministry to the rampant misuse of accommodation allegedly resorted to by certain unscrupulous allottees in the form of unauthorised subletting. The Secretary, MUAЕ stated during evidence:—

“One of the main reasons for this is shortage of accommodation. Our assessment has been that in the lower types, this is a very serious problem. So one of the suggestions which we have submitted before the Supreme Court is that we would like to have a separate team organised to carry out eviction of these cases as a solution for this problem. Wherever we find any Government servant involved in subletting, we have suggested to take serious disciplinary action.”

40. In this connection, the Committee further drew attention of the Ministry to certain complaints made by a Central Staff Colony Association in Bombay which was subsequently followed up by several letters by Shri Ram Naik, MP between February, 1994 and August, 1994. When asked to intimate the precise action taken on the complaints, the Director of Estates stated during evidence that they had only a few staff in Bombay and hence teams had been sent from Delhi.

41. Explaining the position in respect of the specific case referred to above, the Ministry in a post-evidence note further stated:—

“After receipt of these letters from the MP, a special team of six officers/staff was constituted in the Directorate of Estates for carrying out subletting inspection of General Pool accommodation at Bombay. The team visited Bombay in the first week of April, 1995 for about a week and inspected 264 quarters in SM plot, Bombay out of which 252 quarters were found fully or partially sublet. Necessary action under the allotment rules has been initiated by the Estate Manager against the defaulters.”

42. On being asked to indicate the concrete and effective steps proposed to be taken by the Ministry for tackling the issue of subletting of Government accommodation, the Secretary, MUAЕ stated during evidence:—

“We have requested the Department of Personnel to amend the rules under which it becomes a case for major penalty proceedings under the concerned conduct rules.”

43. Taking note of the fact that some residential units in certain localities in Delhi are being earmarked for marriage purposes on the basis of charging normal rent, the Committee also enquired about the rationale behind allotting residential units for such purpose when there was an acute shortage of houses in that city. The MUAE in their note clarified position as follows:

“Bungalow No. 215, Rouse Avenue, was being used for marriage purpose, because it is located in the institutional area and was not being accepted by the allottees. Special licence fee amounting to Rs. 171/-per day was charged in respect of allotment made for marriage purposes. Now, in place of Bungalow No. 215, Bungalow Nos. 203 and 211 are being used for this purpose.

The total percentage utilisation of these units during the last three years is found to be as follows:

Year	Percentage Utilisation
1993	58.90
1994	64.38
1995 (till August, 1995)	55.55

It has been found that the percentage Utilisation, during the wedding season is almost 100% with the quarter remaining vacant for longer periods in the off season.”

IX. *Ad hoc* Out-of-turn allotments

(A) *Issue and Extent*

44. According to the Audit paragraph, *ad hoc* allotments were made on the basis of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 which provide for relaxation of the rules in special cases.

45. The relevant Rule (SR-317-B-25) provided as under:

“The Government may for reasons to be recorded in writing relax all or any of the provisions of the rules in this Division in the case of any officer or residence or class of officers or type of residences”.

46. Various administrative orders had been issued specifying the circumstances and conditions under which ad hoc allotments were made to the following on the basis of the specific orders:

- (i) personal staff of high dignitaries;
- (ii) eligible wards of retired or deceased Government servants who are in occupation of General Pool Accommodation;
- (iii) Government employees suffering from malignant cancer, pulmonary tuberculosis, leprosy, heart ailments etc;
- (iv) physically handicapped Government servants;
- (v) an occupant of departmental housing who has to vacate it on transfer to general pool accommodation; and
- (vi) on compassionate grounds.

47. In regard to out-of-turn allotments commented upon in the report of the C&AG for the year 1982-83, the erstwhile Ministry of Works & Housing had *inter alia* made the following submissions to the Public Accounts Committee:

“Out-of-turn allotments are made mostly on compassionate grounds and their percentage when compared with the total allotments made in a year is also low”

48. The Audit paragraph highlights that the guidelines issued by the Ministry in January, 1990 prescribed that the maximum number of out-of-turn allotments that may be made shall be one out of five allotments. However, the position of allotment of quarters made by the Directorate of Estates out-of-turn in Delhi during the years 1991 to 1994 (upto July) revealed that out-of-turn allotments were above the norm in various types of accommodation. The report further mentioned that the Ministry in their reply to Audit had stated in February, 1995, that out-of-turn allotments were made by the competent authority, i.e. Minister for Urban Development (UDM) or Minister of State, Urban Development (MOSUD) (as the case may be) under SR-317-B-25 and that under that Rule, all provisions of Allotment Rules could be relaxed including any instructions issued thereunder; and that whatever instructions have been issued regarding specific percentage to be maintained were only self-imposed instructions and were not part of the Supplementary Rules.

49. It has been pointed out by Audit that the reply of the Ministry was inconsistent with the averments made by the Ministry before the Public Accounts Committee in connection with the examination of paragraph 32 of the report of the C&AG of India, Union Government (Civil) for the year 1982-83. When asked to comment on the same, the MUAЕ in a note stated as follows:

“It is a fact that the erstwhile Ministry of Works & Housing, predecessor of Ministry of Urban Affairs & Employment (Deptt.

of Urban Development) had made certain averments before the PAC in 1982-83 that out-of-turn allotments are higher than the percentage prescribed.

It may be mentioned here that under the rules no specific percentage has been prescribed as to the ceiling of the out-of-turn allotments. However, in February, 1990, the then Minister for Urban Development had decided to give out-of-turn allotments and in-turn allotments in the ratio of 1:4, i.e., 20% of the vacancies could be given as out-of-turn.

In 1982-83 when this averment was made before the PAC, the position of the demand and supply was not as acute as in the later years. While the number of Government servants continued to rise, the number of units in the General Pool did not increase in the same proportion. Thus the number of Government servants who were in need of accommodation far exceeded the number of houses available in the General pool with the Dte. of Estates. This lead to a larger number of Government servants making requests through M.Ps. as well as other sources before the competent authority for considering their cases for priority allotments leading to a large number of such requests being accepted by the competent authority."

50. The Audit paragraph revealed the following position of allotment of 7616 quarters made by the Directorate of Estates out-of-turn in Delhi during the years 1991 to July, 1994:

Type of accommodation	1991			1992			1993			1994(Upto July)		
	In turn	out of turn	Per-centage of out of turn (%)	In turn	out of turn	Per-centage of out of turn (%)	In turn	out of turn	Per-centage of out of turn (%)	In turn	out of turn	Per-centage of out of turn (%)
1	2	3	4	5	6	7	8	9	10	11	12	13
I	1173	297	20.2	827	290	26.0	545	203	27.1	431	138	24.3
II	1364	825	37.6	1008	1078	51.7	866	1002	53.6	268	739	73.4
III	1224	262	17.6	1235	471	27.6	742	417	36.0	642	425	39.8
IV	489	213	30.3	805	267	24.9	888	244	21.6	614	153	19.9
IV (SPL)	39	01	2.5	326	01	0.3	109	05	4.4	26	04	13.3
V(A) (D-II)	221	74	25.1	168	101	37.5	101	101	30.0	52	76	39.4
V(B) (D-I)	148	29	16.4	108	22	16.9	40	30	42.9	20	26	36.5
VI(A) (C-II)	147	19	11.4	85	26	23.4	44	55	55.6	18	22	55.0

51. In this context. Audit have observed that while for Type I and IV quarters, the out-of-turn allotments were marginally above the norms, in Type II quarters out-of-turn allotments showed a steady rise. In 1994, upto

July, 1994, in Type II quarters out of 1007 allotments made, 739 (73 percent) were out-of-turn. The out-of-turn allotments in Type V and above categories were more than 50 per cent in 1994. In 75 cases of out-of-turn allotments made in respect of Type I to Type III, it was noticed that in 15 cases, allotments were made to persons who had not even completed 5 years of service, although persons who had already completed 27 years of service and more were still awaiting allotment. The Committee were also informed by the MUAЕ, in this context, that in all as many as 166 sanctions for out of turn allotments were made during the period of Audit review for those who had not even completed five years of service.

52. At the instance of the Committee, the MUAЕ have furnished the following statement indicating the number and percentage of ad hoc allotments made in Delhi during 1991-April, 1995 separately under six specified conditions covered under various administrative orders issued by the Ministry from time to time for ad hoc allotments under Allotment of Government Residences (General Pool in Delhi) Rules, 1963.

AD-HOC ALLOTMENTS MADE DURING 1991 TO 1994 & UPTO APRIL 1995

Years	Regu- larisa- tion of quarters Death/ Retired	Per- sonnel of Mini- ing sters Judges of S.C./ Dy. Speaker	Medical ground/ includ- ing Physi- cally hand- icapped	Occup- ants of Depart- mental pool on transfer to offices eligible for G.P. Accom- modation	Other grounds like nature of duty	Special compa- sionate grounds	Total	Perce- ntage of out of turn allot- ment w.r.t. Total number of allot- ments
1	2	3	4	5	6	7	8	9
1991	268	232	89	27	20	1084	1720	
1992	313	195	30	8	37	1673	2256	
1993	228	109	73	9	11	1627	2057	
1994	232	58	67	6	12	2436	2811	
Jan. to April, 1995	89	24	18	01	06	567	705	
					Grand Total		9549	

53. On being enquired about the precise reasons due to which the number and the percentage of ad hoc/out-of-turn allotments with reference to total number of allotments made in a year had steeply increased from 1720 (26.4%) in 1991 to 2811(47.19%) in 1994, the MUAЕ in their note stated that the increase had been on account of larger number

of applications received and larger number of orders for out-of-turn/ ad hoc allotment passed by the competent authority.

54. During evidence, the Committee enquired whether any specific provision for ad hoc/out-of-turn allotments existed under the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 under which such allotments could be made. In his deposition, the Secretary of the MUAE stated:

“.....there is no provision under the supplementary rules which govern out-of-turn allotments.The only provision under which right from very beginning, this type of out-of-turn allotment is made is under Rule S.R. 317-B-25..... ”

55. When asked for the procedure prescribed for the receipt of applications for ad hoc allotment of Government residential accommodations to various categories of officials, the Ministry in a post-evidence note stated:

“Application forms have been prescribed for applying for ad hoc allotments of Govt. residential accommodation in respect of the following categories of officials :

- (a) Key personnel in Prime Minister Office.
- (b) Staff attached to Ministers/Dy. Ministers/Parliament Secretaries/PS to Deputy PM/Chairman (Rajya Sabha), Planning Commission.
- (c) Political Parties, Staff of Opposition Leaders in Lok/Rajya Sabha.
- (2) Regularisation cases on Retirement/Death cases/Transfer Cases.
- (3) P.S. to Ministers/Dy. Ministers etc.
- (4) Medical cases.

No application forms have been prescribed in respect of cases of special compassionate grounds. The applicant can apply for ad hoc allotment on plain papers directly to the competent authority or the Directorate of Estates.”

(B) Allotments made on Special Compassionate grounds

A scrutiny of the information made available to the Committee has revealed the following position about the number of out-of-turn allotments made purely on special compassionate grounds:

Year	Total No. of out-of-turn allotments made	No. of ad hoc/ out-of-turn allotment made on compassionate ground	Percentage of allotments made on special compassionate grounds w.r.t. total number of ad hoc/ out-of-turn allotments made
1	2	3	4
1985	1774	449	25.3
1986	1253	284	22.7
1987	1222	530	43.4
1988	1249	478	38.3
1989	1090	656	60.2
1990	1237	774	62.6
1991	1720	1084	63.0
1992	2256	1673	74.2
1993	2057	1627	79.1
1994	2811	2436	86.7
1995	705	567	80.4

(Upto April 1995)

57. It would be seen from the above table that the ad hoc/ out-of-turn allotments on special compassionate grounds had registered a steep increase during the years 1990 to 1994 over the previous six years both in terms of absolute numbers and percentage to total ad hoc/ out-of-turn allotments made during the relevant years.

58. During evidence, the Committee desired to know the specific nature of cases covered under the category "special compassionate ground". In his deposition, the Secretary of the MUAЕ stated:

"It is the real out-of-turn allotment..."

59. He also added:

"This term 'compassionate' is a misleading generic term because 'compassion' is shown under SR 317-B-25."

60. According to the MUAЕ, no administrative orders or guidelines have been issued by the Ministry or the DOE specifying the conditions which would constitute special compassionate circumstances deserving consideration for ad hoc/ out-of-turn allotments of Government accommodations in general pool. The MUAЕ also stated that the decision on such cases were taken by the competent authority under the power conferred *vide* SR-317-B-25 on a case to case basis.

61. In reply to a question, the Ministry cited the following reasons generally adduced by Government officials while making requests for ad hoc/ out-of-turn allotment on special compassionate grounds:

- (i) Functional grounds, such as exigencies of work.

- (ii) Medical reasons.
- (iii) Inability to afford private accommodation.
- (iv) Other family compulsion.

62. On being enquired about the precise reasons for steep increase in the number of out-of-turn allotments made only on special compassionate grounds during 1994 when 2436 such allotments were made as against the earlier figures of 1084 in 1991; 1673 in 1992; and 1627 in 1993, the MUAE in a note stated:

“The increase is on account of the larger number of applications received and the larger number of cases approved for out-of-turn allotment by the competent authority.”

(C) Recording of reasons while relaxing Rules

63. It has been pointed out by Audit that in most of the cases, reasons for out-of-turn allotments contended to have been made in relaxation of the rules were not recorded in writing by the competent authority although it was required to be done under SR-317-B-25. The Committee sought the comments of the Ministry in this regard. In their note, the MUAE stated as follows:

“... in a number of cases the competent authority has considered the request and given order on the requests themselves indicating that the reasons given authority. Having gone through the request and considered the reasons advanced for out-of-turn allotments, it was felt that competent authority need not repeat the same reason as has been given in the request while recommending the order for allotment of out-of-turn houses.”

64. On being specifically enquired whether separate notings were made in cases of requests for out-of-turn allotments, the Secretary of the MUAE stated during evidence:

“By and large, my impression is whatever request was accepted, it was taken as recorded. No separate recording is made.....”

65. The Committee asked for a complete list of cases alongwith relevant details where out-of-turn allotments had been made in different types of residences in 1993 and 1994 without recording reasons therefor. The Ministry in a post-evidence note stated:

“Almost all applications for out-of-turn allotment have sought such allotments on specific grounds as mentioned by the applicant himself. However, no reasons have been specifically recorded by the competent authority while according out-of-turn allotments, in such cases.

A complete scrutiny of all such cases has not been possible within the short time which has been given and as such a complete list as required has not been furnished.”

(D) Checks exercised by DOE

66. The Committee desired to know the checks exercised by the DOE to ensure that ad hoc/out-of-turn allotments of Government residential

accommodation was made in accordance with the norms prescribed in various administrative orders from time to time. The MUAE in their post-evidence note stated as follows:

“Application for ad hoc/out-of-turn allotment fall into two categories:

- (i) those who make direct submissions to the competent authority who passed appropriate orders on the request.
- (ii) those who made application to the Directorate of Estates or Deptt. of Urban Development and their cases were properly scrutinised through a prescribed proforma and submitted to the competent authority for orders.

While in category (ii) above, the department scrutiny facilitated out-of-turn/ad hoc allotments being made as per norms, no such check could be exercised in respect of category (i) above.”

67. The Committee further wanted to know whether out-of-turn allotments in certain cases had been made by the competent authority overruling the adverse observations made by the DOE and whether the competent authority had recorded in writing the reasons for overruling the observations of the DOE in all such cases. The MUAE in their note stated that in some cases, the competent authority had also passed orders granting the request wherein the office note had recommended otherwise.

68. When asked for the total number of such cases where the competent authority had overruled the adverse observations made by DOE in respect of out-of-turn allotments made in 1991—1994, the Ministry in a post-evidence note stated:

“In view of the large number of ad hoc/out-of-turn allotments made during those years, the preparation of aggregate number of cases would involve perusal of all record which are voluminous in number.”

69. Taking note of the increasing number of ad hoc/out-of-turn allotments made during the years 1991—94, the Committee desired to know during evidence whether the Ministry or the DOE brought this fact to the notice of the Minister concerned. The Secretary of the MUAE deposed in evidence:

“For whatever little period I am here, I could go through the files and I see that the Ministry has been pointing it out. In fact, the original decision to restrict it to 20 per cent was taken to streamline it. So, there has been an effort to streamline it and it was maintained, as you can see from the figures. It is from 1993 onwards that there has been a steep increase in it. From the records, I could see that at various points, there have been instances where it was pointed out: but then a decision was taken that this is an internal decision and there is no ceiling also.”

70. Elaborating further in this regard, the Director of Estates stated:

“.....we had submitted specific notes at various intervals to the Minister of State as well as to the Cabinet Minister, pointing out

the total percentage of the out-of-turn allotment which is being given and also the ceiling which has been imposed in 1990. Apart from these specific notes, in individual files, whenever they come up and whenever it was submitted or re-submitted, we have submitted this position. In majority of the files, I cannot say whether it has been done in all the files which have been submitted, but in a large number of individual files, we have pointed it out that the percentage has already exceeded and the accommodation may not be given. And at least on three or four occasions, a very detailed and comprehensive note indicating the trend in the past, how it has happened in the past few months or a year, what is the position of the vacancies, how other people are waiting for so many years, etc., has been submitted to both the Ministers."

71. At the instance of the Committee, the MUAЕ after evidence made available copies of the notes prepared during the year 1994 by the DOE and submitted to the Minister(s) indicating the rising number of ad hoc allotments. Certain relevant extracts from these notes are reproduced below:

Extracts from Note dated 10.1.1994

Ad hoc allotment of quarters of Type B

Ad hoc allotment of quarters of Type-B has been on the increase and during the year 1993, 48% of the quarters were allotted out-of-turn which is much above the 20% limit specified. We have been even specifying the 20% limit in answering Parliament Questions from time to time. The last person allotted quarter on General Pool upto 31.12.93 had a date of Priority of 23.8.66.

With the starting of new allotment year from 1.1.94 enquiries are being made by senior applicants regarding their turn for allotment in-turn. The condition of in-turn allotment of quarters in the new allotment year in respect of Type B is precarious as is evident from the details of allotment done during the first week of January, 1994 upto 7.1.94.

(a) No. of In-turn allotment-1

(b) No. of Ad hoc allotment (Particular Quarter) — 38.

The total number of applicants registered in the new allotment year having date of priority of 23.8.66 (DOP covered as on 31.12.93) and earlier is 758 and unless the same is covered in next 5/6 months the waiting period of those who had missed this chance in the last block year is going to increase which is likely to give rise to dissatisfaction among the Government employees.

Extracts from Note dated 22.2.1994

The issue of out-of-turn allotments has been raised a number of times in the Parliament through Unstarred/Starred Question and has also appeared in the press some time back. We have, in the past, on more than one occasion, laid statements on the table of the House in the Parliament that as per the internal policy of the Ministry of Urban Development, all efforts are made that in-turn and out-of-turn allotments are given in 4:1 ratio. Both in the

Parliament as well as in various parliamentary forums what has been emphasised by this Ministry is that out-of-turn allotments would be restricted to 20% of the total allotments.

The matter regarding out-of-turn allotments being made by the Ministry has also attracted attention of the National Council (JCM), on various occasions, who have commented adversely upon it. This Ministry, while submitting an Action Taken Note on the subject has given assurance at the level of both the Ministers of State and the Urban Development Minister that "All endeavour will be made to restrict out-of-turn allotment to the ratio of 1:4 i.e. one out-of-turn allotment would be made against 4 in-turn allotments."

UDM/MOS(UD) are, however, aware that in actual practice this percentage has at times gone quite high with the result that there is a sense of resentment amongst those who are waiting for allotment in-turn. A case in this regard is that in Type I to III, the number of out-of-turn allotment given in the month of January, 1994 itself ranged 38% in Type-I, 85% in type-II & 50% in Type-III.

The out-of-turn allotments during January, 1994 have been as follows:

Type	In-turn	Ad-hoc allotments	% of Ad-hoc total allotments
I	35	21	38%
II	26	144	85%
III	50	50	50%
IV	49	13	20%

Type-IV (Spl.) and above

The position of such allotments made during January, 1994 is as follows:

Type	Number of in-turn allotments	Number of out-of-turn allotments	Percentage
Type-IV (Spl)	4	Nil	Nil
Type-VA (D-II)	4	11	73%
D-I	37	38	51%
C-II	49	61	55%
C-I	3	4	57%

In order to restrict ourselves to the commitment made on the Floor of the House, it is felt that we may consider the following methods which would be helpful in restricting the total number of 'Out-of-turn' allotments to 20%:—

(i) UDM may take a policy decision to restrict the number of 'Out-of-turn' allotments to the total number of allotments to be made during each month to 20%, as already committed by the Ministry on the floors of both

the Houses of Parliament. This would not only be proper but also reasonable, since this would give a chance to the normal applicants who do not have direct access to the Minister to get their allotments in-turn within a reasonable period. Unless, this is done, it will be difficult for the Government to defend itself if a charge of breach of Parliamentary assurance is made out against the Ministry.

(ii) Once the percentage ceiling to be observed on the number of 'out-of-turn' allotments in relation to the total allotments is laid down by the Minister, the subsequent drill would be observed as follows:—

(iii) Hon'ble Minister may also kindly consider not entertaining direct requests from Government servants, since it is violative of the Civil Services (Conduct) Rules and it becomes embarrassing for the Ministry to initiate departmental actions against such officials when the Minister himself/herself has entertained any direct requests and even considered the same favourably. Normally such requests for 'out-of-turn' allotments ought to be recommended to UDM/MOS (UD) by the Minister-in-charge of the concerned Ministry/Department in which an official might be working.

72. Asked about the comments/observations of the Ministers concerned in this matter, the Director of Estates stated in evidence:

"No decision was taken".

(E) Allotments made higher to the entitlement

73. The Committee enquired whether the allotments made out-of-turn were according to the entitlements of the Government servants concerned. The Ministry in a note initially stated that normally the out-of-turn allotment was made either for the entitled type or one below the entitlement. However, in a few cases, allotment had been made for one category higher than the entitlement by the competent authority. According to the information made available to the Committee, the number of such allotments made since 1 January, 1994 is six in Type-V and 26 in Types I to IV. No such allotment was stated to have been made in D-I and above categories.

74. In a list furnished subsequent to evidence, the Ministry however indicated details of 69 such allotments above entitlements as on 1 January, 1993. It included seven cases of allotments in D II Type and 37 in Type IV allotments.

75. On being enquired whether the DOE brought those cases to the notice of the competent authority where norms were not complied with in

the allotment of Government residential accommodation and allotments made in one category higher than entitlement of the official concerned, MUAE in their note stated:

"As per existing instructions, out-of-turn/ad hoc allotments are to be made one type below the entitlement of applicant. Cases in which allotment of higher type of accommodation were made, the relevant provisions of the instructions/rules were brought to the notice of the competent authority before the administrative sanctions were issued."

76. Replying to a query of the Committee whether the Ministry proposed to cancel allotments in cases where out-of-turn allotments were made in the type higher than that to which allottee was eligible, the MUAE in a note stated:

"The list of all persons who were given out-of-turn allotments of quarters above their entitlement has been submitted before the Supreme Court in the Writ petition No. 585 of 1994, Shri Shiv Sagar Tiwari Vs. Union of India and Others. At present the matter is sub-judice. A decision on this issue would depend on the official orders of the Hon'ble Court."

(F) Reference to Ministry of Law

77. The Committee referred to the Ministry's reply to Audit wherein it was stated that out-of-turn allotments were made by the competent authority. *i.e.*, Minister for Urban development (UDM) or the Minister of State, Urban Development (MOSUD) as the case may be. They enquired about the competent authority who had exercised the powers for laxation of the relevant rule, *viz.*, SR 317-B-25 in the matter of ad hoc/out-of-turn allotments. The Committee were informed that as per an office order, all Estate matters relating to accommodation from Type I to IV were to be submitted for final disposal to the Minister of State (Urban Development). The Ministry informed that the out-of-turn allotments were therefore, done, accordingly.

78. Elaborating on the order referred to above, Secretary of the Ministry stated in evidence:

"It was an internal distribution under which the smaller types of allotments were made by the Minister of State."

79. The Committee asked whether a Minister of State without independent charge in the Ministry could enjoy discretionary powers available under relevant rules in respect of the work assigned to him by the Cabinet Minister in the Ministry. The Secretary, MUAE stated during evidence:

"It is the decision of the Cabinet Minister. If the work is once distributed, there is no bar. That is my impression."

80. In a note furnished after evidence, the Ministry stated:

“A reference on the above point has been made to the Law Ministry.”

(G) Need for periodical review of out-of-turn allotment

81. In the light of the fact that the circumstances for securing out-of-turn/ad hoc allotments are liable to be changed subsequently, the Committee enquired whether the Ministry did not consider it desirable that such allotments should be subjected to review after a prescribed period. In their post-evidence note the Ministry replied:

“The whole matter relating to out-of-turn allotments is before the Honble Supreme Court. As such, it is sub-judice. However, this Ministry has not proposed to review such ad hoc allotment after a prescribed period.”

(H) Need for restricting out-of-turn allotments

82. The Committee pointed out that though the matter of residential accommodation was not necessarily a service matter, nevertheless there was an infringement of the entitlement of Government servants every time an out-of-turn allotment was made and desired to know the views of the Ministry in this regard. In a note, the MUAЕ stated as follows:—

“It is a fact that whenever any out-of-turn allotment is made it deprives a person who is waiting for allotment in his own turn. It is also true that out-of-turn allotment is a necessity to meet certain emergent demands, to be offered on valid grounds which could be justified on the basis of exigencies of service and other administrative considerations. It is, therefore, felt that we may have to define the categories for whom and the grounds on which priorities/out-of-turn allotments may be given. Certain categories of persons will necessarily have to be accorded priority for allotment entailing the breaking of the normal waiting queue with a provision that such out-of-turn allotments have to be restricted to certain exceptions to the minimum justifiable percentage. At present, since the out-of-turn allotments are given under the general exception clause and no specific grounds for this is generally being recorded on the file, it would be necessary to subject this discretion to clearly defined area so that there is no ground to suspect that this discretion will be exercised in an arbitrary manner.”

83. The Committee enquired whether the Ministry agreed that the existing policy of out-of-turn allotments followed by them was inconsistent with the basic principles of propriety and legality and also about the steps contemplated by them to ensure that out-of-turn allotments were made

only in genuine and exceptional cases in future and that the eligible persons were not deprived of their rightful and timely allotments. In their post evidence note, the MUAЕ as follows:—

“The matter relating to out-of-turn allotment is before the Hon'ble Supreme Court and as such is sub-judice. The Government realises the need to keep the out-of-turn allotments to the barest minimum and lay down specific guidelines for regulating such allotments. It is also considered essential that certain limited flexibility must be available to Government to allot accommodation on out-of-turn basis to meet administrative exigencies that would arise. With these ends in view, Govt. have already proposed prescribing specific grounds for out-of-turn allotment of Government accommodation as also the ceiling of 20% in each type for such allotments. The matter is at Court. The categories proposed to be entitled to such allotments are defined as under and these are proposed to be incorporated as in the Supplementary Rules governing allotments of General Pool Residential Accommodation.

Functional grounds:

Certain personnel need to be given allotment on priority basis on functional grounds, either on account of their specific posts or nature of work etc. This would inter-alia include key personnel of Prime Minister's Office, Cabinet Secretariat and Personnel Staff of Chief Justice of India/Other Supreme Court Judges, Union Ministers and other similar high level functionaries etc. (such cases need not be placed before the Screening Committee).

Medical grounds:

Out-of-turn allotments on serious medical grounds of the Government employee or his/her spouse/dependent children. T.B. & Cancer which have been mentioned in the interim order of the Hon'ble Supreme Court may be considered to be only illustrative in nature. Hence, serious nature of illness may be considered as the criterion for considering out-of-turn allotment on medical grounds.

Security reasons:

Priority allotment on grounds of security should be restricted to only 'Z' category protectees. In the case of non-officials, allotment should be restricted to accommodation of not higher than Type VI. Further, the facility should be extended only to those protectees who do not own a house in Delhi, and in case they do, their house should be surrendered to Government free of rent. In case of officials in 'Z' category, they would continue to be provided accommodation on priority basis but one type below their entitlement.”

84. Taking note of the fact that the discretionary powers for ad hoc/out-of-turn allotments were derived by the Ministry under SR-317-B-25, the Committee enquired whether the MUAE proposed any modifications under this specific rule. In his reply, the Secretary of MUAE deposed:

“Our position after having discussion in the Committee of Secretaries which was also approved by the Minister herself before filing of the affidavit, is that this is not a very satisfactory state of affairs to use the discretionary allotment under this section. It is just a general clause and not to be played for individual cases. So, we should have a separate provision. These are all only preliminary observations. Based on their suggestions, the Government will finalise it.”

(I) Out-of-turn allotments made in places other than Delhi

85. At the instance of the Committee, the MUAE also furnished a statement showing the position of out-of-turn allotments made in cities other than Delhi during the years 1989 to 1994. This statement is reproduced below:

Station	1989	1990	1991	1992	1993	1994
Bombay	38	69	55	102	91	60
Madras	14	15	13	28	31	06
Faridabad	02	06	02	06	06	05
Shimla	06	07	09	10	04	02
Ghaziabad	01	Nil	01	01	Nil	Nil
Nagpur	02	03	07	05	06	Nil
Chandigarh	15	13	09	10	12	03

(J) Constitution of Committees for scrutinising requests for out-of-turn allotments

86. According to the Audit Paragraph, the Ministry decided in January, 1990 to constitute two committees for out-of-turn allotments of accommodation of different categories. These Committees were to scrutinise requests for out-of-turn allotments and give their recommendations for consideration and orders of the Minister of Urban Development. The guidelines issued by the Ministry in January, 1990 prescribed that the maximum number of out-of-turn allotments that may be made shall be one out of five allotments.

87. On being asked about the details regarding composition of the aforesaid two committees and the reasons for ignoring the guidelines issued by the Ministry in January, 1990 prescribing the number of out-of-turn allotments to one out of five, the Ministry in a note stated that the Circular dated 24 January, 1990 for constitution of the two committees wa

issued with the approval of the then Secretary (UD). Later on, the then Minister (Urban Development) did not approve the setting up of these committees and hence it was not put into effect.

88. The Committee were however, informed by Audit that the order of January, 1990 was issued but not implemented as the then Minister for Urban Development had deferred it for three months. The position was to be reviewed after three months but the same was not done. When asked for their comments on the same, the MUAE in their subsequent note to the Committee clarified the position as follows:—

“It is a fact that the then Minister had deferred for three months the setting up of the Committee mentioned above. Subsequent action in the matter could not be taken as the file relating to the orders of the Minister could not be located till recently.”

89. As regards the specific order of the then Minister in respect of the guidelines issued by the Ministry prescribing number of out-of-turn allotments as one out of five, the Committee desired to know as to why the DOE did not restrict the out-of-turn allotments to the prescribed limit of 20 percent during the subsequent years. The MUAE in their note stated:

“The restriction of 20% was a self-imposed restriction done at the level of the Minister. The Minister however, was himself considered competent to relax the restriction and this restriction was not a part of the supplementary rules.”

90. When enquired about the present status of setting up of the aforesaid committees for scrutinising requests for out-of-turn allotments, the MUAE in a note inter-alia stated:

“.....to regulate the out-of-turn allotments Ministry has since set up Committees on 9th June, 1995 one chaired by Secretary (UD) of higher types (Type-IV/spl. and above) and the second chaired by Joint Secretary incharge of Estates for lower types (Type-I to Type IV) to scrutinise and recommend cases of out-of-turn allotments within an overall quota of 20%. However, in view of Supreme Court's interim order dated 17.7.95 in WP(C) No. 585/94, even this limited quota is not being made operative, except on medical grounds supported by necessary medical certificates.”

91. In this context, it was seen that the Cabinet Secretary in his letter dated 24 May, 1995 conveyed the following directions to the then Secretary in the MUAE:

“Prime Minister has directed that the following procedure may be followed in the matter of allotment of government accommodation on out-of-turn basis:—

- (i) Out-of-turn allotment shall not exceed 20% of the total allotment. To ensure this, Department of Urban Development should follow the recommendations of the COS, made in its meeting held on 27.5.93, that only every fifth house available may be considered for out-of-turn allotment.
- (ii) Department of Urban Development may activate the committees set up in 1990 for screening all applications for out-of-turn allotment. The Committee, which is to deal with applications for allotment of accommodation of type IV and below may be reconstituted to provide for a representative of Department of Personnel & Training.
- (iii) The Committees should meet at least once in a month and consider all applications received during the month, on the basis of criteria already laid down by the Department for this purpose. The Committees may decide on the detailed procedure in this regard.
- (iv) No allotment of Government accommodation on out-of-turn basis may be made without the recommendation of these Committees.

You may please bring this to the notice of your Minister and take necessary steps to ensure that the procedure as above is strictly followed. The screening Committee may be reconstituted and operationalised quickly.

A report indicating action taken in the matter may please be sent to me early. Subsequently, a report may please be sent to me in the first week of each month in respect of out-of-turn allotments made in the previous month for the information of Prime Minister.”

92. In reply to a related question whether any committees were constituted by the Ministry prior to 1990 for processing/scrutinising requests for out-of-turn allotments, the MUAE in a note stated:

“No information regarding constitution of any such Committee prior to 1990 is available.”

93. In this context, it may be pointed out that the then Secretary in the Ministry of Works and Housing while informing the procedure followed in making out-of-turn allotments had stated before the Public Accounts Committee (1974-75) as follows:

“As a matter of fact, the procedure is that all such cases go to a Committee presided over by the Joint Secretary, which scrutinises and puts up to the Minister himself. The final order is passed by the Minister himself. Nobody else has any authority to give out-of-turn allotments.”

(Reference: Paragraph 1.74 of the 168th Report of Public Accounts Committee (1974-75) on Directorate of Estates.)

94. The Committee in paragraph 1.75 of their Report referred to above had also recommended:

“They would like that all cases of out-of-turn allotment made on medical grounds or special grounds should be scrutinised by a committee of Joint Secretaries representing the Ministries/ Departments of Personnel, Health, Finance and Works and Housing. The unanimous recommendations of this Committee should be put up to the Minister of Works and Housing for his orders. The Committee would also like that the guidelines for the allotment of quarters on medical or special grounds should be made known to the Government employees. The number of out-of-turn allotments made under each category during a year should be published in the Annual Reports of the Ministry of Works and Housing.”

95. The then Ministry of Works and Housing had in their action taken note stated as follows:

“The recommendation has been examined by Government. It has been decided to form a Committee on the lines recommended by the Public Accounts Committee to scrutinise all applications for out-of-turn allotments on medical grounds. Out-of-turn allotments on special grounds include cases of allotment to personal staff of Ministers, etc., to dependent sons, daughters, etc. of deceased/retiring/transferred officers. Instructions regarding such allotments were issued in the past from time to time and circulated to all concerned Ministries/ Departments. These cases are decided in accordance with those instructions. It would be difficult to lay down guidelines for other cases of out-of-turn allotments in special circumstances, as the grounds for these allotments vary from case to case and each case is to be examined on its merits. In the matter of out-of-turn allotments made on medical grounds, Government is guided by the advice of the Ministry of Health. On the basis of discussions in the National Council (JCM), it has now been decided that out-of-turn allotments on medical grounds should be

considered only in case of T.B. and Cancer. No guidelines are, therefore, considered necessary.

It has been decided to accept the recommendation regarding publishing of the figures of out-of-turn allotments made under each category during a year in the annual report of the Ministry of Works and Housing."

However, a perusal of the Annual Report (1994-95) of the MUAE revealed that the figures of out-of-turn allotments made under each category during the relevant period had not been shown.

(K) Non-production of files for Audit scrutiny

96. The Audit Paragraph highlights that out of 7616 out-of-turn/ad hoc allotments made in Delhi from 1991 to July, 1994 only 235 case files were produced for Audit scrutiny. The remaining files were not made available despite bringing the matter to the notice of the Government. Case files of out-of-turn/ad hoc allotments made in Bombay were also not made available. According to Audit, the Ministry observed in their reply that there was really no audit point involved in the matter for which those files should be put up for scrutiny before the Audit Party as any allotment made by the Urban Development Minister or Minister of State, Urban Development on out of turn basis did not exempt the allottee from the payment of licence fee prescribed under the Rules and that it might not be possible for the Directorate of Estates to produce files relating to out-of-turn allotments for scrutiny by Audit. In this context, Audit had observed that the non-production of files was contrary to the statutory provisions of C&AG's (DPCs) Act, 1971 and the instructions issued by Government from time to time which enjoin upon the Ministry to make available to Audit all files required by it, including files classified as 'Secret' and 'Top Secret', the decision as to what documents and information are needed for the purpose of audit and reporting rests with the Auditor.

97. Reacting to the above Audit observations, the MUAE in a note stated as follows:

"So far as the production of files before the Audit is concerned, it is true that Ministry had taken a view that there is no audit point in the out-of-turn allotments. However, on reconsideration, CAG was informed by Minister of Urban Development that whatever files are requisitioned by the CAG would be produced for inspection by the Audit."

98. The Committee were, however, informed by Audit that the issue was sorted out only after the matter was taken up by the C&AG with the Prime Minister. In this connection, the Secretary of MUAE stated during evidence as follows:

"I have gone into this aspect. I have also seen the connected papers. The original request was received from the CAG for all

the files relating to out-of-turn allotments. So this reply has been sent by the Minister. It is the Minister herself who had sent the letter to the CAG. At that time the view as I see from the records was that it was not the intention to refuse files to the CAG. But a view was taken that out-of-turn allotments was purely an administrative matter involving no financial aspect. So this was pointed out to the CAG. I will read out the extracts from the letter of April 30, 1995."

99. Explaining the position further, the witness deposed:

"The correspondence has been going on at the level of the Secretary and the Principal Director of Audit for some time and the point from the Ministry which has been stressed at that time was that there is no Audit point of view since this is an administrative decision. I am mentioning the last letter which was written by the Minister to the CAG wherein she had said that the power of out-of-turn allotments has been exercised under a particular section of the rules which of course is a blanket power given to the Government to waive any or all terms of the allotment. So this was the only power because there is no other provision for out-of-turn allotments under our rules. This has been exercised for a very long number of years. This letter was written as you rightly said when the CAG had again taken it up. He had pointed out that this interpretation is not correct; this is a question which the PAC has already taken note of; he is asking for the files and he has the authority to ask for any secret or top secret files also. Based on that the recent reference was sent by the Minister to the CAG on 11 July, 1995 wherein it is said—and this is where I get my opinion that there was no intention to deny the files—that it was a view which was conveyed to him. This letter reads as:

It does seem that my earlier letter of April 30, 1995 has not been read properly. I have made it abundantly clear that wherever any specific file is required by the Audit, a request to the same should be made, so that the concerned file would then be taken out and shown to the Audit. I reiterate that Audit is most welcome to see whichever file/case they consider necessary in the discharge of statutory obligations.

I think this puts at rest whatever misgivings had been created because of the earlier correspondence clarifying that there was no intention of refusing to part with any paper. It was a point of view which was expressed saying that asking for out-of-turn allotment cases *en masse* may perhaps not be relevant from the financial angle. But since CAG again insisted that he would again like to see the files. Now it has been made very clear, in pursuance of his

correspondence with the PMO, that he is welcome to see any file. We have informed PMO also that the matter has been replied to the CAG.”

100. At the instance of the Committee, the MUAE made available copies of the relevant correspondence between the Ministry and the C&AG's Organisation on the subject of making available the files relating to *ad hoc*/out of turn allotments. The perusal of the relevant papers revealed that the matter was under regular correspondence at least from 30 August, 1994 from the C&AG's Organisation.

101. The Committee also learnt that in pursuance of the orders of the Supreme Court, the MUAE have requested the C&AG to conduct a Special Audit of all the out-of-turn allotments made on special compassionate grounds between 1991 and 1995 vide their communication dated 1 December, 1995.

(L) Reference to CBI

102. During evidence, the Committee were informed by the Director of Estates that the DOE had given to the CBI the names of some people of the doubtful kind of character who could be watched in the context of irregularities in out-of-turn allotments.

103. On being enquired about the nature of complaint received in the DOE/Ministry in the matters concerning irregularities in out-of-turn allotments and the present status of action taken by the CBI in this regard, the MUAE in their post-evidence note stated:

“Anonymous/pseudonymous complaints alleging a nexus between property dealers and officials of the DOE, organised rackets in the allotment of Government accommodation involving officials of the Directorate of Estates, CPWD, etc. including the problems of investigating them, were discussed during a coordination meeting held with the officials of the CBI in January, 1994. In pursuance of discussions held with the CBI, 7 anonymous/pseudonymous complaints were referred to them for investigation on 9.5.94. Subsequently, on 10.4.95, another list of suspected officials was forwarded to the CBI.

No feed back has been received from the CBI with regard to the action taken by them so far.”

(M) Proceedings in the Supreme Court

104. The issue relating to out-of-turn allotments is currently pending with the Supreme Court where a public interest litigation has been filed. The brief account of the points raised in the petition, as intimated by the MUAE, are reproduced below:

“Mr. Shiv Sagar Tiwari filed a public interest litigation vide his letter dated 21st September, 1994 referring to the news item

published in the Indian Express on 5 September, 1994 under the heading "son dies as father is forced to wait for Government quarter". In his petition he referred to the complaints of corruption in the matter of allotment of Government accommodation on out-of-turn basis as also the use of discretion by the Minister for allotment of accommodation on out-of-turn basis by flouting Article 14 of the Constitution. He prayed to Hon'ble Court to call for the rules of allotment of Government accommodation and ask for list of all applications received for allotment from 1 January, 1993 till date. He also requested to Hon'ble Court to issue a direction to the Ministry of Urban Development not to allot any accommodation on discretionary basis except by following the guidelines framed by the Hon'ble Court."

105. Explaining the view point taken by the Government in this case, the Secretary of the MUAЕ stated during evidence:

"We have not finalised what should be the allocation rationalisation because the Supreme Court had only asked us to give certain suggestions and they had clearly said so. In fact, they have not gone into these aspects; they are going into individual cases. They said that they will go through the case and give appropriate directions. It will be premature to say anything on this point. But I can say that they have asked as to what should be the policy to around this long waiting list. We have said that the waiting list has to be a limited one and there are reasons for this long waiting list. We have also suggested definition of certain areas within which there can be some element of discretion. The reasons may be basically functional grounds, medical grounds and security grounds. Some sort of a thinking has emerged and it is all in a preliminary stage but we have to get the feedback from the court."

106. The Committee enquired whether it was not proper for the Government to have themselves worked out a proper system of allotment on the basis of experience gained. In his reply, the Secretary of the MUAЕ deposed:

"This is the first thing which we did. This was our view that we should ourselves inform the court about our intention to streamline and get the approval so that we can regain the operations as Supreme Court has totally banned them now. From last June onwards, we have not issued any order for out-of-turn allotments."

107. He also added:

"In the first hearing, I took it up straightaway saying that we should streamline because somehow the credibility of the whole operations has come into question. Whatever be the purpose behind, we have to justify it and streamline the system. We had discussions on this issue since the court had asked us to serve

notices. They said that they will come back to the cases after this case has been disposed of.

So, our feeling is that at least after a few of these cases have been disposed of and orders passed, they will come to the broad policy issue. We are seeking permission from the Court on policy issue."

108. At the instance of the Committee, the MUAЕ subsequently furnished the following note on the stand taken by the Government; the interim orders passed by the Supreme Court; and the present status of the cases (note furnished on 28 November, 1995):

"Hon'ble Court in its order dated 27 April, 1995, while ordering allotment of CI house to the Registrar of Hon'ble Court also took notice of the news item which was published in the Indian Express issue dated 27th April, 1995 under the heading "CAG finds Government allotment of houses arbitrary". It also took notice of the fact that number of Government houses are under unauthorised occupation of various persons and directed the Ministry to file a list of all those houses along with the names of the occupants. the period and authority under which they are occupying Government accommodation.

An affidavit was accordingly filed in Hon'ble Supreme Court by the Director of Estates in the Ministry of Urban Affairs & Employment giving, *inter-alia*, the percentage of out-of-turn allotments made in 1993-94 and indicating the rule position under which *ad hoc* allotments were being made by Government under various orders. A list of 391 unauthorised occupants, as on 31.5.1995 was also filed along with this affidavit.

Hon'ble Court vide its interim order dated 17.7.1995 stopped all out-of-turn allotments except on genuine medical grounds such as Government employees suffering from TB or Cancer. It also directed issuance of notices to all 391 unauthorised occupants and publishing of these notices in newspapers on three consecutive days. Hon'ble Court also directed the Ministry to supply a list of all out-of-turn allotments as also out-of-turn allotments made to individuals above their entitlement. The Ministry was also requested to suggest ways and means by which the waiting period could be reduced to less than 5 years."

In pursuance of this direction of Hon'ble Court, another affidavit was filed before Hon'ble Supreme Court on 1st September, 1995 giving, *inter-alia*, a list of all allotments made on out-of-turn basis to individuals as also out-of-turn allotments made above the entitled type.

This affidavit also contained a list of 59 sitting MPs who are occupying accommodation above their entitlement and list of other 12 persons who

are not eligible for any type of allotment but were occupying Government accommodation with the approval of CCA and in whose cases the period of allotment approved by CCA had expired.

In his Affidavit dated 1.9.95 Government have also proposed certain measures for revamping of the system and keeping the out-of-turn allotment to the barest minimum. Out-of-turn allotments have been proposed to be limited to a maximum of 20% of vacancies in each type and is to be given on well defined grounds, namely, functional grounds, medical grounds and security reasons. All requests for such allotments are to be considered by the inter-Departmental Committee constituted for the purpose. It is also proposed to incorporate suggestion in regard to ceiling of out-of-turn allotment and the ground of such allotments in the supplementary rules. The quota fixed for allotment to specified categories like Journalist/Artist/Freedom Fighter etc. which are covered under the policy orders are proposed to be incorporated under the SR. This is to ensure that the prescribed quotas/ceiling on such allotments do not exceed levels once decided. Since a large number of quarters remained occupied unauthorisedly because of occupants resorting to litigation, it has been proposed that no ex-parte stay should be granted by subordinate courts for more than a week and the hearings in the courts should be completed in the shortest possible time after giving opportunity to the Directorate of Estates to present its case. To control the rampant malpractice relating to subletting, deterrent action against guilty Government servants have been proposed alongwith the amendment of the PP Act to treat the letter of Directorate of Estates granting Extension as the notice of eviction. Measures have also been suggested for augmentation of housing stock so as to reduce the waiting period for allotment of Government accommodation.

The court has so far conducted 10 hearings and have passed orders in respect of all the 391 unauthorised occupants as also in respect of 72 persons occupying accommodation above their entitlement. The orders of policy in regard to allotment of Government houses as also revamping of the system as proposed in the affidavit dated 1 September, 1995 are now to be taken up for discussion by the court in the subsequent hearings."

X. Steps contemplated to tackle housing problem

109. Since the root cause for the tendency to secure out-of-turn allotments is the slow rate of expansion in housing, the Committee desired to know the measures proposed to be taken by the Ministry with a view to tackling the problem effectively. Explaining the position in this regard the Secretary of the MUAЕ stated during evidence:

"During the last two or three years there has been a budget constraint. The total budget of the Government either remained stagnant or shrank. But now we are tackling this problem in three or four ways. Firstly, we are reducing the out-of-turn allotment or

keeping it in limit. Secondly, we are taking strong measures by removing unauthorised persons. Thirdly, we are preventing subletting also.

Another method is, of course, by increasing the stock. As compared to last year, this year we have taken a major step of increasing the construction to a much larger level. Recently, the hon. Minister has also made a statement that five thousand and odd houses will be constructed in Delhi, particularly in the lower types.

The final recommendation is that there will have to be a change in the House Rent Policy. We have communicated this point to the Fifth Pay Commission. A large number of Government Servants who are not able to get any accommodation are forced to go for private accommodations. So, we have recommended some increase in the House Rent Allowance for them to the Fifth Pay Commission."

110. From the further information made available to the Committee in this regard, it was seen that the Directorate of Estates had about one lakh residential units as against the requirement of General Pool Accommodation to the tune of 2.9 lakh residential units for achieving 70 per cent satisfaction in New Delhi and 50 per cent in other towns. A sum of Rs. 40 crores has been provided at present in the Plan Budget for construction of houses all over the country under the General Pool Residential Accommodation. According to the Ministry's own estimates, they would not be able to have more than 1500 houses in any one financial year. Therefore, according to the Ministry, at this speed and assuming that there would be no growth of Government employees, it would not be possible to make any plan whereby the target of constructing two lakh houses could be achieved in the next 20 years. The Ministry have also observed that they cannot make any significant dent into the housing problem for the Government employees and may not meet the gigantic task of creating housing stock of two lakh units in any foreseeable future unless other ways and means were found to augment the housing stock and also some other ways by which the demand on the General Pool housing might get reduced. Some of the alternatives in the Ministry's opinion in this regard, included:—

- (a) Making HRA attractive enough to act as an incentive for the Government servant to go back to his own house or his ancestral house;
- (b) Linking of the HRA to the cost index and increase in the rate of HRA from time to time so as to make it an incentive for such Government servants who have their own houses or ancestral house or houses in the nearby areas not to make claim on the Government accommodation;

- c) To exempt the HRA from Income Tax even if a person produces a receipt or not;
- d) While living in one's own accommodation or the accommodation owned by near relatives may be made an incentive, the living in the Government accommodation at the same time be made disincentive by hiking the licence fee at least at a level whereby the maintenance and upkeep of the Government accommodation becomes self-sustained (In this context, the Ministry have observed that in Delhi about Rs. 40 crores are being spent annually on the upkeep and maintenance of Government accommodation whereas the return by way of licence fee of the Government accommodation is in the tune of Rs. 8 crores); and
- e) Increase in the ceiling of House Building Advance to Government employees.

111. In reply to a question about the specific reasons for the shortage of residential units in general pool accommodation particularly in Delhi, the MUAЕ in a note stated:

"The main reasons for shortage of residential units in the general pool is on account of the increase in the number of govt. offices and employees eligible for general pool residential accommodation and resource constraint which came in the way of constructing a corresponding number of general pool houses."

112. At the instance of the Committee, the MUAЕ furnished a note on construction of Government houses in Delhi and the budgetary allocations made therefor. According to this note, construction of 247 quarters in types III and IV have been completed and these quarters can be handed over by March, 1996. Sanctions for 412 quarters and 106 suites in Delhi have been issued for new works during 1995-96 and a budget provision of Rs. 301 lakhs during the year for the same have been made. The MUAЕ have also stated that the Ministry proposed to embark on the construction of 5000 quarters during the next three years. The note, however, mentions that "it would be necessary to allocate larger amount of funds for general pool housing during 1996-97 so as to finance ongoing construction works as part of the 5,000 quarters proposed to be taken up and completed during the next three years. Funds generated through utilization of land as a resource is also proposed to be ploughed to finance the construction of general pool housing as supplemental finance."

XI. Delay in furnishing information to PAC

113. The MUAЕ were required to furnish written information on certain points both prior to and after oral evidence. The pre-evidence information was furnished only on 16 August, 1995 as against the stipulated date of 18 July, 1995 which was at the Ministry's request extended upto 3 August, 1995. Similarly, the post-evidence information was made available only on

28 November, 1995 although it was required to be furnished by 27 October, 1995 which was later extended to 6 November, 1995.

XII. Conclusions and Recommendations

114. The directorate of Estates (DOE) in the Ministry of Urban Affairs and Employment (MUAE) has been entrusted, among other functions, with the overall responsibility for administration and management of Government residential accommodation in general pool which is presently located at 23 stations in different parts of the country. The functioning of the DOE in this regard had engaged the attention of the Public Accounts Committee earlier also. The present Audit paragraph contained the results of the scrutiny of records by C&AG pertaining to ad hoc/out-of-turn allotments made in Delhi by the DOE from 1991 to July, 1994. The Committee's examination of the Audit paragraph and the related aspects has revealed several disquieting trends in the management and allotment of Government residential accommodation which are dealt with in the succeeding paragraphs.

115. Although all Government servants on regular employment are eligible for allotment of residential accommodation, the Committee's examination has revealed that no exercise has been made to call for applications for allotment of residential accommodation from such eligible Government servants. However, an estimate about the number of employees who demand general pool residential accommodation at various stations under the DOE was prepared by the MUAE which projected requirement of the order of 2.9 lakh residential units for achieving 70% satisfaction in Delhi and 50% at other stations. As against this, the DOE has only 0.91 lakh residential units under general pool, as on 31 December, 1994, at various stations. This acute shortage in availability of Government residential accommodation at various stations has led to a situation where only restricted applications for allotment are invited from those officials who have either joined service before a particular date or have reached certain pay levels by a specified date. Since the records of the DOE are maintained on the basis of the number of applications invited within the prescribed restrictions, the level of demand and availability of the Government residential accommodation in general pool as reported by the MUAE does not reflect the real position. The Committee, therefore, desire that the magnitude of the problem be realistically assessed by the MUAE and effective steps taken for achieving the targeted satisfaction level at various stations within a reasonable period of time.

116. The Committee find that the total number of residential units in Delhi in the general pool is 63760 which accounts for about 70 per cent of the total general pool residential accommodation under the control of the DOE at various stations as on 31 December, 1994. At the same time, the waiting period for getting allotment in Delhi is also very long ranging between 15 to 31 years in Types I to IV. According to the information made

available to the Committee, while 9443 employees entitled to Type-III accommodation were awaiting their turn for allotment even after rendering over 31 years of service, there were as many as 9703 employees entitled to Type-II accommodation and 1392 employees entitled to Type-IV accommodation who were yet to be allotted accommodation in their entitled category even after their putting in over 27 years of service as on 12 July, 1995. The Committee have also observed an equally precarious situation in higher Types where the percentage of Government servants awaiting allotment in July, 1995 ranged between 52 percent (C-II Type) to 83 per cent (Type-IV Special) within the limited number of applications received in the DOE. Obviously, there are overall shortages with reference to total demands in all types of residential accommodations in general pool in Delhi and there may be a fairly large number of Government employees who would not be able to get Government accommodation in the entitled type in general pool during their entire period of service.

117. The Committee note that a large number of Government residential units have been reserved under different departmental pools. They have been informed in this connection that the officials from other departmental pools are not eligible for allotment of accommodation from general pool. The Committee's examination has, however, revealed that 2657 quarters, as on 31 October, 1995, have been allotted to officials of Delhi Administration and Delhi Police from general pool despite the fact that Delhi Administration including Delhi Police maintained their own pool of residential accommodation in Delhi. In this context, the Committee have been informed that the Offices of Delhi Administration were included in the list of offices eligible for allotment of general pool accommodation earlier as Delhi was a Union Territory. Considering the fact that the officials entitled only to general pool accommodation have to wait for their turn for substantially longer periods, the Committee recommend the MUAE to review their policy of allotment of general pool residential accommodation to officials of Delhi Administration etc, for whom separate pool exists in Delhi in the light of the policy followed in respect of other major departmental pools of residential accommodation in Delhi so as to ensure that the availability of accommodation in general pool is not adversely affected.

118. The Committee during the course of examination found that the scarce availability of the residential accommodation in higher Types has also been affected due to earmarking of certain units in prime location of Delhi for purposes other than residences like marriages. Taking note of the fact that there is an acute shortage in general pool accommodation especially in higher types and that the total percentage of utilisation of those units was merely 59 per cent and 64 per cent during the years 1993 and 1994 respectively, the Committee fail to understand as to why these units have been put to use for purposes other than residential. They therefore, desire that these residential units may be included in the housing stock forthwith

so as to enhance availability of the already meagre accommodation in the higher types.

119. The Committee note that a separate pool known as "Tenure Pool" has been created for allotment of accommodation exclusively for All India Services Officers belonging to IAS; IPS; and IFS personnel. Pertinently, the Public Accounts Committee (1974-75) in paragraph 1.47 of their 168th Report (Fifth Lok Sabha) had recommended that the officers of Central Services with transfer liability should also be eligible for the allotment from the Tenure Pool accommodation and no distinction should be made in this regard between two classes of officers. Although the Committee were informed at that stage that the recommendation was being examined, they regret to note that eventually, Government had not accepted the same. The Committee are unable to comprehend the logic behind separate treatment to similarly placed employees with transfer liability. While agreeing with the MUAЕ that this facility cannot be extended to those officers for whom separate pools are maintained, the Committee feel convinced that the officers of those Central Services who come to Delhi on a fixed tenure basis should also be made eligible for accommodation from the Tenure Pool. In this context, the Committee have also been informed that this matter was considered by the Committee of Secretaries on 26 October, 1995 where it was decided to increase the number of houses under the tenure pool and also that the question of extension of tenure pool accommodation to officers belonging to certain other All India Services could be considered separately. The Committee trust that the decision in the matter will be taken expeditiously so as to eliminate any discrimination in the allotment of accommodation between two classes of officers posted in Delhi on fixed tenure basis.

120. The Committee are deeply concerned to note that no effective procedures have been evolved by the Directorate of Estates for getting their residential premises vacated in time with the result that a large number of Government residential units continue to be occupied unauthorisedly for longer periods. The Committee are particularly surprised at the plea raised by the DOE that it has not been possible in all the cases to initiate eviction proceedings immediately after an occupant become unauthorised because there is delay in receiving intimation from the concerned office of the allottee regarding his transfer, retirement, death etc. Interestingly the DOE has also stated that the manual system of record keeping presently followed by them does not facilitate keeping track of all such cases and inadvertent omissions do take place. The Committee are not inclined to accept these pleas of the DOE and they are of the strong view that the Directorate have failed to evolve proper systems to exercise effective control over the Government residential accommodation under their control. The Committee's examination has revealed that besides a list of 391 unauthorised occupants in Delhi, there are as many as 393 cases of unauthorised occupancy at eight other stations of which 184 and 153 cases

relate to Calcutta and Bombay respectively. An unauthorised occupant is liable to pay damage rate of licence fee upon expiry of the authorised period of stay. The Committee have, however, observed that a total amount of licence fee /damages recoverable on this account as on 1 April, 1995 stood at a staggering figure of Rs. 6.5 crores. Surprisingly, there were as many as 1161 cases relating to arrears of Rs. 10,000 or more each. Strangely enough, proceedings for recovery of arrears is stated to have been filed only in respect of 599 cases. The Committee's scrutiny has also brought out 77 cases of outstanding rent recovery against Government Officers who have been transferred but are still retaining Government residential accommodation unauthorisedly in Delhi. Of these, 21 cases involved arrears of rent recovery exceeding even Rs. one lakh each with one Government servant even liable to pay an arrear of the order of over Rs. five lakhs. The Committee view this situation with grave concern and are in no doubt that the working in the DOE is far from satisfactory both in the matters of eviction of unauthorised occupants of general pool accommodation as well as recovery of damages from such occupants. Needless to say that such situation not only erodes the availability of houses to those awaiting their turn but also denies Government of their timely collection of dues. Keeping in view the specific difficulties stated to have been experienced in the eviction procedure under Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the Committee desire the Ministry to make a comprehensive review of the Act with a view to contemplating desired amendments so that the problem of unauthorised occupancy in general pool can be tackled effectively. The Committee would also like the DOE to gear up their machinery for initiating a time bound programme for eviction of all unauthorised occupants and collection of outstanding dues from such occupants of general pool accommodation. The Committee would further like to be informed of the latest position of unauthorised occupation of Government residential accommodation as also the dues outstanding from such cases.

121. The Committee further find that certain specific categories of persons who are not Government servants and organisations had been identified for allotment of Government accommodation keeping in view their services to the nation and to the society and in public interest. These categories included, persons who had held high offices in the country such as President, Vice-President and Prime Minister or their spouses; Journalists and Accredited Press Correspondents; Eminent Artists; Freedom Fighters of All India standing; miscellaneous categories of persons engaged in useful work of national standing; Political Parties etc. Allotment of accommodation to these categories is governed by specific guidelines issued by Government from time to time. The period of such allotment is also governed by the guidelines and/or the decision of the Cabinet Committee on Accommodation. The Committee have been informed that presently 296 residential units have been allotted to such categories of persons. In view of

the fact that these categories are allotted accommodation usually for a specified time, the Committee desire that the Government should evolve a system of complete review of all such cases at regular intervals so that timely decision could be taken for continuance of such allotments or for initiating eviction proceedings in cases where the period of allotment has expired and no extension has been granted. The Committee are also of the view that the basis for allotment of accommodation to these categories should also be suitably incorporated in the relevant Rules and they be apprised of the precise action taken in the matter.

122. The Committee note that one rampant malpractice which has aggravated the already acute shortage of accommodation has been that of unauthorised subletting of quarters resorted to by certain unscrupulous allottees. The limited enquiry made by the Committee in this regard revealed that out of the 264 quarters inspected in a locality in Bombay in the first week of April, 1995, there were as many as 252 quarters which were found to be fully or partially sublet. The Ministry merely stated that necessary action has been initiated in such cases without indicating the relevant details. This clearly shows that no serious action has been initiated against the defaulters/offenders in those cases which is a matter of concern to the Committee. The MUAЕ are now stated to have requested the Department of Personnel to amend the Conduct Rules so that the unauthorised subletting of Government accommodation becomes a case for major penalty proceedings under the relevant Rules. The Committee would like the Government to examine this matter in depth and gear up their machinery for dealing sternly with such cases of misuse of Government accommodation. They would also like to be kept informed of the further action taken on the Ministry's proposals made for amending the Conduct Rules.

123. In the light of precarious situation in the availability of Government residential accommodation discussed in the preceding paragraphs, it was imperative that the management of residential accommodation was done strictly in accordance with the Rules/guidelines so as to safeguard the interests of the employees in the matter of allotment. The Committee are however, concerned to note from the Audit paragraph that Government, on the other hand, chose the resort to ad hoc/out-of-turn allotments on a large scale.

124. The Committee note that no specific provision for ad hoc/out-of-turn allotment exists in the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 and such ad hoc/out-of-turn allotments of Government residential accommodation are made under the blanket power given to the Government under SR-317-B-25 under Rules *ibid*, which provides that "the Government may for the reasons to be recorded in writing relax all or any of the provisions of the rules in this Division in the case of any officer or residence or class of officers or type of residences". Various administrative orders have, however, been issued specifying the circumstances and

conditions under which ad hoc allotments are made to the following categories on the basis of the specific orders issued from time to time:—

- (i) personal staff of high dignitaries;
- (ii) eligible wards of retired or deceased Government servants who are in occupation of General Pool Accommodation;
- (iii) Government employees suffering from malignant cancer, pulmonary tuberculosis, leprosy, heart ailments etc;
- (iv) physically handicapped Government servants;
- (v) an occupant of departmental housing who has to vacate it on transfer to general pool accommodation; and
- (vi) on compassionate grounds.

According to the guidelines stated to have been issued by the Ministry in January, 1990, the maximum number of out-of-turn allotments that may be made shall be one out of five such allotments.

125. From the information made available to them, the Committee find that the ad hoc/out-of-turn allotments made in Delhi had exceeded the prescribed norm of 20 percent in all the years during the period 1991 to 1994. The Committee's examination in this regard has revealed that while the number of ad hoc/out-of-turn allotments made in Delhi in 1990 was 1237, the number of such allotments increased to 1720 in 1991; 2256 in 1992; 2057 in 1993 and 2811 in 1994. In fact, the percentage of out-of-turn allotments with reference to total number of allotments made in a year progressively increased from 26.4 in 1991 to 33.1 in 1992; 38 in 1993; and 47.19 in 1994. Distressingly, there were instances when the number of out-of-turn allotments had far exceeded the in-turn allotments particularly in Type-II where officials with 27 years of service were still waiting for their turn. The Committee's examination also revealed that despite the long waiting period for all Types, there were as many as 166 cases of out-of-turn allotment during 1991 to July, 1994 to persons who had not even completed five years of service. In their reply to Audit in February, 1995, the Ministry stated that out-of-turn allotments are made by competent authority under SR-317-B-25 and that under this Rule, all provisions of Allotments Rules could be relaxed including any instructions issued thereunder; and that whatever instructions have been made regarding specific percentage to be maintained are only self-imposed instructions and were not part of the Supplementary Rules. In their subsequent note to the Committee, the MUAE again maintained the same position and reiterated that the restriction of 20 percent was not a part of the Supplementary Rules. The Committee are not at all inclined to accept these assertions. Their scrutiny revealed that the Ministry had themselves gone on record to state in their note dated 22 February, 1994 that they "have, in the past, on more than one occasion, laid statements on the table of the House in Parliament that as per the internal policy of the Ministry, all efforts are made that in turn and

out-of-turn allotments are given in 4:1 ratio. Both in Parliament as well as in various parliamentary forums what has been emphasised by this Ministry is that out-of-turn allotments would be restricted to 20 per cent of the total allotments." From the foregoing, the Committee regret to conclude that Government did precious little to restrict themselves to 20 percent norm for out-of-turn allotments prescribed by them earlier and they rather resorted to indiscriminate use of the power given to relax all or any of the provisions of the Allotment Rules.

126. Another matter which engaged the attention of the Committee is the growing percentage of out-of-turn allotments made purely on "special compassionate grounds" during the years 1991 to 1994 which progressively increased from 63 per cent in 1991 to 74.2 in 1992; 79.1 in 1993 and 86.7 in 1994. Curiously enough, the reasons cited in such sanctions included, "exigencies of work", "inability to afford private accommodation", "other family compulsion" etc. Commenting on the nature of the cases covered under the category of "special compassionate grounds" the Secretary of the MUAE deposed before the Committee that "this term 'compassionate' is a misleading generic term" and that "it is the real out-of-turn allotment.....". Interestingly, the DOE/MUAE have neither issued any administrative orders/guidelines specifying the conditions which would constitute special compassionate circumstances deserving consideration for out-of-turn allotment nor prescribed any application forms in respect of cases of special compassionate grounds despite the fact that specific orders and application forms have been stipulated for several other categories of the officials desiring residential accommodation on ad hoc/out-of-turn basis. The Committee consider it to be yet another instance of the manner in which Government chose to make out-of-turn allotments without giving due regard to the large number of employees silently suffering and patiently waiting for in-turn-allotments for considerably longer time.

127. The Committee find that in most of the cases the reasons for out-of-turn allotment contended to have been made in relaxation of the Rules were not recorded in writing by the competent authority although it was required to be done under the relevant Rule, namely, SR-317-B-25. The Ministry during examination stated that in a number of cases the competent authority had considered the request and given orders on the application of request itself indicating that the reasons given in the application had been accepted by the competent authority. Keeping in view the specific provision in the Rule for recording the reasons in writing for relaxation of the Rules, the Committee expect that legal provisions shall be followed scrupulously in future.

128. The Committee are surprised to find that no departmental scrutiny could be exercised by the DOE in respect of such applications for ad hoc/out-of-turn allotments where direct submissions were made to the competent authority who passed appropriate orders on the request. As has already been observed earlier, in a number of cases, the competent authority had

considered the request and given order on the request itself. According to the information made available to the Committee, the competent authority in some cases had also passed orders granting the request whereas the recommendations from the DOE/Ministry officials had been otherwise. During evidence, the Director of Estates deposed that specific files at various intervals were submitted to the competent authority pointing out the total percentage of out-of-turn allotment which was being given and also the ceiling which had been imposed in 1990. Interestingly, one such note prepared on 10 January, 1994 highlighted that ad hoc allotments of quarters of Type-B had been on the increase and during the year 1993, 48 per cent of the quarters were allotted out-of-turn which was much above the 20 per cent limit specified. This note even went to the extent of pointing out that the condition of in-turn allotment of quarters in the new allotment year in respect of Type-B was precarious as only one in-turn allotment was made as against 38 ad hoc allotments made in Type-B during the first week of January, 1994. Yet another note recorded on 22 February, 1994 brought out that the out-of-turn allotments made during January, 1994 had been much above the 20 percent norm in all types of accommodation except in Type-IV and Type-IV (special). This note *inter-alia*, contained suggestions for consideration to take a policy decision to restrict the number of out-of-turn allotment to the total number of allotment to be made during each month to 20 per cent and also not to entertain direct requests from Government servants since it was violative of the Civil Service Rules. The Committee consider it unfortunate that no decisions were taken on those suggestions. The Committee do not wish to add anything to these self-speaking facts.

129. The Committee note that ad hoc/out-of-turn allotments had been made under the General exception Rule *viz.* SR-317-B-25 which authorised that the Government may for reasons to be recorded in writing relax all or any of the provisions of the Allotment Rules. During evidence, the Committee were informed that these powers had been exercised by the Minister for Urban Development in respect of the out-of-turn allotments made above Type-IV and by the Minister of State, Urban Development in respect of the accommodation from Type-I to Type-IV. They were also informed that such distribution of work was made by an internal distribution order issued in the Ministry. The Committee have been informed that in pursuance of their query whether a Minister of State without independent charge in the Ministry could enjoy discretionary powers available under relevant Rules in respect of the work assigned to him by the Cabinet Minister in the Ministry, the MUAE have made a reference to the Ministry of Law for advice. The Committee would like to be informed of the legal advice obtained in the matter.

130. According to the prevailing instructions, out-of-turn/ad hoc allotments are to be made one type below the entitlement of applicant. The information made available by the MUAE, however, revealed that there

were as many as 69 cases, as on 1 January, 1993, where the allotments were made above entitlements. Strangely enough, the details of such cases included seven cases of allotments in D-II Type and 37 in Type-IV. The Committee have been informed that the list of all persons who were given out-of-turn allotments above their entitlement has since been submitted before the Supreme Court in connection with the Writ Petition No. 585 of 1994 and a decision on this issue would depend on the official orders of the Court. The Committee would like to be apprised of the corrective action taken in such cases in due course.

131. What has caused further concern to the Committee is the manner in which the MUAE handled the entire matter relating to their decision in January, 1990 to constitute two committees for scrutinising requests for out-of-turn allotments and give their recommendations for consideration and orders of the competent authority. While the then Minister for Urban Development had deferred for three months the setting up of these two committees, no subsequent action was taken in the MUAE on a rather strange ground that "the file relating to the orders of the Minister could not be located till recently". The Committee consider it to be a strange case of missing file which surfaced only after the Committee took up their examination of this subject. While expressing their unhappiness over the inaction on the part of the MUAE in this matter, the Committee would like to be apprised of the circumstances under which such an important file could not be traced in five years for follow-up action in time.

132. The Audit Paragraph highlights that out of 7616 out-of-turn/ad-hoc allotments made in Delhi from 1991 to July, 1994 only 235 case files were produced for Audit scrutiny. The remaining files were not made available despite bringing the matter to the notice of the Government. Case files of out-of-turn/ad hoc allotments made in Bombay were also not made available. In their reply to the Audit in 1995, the Ministry observed that there was really no Audit point involved in the matter for which those files should be put up for scrutiny before the Audit as any allotment made by the Government on out-of-turn basis did not exempt the allottee from the payment of licence fee prescribed under the Rules and that it might not be possible for the DOE to produce files relating to out-of-turn allotments for scrutiny by Audit. The Committee's examination has revealed that while the subject of making available files relating to ad hoc/out-of-turn allotment was under regular correspondence between the Ministry and the Audit at least from 30 August, 1994, it was only in July, 1995 and that too after the intervention of the Prime Minister that the Ministry informed the C&AG that "Audit is most welcome to see whichever file/case they consider necessary in the discharge of statutory obligations". Evidently, non-production of files in time to the Audit resulted in a situation where the Audit had to make their scrutiny of records on this subject on the basis

of limited information available. While expressing their unhappiness over this, the Committee desire that suitable action should be taken by the MUAE to obviate such recurrence in future.

133. In this context, the Committee recommend that Government may evolve a procedure whereby all Ministries/Departments are asked to nominate a nodal officer preferably Financial Advisor, who should be made personally responsible to ensure that documents and information requisitioned by Audit in discharge of their statutory obligations are made available by all concerned within a reasonable time.

134. The Committee further note in this connection that in pursuance of the orders of the Supreme Court, the MUAE have now moved the C&AG to conduct a Special Audit of all the out-of-turn allotments made on special compassionate grounds between 1991 and 1995 *vide* their communication dated 1 December, 1995. The Committee would await the outcome of the Special Audit.

135. The Committee find that certain anonymous/pseudonymous complaints alleging a nexus between property dealers and officials of the DOE and organised rackets in allotment of out-of-turn Government accommodation involving officials of the DOE, CPWD etc., were received in the MUAE and the problems of investigating such complaints were discussed in a coordination meeting held with the CBI officials in January, 1994. In pursuance of the discussions held with the CBI, the Ministry forwarded to CBI seven complaints in May, 1994 and another list of suspected officials in April, 1995. However, the MUAE are stated to have received no feed back from the CBI with regard to the action taken by them so far. The Committee hope that the Government would take appropriate steps to expedite the enquiry in the matter and apprise the Committee of the action taken thereon.

136. Ad hoc/out-of-turn allotments are made to certain categories of Government employees under certain specific circumstances which are liable to be changed subsequently. The Committee, however, find that as per the extant practice, employees who have been allotted accommodation once on ad hoc/out-of-turn basis are not subjected to a subsequent review. The Committee are of the view that Government should consider the desirability of undertaking periodical review of such out-of-turn/ad hoc allotments so that only genuine persons are allowed to retain such allotments.

137. The Committee note that in pursuance of the recommendation made by them in their 168th Report (1974-75), the Government had decided to publish all the relevant figures of out-of-turn allotments made under each category during the year in the Annual Report of the Ministry. The Committee regret to note that this decision is not being implemented presently. The Committee desire that such details should invariably be published in the Annual Report of the Ministry at least from 1995-96.

onwards with a view to maintaining transparency and disseminating information in the matter of out-of-turn allotments.

138. The Committee note that the issue relating to out-of-turn allotment is currently pending with the Supreme Court where a Public interest writ petition has been filed by way of reference to the complaints of corruption in the matter of allotment of Government accommodation on out-of-turn basis as also the use of discretion for allotment of accommodation on out-of-turn basis. The Committee have been informed that in the light of these developments, the Government now propose certain measures for revamping the system and keeping the out-of-turn allotment to the barest minimum. The steps so proposed include *inter-alia* limiting out-of-turn allotments to a maximum of 20 per cent in each type on well defined grounds, placing such requests before an inter-departmental Committee constituted for the purpose, incorporating the ceiling and grounds for out-of-turn allotments in the Supplementary Rules both for the Government servants as well as other specified categories, initiating deterrent action against guilty Government servants in the matter of sub-letting, amending Public Premises (Eviction of Unauthorised Occupants) Act etc. The Committee were further informed that concrete action on the proposals referred to above would be taken after the decision of the Supreme Court in the matter. The Committee would like to be apprised of the further developments and also the subsequent action taken in the matter.

139. The facts narrated above reveal a total break down in the administration and management of Government residential accommodation in general pool. The Committee are greatly distressed that this administrative paralysis has led the entire matter to the doors of the judiciary for appropriate remedies. While admitting the realities of this unfortunate situation, the Secretary, MUAЕ deposed before the Committee that "somehow the credibility of the whole operation has come into question." The Committee earnestly hope that the authorities concerned would atleast now take suitable corrective/remedial steps to keep their house in order and streamline the administration and management of Government residential accommodation in general pool.

140. The Committee do recognise the need for having certain limited flexibility available with Government to allot accommodations on ad hoc/out-of-turn basis to meet the administrative exigencies that would arise. Considering the acute shortage of accommodation and the fact that each out-of-turn allotment deprives an eligible applicant in the long waiting list of his legitimate entitlement, the Committee believe that the maximum limit of 20 per cent for such allotments is definitely on the high side. They are, therefore, of the view that this limit should be further brought down, say to 10 percent.

141. It is common knowledge that the root cause for the tendency to secure out-of-turn allotments is the slow pace of expansion in housing and

the resultant poor availability of accommodation. The Committee have been informed that Government, therefore, proposed to adopt a multi-pronged strategy to minimise the problem. The steps contemplated in this direction, *inter-alia*, include reducing the out-of-turn allotment, removing unauthorised occupants, preventing unauthorised subletting, increasing the housing stock and incorporating changes in the policy governing grant of House Rent Allowance and House Building Advance to the Government servants. The Committee trust that the steps contemplated would be converted into concrete plan of action in the near future with adequate budgetary support so that the hardships faced by the Government servants in the matter of residential accommodation could be mitigated to a large extent. The Committee may be apprised of the action taken in the matter.

NEW DELHI:

19 December, 1995

28 Agrahayana, 1917 (Saka)

RAM NAIK,

Chairman,

Public Accounts Committee.

APPENDIX I
(Vide Para 4)

Para 9.1 of the Report of C& AG of India for the year ended 31 March, 1994, No. 2 of 1995, Union Government (Civil)

9.1 Out-of-turn allotments of Government residential accommodation

The working of Directorate of Estates, New Delhi and a few of its regional offices was earlier reviewed *vide* paragraph 32 of the Report of the CAG of India, Union Government (Civil) for the year 1982-83 and paragraph 19 of the Report of the CAG of India, Union Government (Civil) for the year ended 31 March, 1989. The records pertaining to ad hoc/out-of-turn allotments made by the Directorate of Estates during the years 1991 to 1994 (July 1994) were test-checked between August and December 1994. The results of the scrutiny of records are mentioned in the succeeding paragraphs

Ad hoc allotments are made on the basis of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 which provided for relaxation of the rules in special cases.

According to the Rules "the Government may for reasons to be recorded in writing relax all or any of the provisions of the rules in this Division in the case of any officer or residence or class of officers or type of residences". In regard to out-of-turn allotments commented upon in the Audit Report for the year 1982-83, the Ministry had *inter-alia* made the following submissions to the Public Accounts Committee:

"out-of-turn allotments are made mostly on compassionate grounds and their percentage when compared with the total allotments made in a year is also low"

Various administrative orders have been issued specifying the circumstances and conditions under which adhoc allotments are made to the following on the basis of the specific orders:

- (i) personal staff of high dignitaries;
- (ii) eligible wards of retired or deceased Government servants who are in occupation of General Pool Accommodation;
- (iii) government employees suffering from malignant cancer, pulmonary tuberculosis, leprosy, heart ailments etc;
- (iv) physically handicapped Government servants;
- (v) an occupant of departmental housing who has to vacate it on transfer to general pool accommodation; and
- (vi) on compassionate grounds.

Ministry decided in January 1990 to constitute two Committees for out-of-turn allotment of accommodation of different categories. These Committees were to scrutinise requests for out-of-turn allotment and give their recommendations for consideration and orders of the Minister of Urban Development. The guidelines issued by the Ministry in January 1990 prescribe that the maximum number of out-of-turn allotments that may be made shall be one out of five allotments. The position of allotment of quarters made by the Directorate of Estates out of turn during the years 1991 to 1994 (July 1994) was as follows:

Type of accommodation	1991			1992			1993			1994(Upto July)		
	In turn	out of turn	Percentage of out of turn (%)	In turn	out of turn	Percentage of out of turn (%)	In turn	out of turn	Percentage of out of turn (%)	In turn	out of turn	Percentage of out of turn (%)
1	2	3	4	5	6	7	8	9	10	11	12	13
I	1173	297	20.2	827	290	26.0	545	203	27.1	431	138	24.3
II	1364	825	37.6	1008	1078	51.7	866	1002	53.6	268	739	73.4
III	1224	262	17.6	1235	471	27.6	742	417	36.0	642	425	39.8
IV	489	213	30.3	805	267	24.9	888	244	21.6	614	153	19.9
IV (SPL)	39	01	2.5	326	01	0.3	109	05	4.4	26	04	13.3
V(A)	221	74	25.1	168	101	37.5	101	101	50.0	52	76	59.4
(D-II)												
V(B)	148	29	16.4	108	22	16.9	40	30	42.9	20	26	56
(D-I)												
VI(A)	147	19	11.4	85	26	23.4	44	55	55.6	18	22	55.0
(C-II)												

While for Type I and Type IV quarters, the out-of-turn allotments were marginally above the norms, in Type II quarters out-of-turn allotments showed a steady rise. In 1994, upto July 1994, in Type II quarters out of 1007 allotments made, 739 (73%) were out-of-turn. The out-of-turn allotments in Type V and above categories were more than 50 per cent in 1994. In 75 cases of out-of-turn allotments made respect of Type I to Type III, it was noticed that in 15 cases, allotment were made to persons who had not even completed 5 years of service although persons who had already completed 27 years of service and more were still awaiting allotment. The minutes of the meetings of the out-of-turn allotment Committees were not made available to Audit.

Out of 7616 out-of-turn/ad hoc allotments made in Delhi from 1991 to July 1994, only 235 case files were produced for audit scrutiny. The remaining files were not made available despite bringing the matter to the notice of the Government. Case files of out-of-turn/ad hoc allotments made in Bombay were also not made available.

The matter was referred to the Ministry in August 1994 and February 1995.

The Ministry stated (February 1995) that out-of-turn allotments are made by competent authority, Minister for Urban Development (UDM) or Minister of State, Urban Development (MOS UD) (as the case may be) under SR 317-B-25 and that under this Rule, all provisions of Allotment Rules could be relaxed including any instructions issued thereunder; and that whatever instructions have been issued regarding specific percentage to be maintained are only self-imposed instructions and are not part of the Supplementary Rules. The Ministry also observed that there is really no audit point involved in the matter for which these, files, should be put up for scrutiny before the Audit Party as any allotment made by UDM or MOS UD on out-of-turn basis does not exempt the allottee from the payment of licence fee prescribed under the Rules and that it might not be possible for the Directorate of Estates to produce files relating to out-of-turn allotments for scrutiny by Audit.

The reply of the Ministry is not considered satisfactory because

- it is inconsistent with the averments made by the Ministry before the Public Accounts Committee in connection with the examination of Audit Report for 1982-83 already cited;
- audit scrutiny of those case files of out-of-turn / ad hoc allotments which were made available to Audit disclosed that in most of the cases reasons for out-of-turn allotment contented to have been made in relaxation of the rules were not recorded in writing by the competent authority; although it was required to be done under SR 317-B-25;
- any relaxation of the Rules which has the effect of displacing the basic character of the Rule can be open to question on grounds of propriety and legality; and
- the non-production of files is contrary to the statutory provisions of CAG's (DPCs) Act 1971 and the instructions issued by Government from time to time which enjoin upon the Ministry to make available to Audit all files required by it, including files classified as 'Secret' and 'Top Secret'; the decision as to what documents and information are needed for the purpose of audit and reporting rests with the Auditor.

APPENDIX II

Conclusions and Recommendations

Sl. No.	Para No.	Ministry/ Deptt. Concerned	Conclusions and Recommendations
1	2	3	4
1.	114.	Urban Affairs & Employment (Deptt. of Urban Development)	The Directorate of Estates (DoE) in the Ministry of Urban Affairs and Employment (MUAE) has been entrusted, among other functions, with the overall responsibility for administration and management of Government residential accommodation in general pool which is presently located at 23 stations in different parts of the country. The functioning of the DOE in this regard had engaged the attention of the Public Accounts Committee earlier also. The present Audit paragraph contained the results of the scrutiny of records by C&AG pertaining to ad-hoc/out-of-turn allotments made in Delhi by the DOE from 1991 to July, 1994. The Committee's examination of the Audit paragraph and the related aspects has revealed several disquieting trends in the management and allotment of Government residential accommodation which are dealt with in the succeeding paragraphs.
2.	115.	-do-	Although all Government servants on regular employment are eligible for allotment of residential accommodation, the Committee's examination has revealed that no exercise has been made to call for applications for allotment of residential accommodation from such eligible Government servants. However, an estimate about the number of employees who demand general pool residential accommodation at various stations under the DOE was prepared

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by the MUAE which projected requirement of the order of 2.9 lakh residential units for achieving 70% satisfaction in Delhi and 50% at other stations. As against this, the DOE has only 0.91 lakh residential units under general pool, as on 31 December, 1994, at various stations. This acute shortage in availability of Government residential accommodation at various stations has led to a situation where only restricted applications for allotment are invited from those officials who have either joined service before a particular date or have reached certain pay levels by a specified date. Since the records of the DOE are maintained on the basis of the number of applications invited within the prescribed restrictions, the level of demand and availability of the Government residential accommodation in general pool as reported by the MUAE does not reflect the real position. The Committee, therefore, desire that the magnitude of the problem be realistically assessed by the MUAE and effective steps taken for achieving the targeted satisfaction level at various stations within a reasonable period of time.

3. 116. Urban Affairs & Employment (Deptt. of Urban Development)
- The Committee find that the total number of residential units in Delhi in the general pool is 63760 which accounts for about 70 per cent of the total general pool residential accommodation under the control of the DOE, at various stations as on 31 December, 1994. At the same time, the waiting period for getting allotment in Delhi is also very long ranging between 15 to 31 years in Types I to IV. According to the information made available to the Committee, while 9443 employees entitled to Type-III accommodation were awaiting their turn for allotment even after rendering over 31 years of service, there were as many as 9703 employees entitle to Type-II accommodation
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and 1392 employees entitled to Type-IV accommodation who were yet to be allotted accommodation in their entitled category even after their putting in over 27 years of service as on 12 July, 1995. The Committee have also observed an equally precarious situation in higher Types where the percentage of Government servants awaiting allotment in July, 1995 ranged between 52 percent (C-II Type) to 83 per cent (Type-IV Special) within the limited number of applications received in the DOE. Obviously, there are overall shortages with reference to total demands in all types of residential accommodations in general pool in Delhi and there may be a fairly large number of Government employees who would not be able to get Government accommodation in the entitled type in general pool during their entire period of service.

4. 117. Urban Affairs & Employment (Deptt. of Urban Development)

The Committee note that a large number of Government residential units have been reserved under different departmental pools. They have been informed in this connection that the officials from other departmental pools are not eligible for allotment of accommodation from general pool. The Committee's examination has, however, revealed that 2657 quarters, as on 31 October, 1995, have been allotted to officials of Delhi Administration and Delhi Police from general pool despite the fact that Delhi Administration including Delhi Police maintained their own pool of residential accommodation in Delhi. In this context, the Committee have been informed that the Offices of Delhi Administration were included in the list of offices eligible for allotment of general pool accommodation earlier as Delhi was a Union Territory. Considering the fact that the officials entitled only to general pool accommodation have to wait for their turn for

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substantially longer periods, the Committee recommend the MUAE to review their policy of allotment of general pool residential accommodation to officials of Delhi Administration etc., for whom separate pool exists in Delhi in the light of the policy followed in respect of other major departmental pools of residential accommodation in Delhi so as to ensure that the availability of accommodation in general pool is not adversely affected.

5. 118. Urban Affairs & Employment (Deptt. of Urban Development)

The Committee during the course of examination found that the scarce availability of the residential accommodation in higher Types has also been affected due to earmarking of certain units in prime location of Delhi for purposes other than residences like marriages. Taking note of the fact that there is an acute shortage in general pool accommodation especially in higher types and that the total percentage of utilisation of those units was merely 59 per cent and 64 per cent during the years 1993 and 1994 respectively, the Committee fail to understand as to why these units have been put to use for purposes other than residential. They, therefore, desire that these residential units may be included in the housing stock forthwith so as to enhance availability of the already meagre accommodation in the higher types.

6. 119. -do-

The Committee note that a separate pool known as "Tenure Pool" has been created for allotment of accommodation exclusively for All India Services Officers belonging to IAS; IPS; and IFS personnel. Pertinently, the Public Accounts Committee (1974-75) in paragraph 1.47 of their 168th Report (Fifth Lok Sabha) had recommended that the officers of Central Services with transfer liability should also be eligible for the allotment from the Tenure Pool accommodation and no distinction should be made in this regard between two classes of officers. Although the Committee were

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informed at that stage that the recommendation was being examined, they regret to note that eventually, Government had not accepted the same. The Committee are unable to comprehend the logic behind separate treatment to similarly placed employees with transfer liability. While agreeing with the MUAE that this facility cannot be extended to those officers for whom separate pools are maintained, the Committee feel convinced that the officers of those Central Services who come to Delhi on a fixed tenure basis should also be made eligible for accommodation from the Tenure Pool. In this context, the Committee have also been informed that this matter was considered by the Committee of Secretaries on 26 October, 1995 where it was decided to increase the number of houses under the tenure pool and also that the question of extension of tenure pool accommodation to officers belonging to certain other All India Services could be considered separately. The Committee trust that the decision in the matter will be taken expeditiously so as to eliminate any discrimination in the allotment of accommodation between two classes of officers posted in Delhi on fixed tenure basis.

7. 120. **Urban Affairs & Employment (Deptt. of Urban Development)**

The Committee are deeply concerned to note that no effective procedures have been evolved by the Directorate of Estates for getting their residential premises vacated in time with the result that a large number of Government residential units continue to be occupied unauthorisedly for longer periods. The Committee are particularly surprised at the plea raised by the DOE that it has not been possible in all the cases to initiate eviction proceedings immediately after an occupant become unauthorised because there is delay in receiving intimation from the concerned office of the allottee regarding his transfer, retirement, death

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etc. Interestingly, the DOE has also stated that the manual system of record keeping presently followed by them does not facilitate keeping track of all such cases and inadvertent omissions do take place. The Committee are not inclined to accept these pleas of the DOE and they are of the strong view that the Directorate have failed to evolve proper systems to exercise effective control over the Government residential accommodation under their control. The Committee's examination has revealed that besides a list of 391 unauthorised occupants in Delhi, there are as many as 393 cases of unauthorised occupancy at eight other stations of which 184 and 153 cases relate to Calcutta and Bombay respectively. An unauthorised occupant is liable to pay damage rate of licence fee upon expiry of the authorised period of stay. The Committee have, however, observed that a total amount of licence fee/damages recoverable on this account as on 1 April, 1995 stood at a staggering figure of Rs. 6.5 crores. Surprisingly, there were as many as 1161 cases relating to arrears of Rs. 10,000 or more each. Strangely enough, proceedings for recovery of arrears is stated to have been filed only in respect of 599 cases. The Committee's scrutiny has also brought out 77 cases of outstanding rent recovery against Government Officers who have been transferred but are still retaining Government residential accommodation unauthorisedly in Delhi. Of these, 21 cases involved arrears of rent recovery exceeding even Rs. one lakh each with one Government servant even liable to pay an arrear of the order of over Rs. five lakhs. The Committee view this situation with grave concern and are in no doubt that the working in the DOE is far from satisfactory both in the matters of eviction of unauthorised occupants of general pool accommodation as well as recovery of damages from such occupants. Needless to say that such situation not only erodes the availability of

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houses to those awaiting their turn but also denies Government of their timely collection of dues. Keeping in view the specific difficulties stated to have been experienced in the eviction procedure under Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the Committee desire the Ministry to make a comprehensive review of the Act with a view to contemplating desired amendments so that the problem of unauthorised occupancy in general pool can be tackled effectively. The Committee would also like the DOE to gear up their machinery for initiating a time bound programme for eviction of all unauthorised occupants and collection of outstanding dues from such occupants of general pool accommodation. The Committee would further like to be informed of the latest position of unauthorised occupation of Government residential accommodation as also the dues outstanding from such cases.

8. 121. Urban
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The Committee further find that certain specific categories of persons who are not Government servants and organisations had been identified for allotment of Government accommodation keeping in view their services to the nation and to the society and in public interest. These categories included, persons who had held high offices in the country such as President, Vice-President and Prime Minister or their spouses; Journalists and Accredited Press Correspondents; Eminent Artists; Freedom Fighters of All India standing; miscellaneous categories of persons engaged in useful work of national standing; Political Parties etc. Allotment of accommodation to these categories is governed by specific guidelines issued by Government from time to time. The period of such allotment is also governed by the guidelines and/or the decision of the Cabinet Committee on Accommodation. The Committee have been informed that presently 296

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residential units have been allotted to such categories of persons. In view of the fact that these categories are allotted accommodation usually for a specified time, the Committee desire that the Government should evolve a system of complete review of all such cases at regular intervals so that timely decision could be taken for continuance of such allotments or for initiating eviction proceedings in cases where the period of allotment has expired and no extension has been granted. The Committee are also of the view that the basis for allotment of accommodation to these categories should also be suitably incorporated in the relevant Rules and they be apprised of the precise action taken in the matter.

9. 122. Urban
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The Committee note that one rampant malpractice which has aggravated the already acute shortage of accommodation has been that of unauthorised subletting of quarters resorted to by certain unscrupulous allottees. The limited enquiry made by the Committee in this regard revealed that out of the 264 quarters inspected in a locality in Bombay in the first week of April, 1995, there were as many as 252 quarters which were found to be fully or partially sublet. The Ministry merely stated that necessary action has been initiated in such cases without indicating the relevant details. This clearly shows that no serious action has been initiated against the defaulters/offenders in those cases which is a matter of concern to the Committee. The MUAЕ are now stated to have requested the Department of Personnel to amend the Conduct Rules so that the unauthorised subletting of Government accommodation becomes a case for major penalty proceedings under the relevant Rules. The Committee would like the Government to examine this matter in depth and gear up their machinery for dealing sternly with such cases of misuse of Government accommodation. They would also

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			like to be kept informed of the further action taken on the Ministry's proposals made for amending the Conduct Rules.
10.	123.	Urban Affairs & Employment (Deptt. of Urban Development)	In the light of precarious situation in the availability of Government residential accommodation discussed in the preceding paragraphs, it was imperative that the management of residential accommodation was done strictly in accordance with the Rules/guidelines so as to safeguard the interests of the employees in the matter of allotment. The Committee are however, concerned to note from the Audit paragraph that Government, on the other hand, chose to resort to ad hoc/out-of-turn allotments on a large scale.
11.	124.	-do-	The Committee note that no specific provision for ad hoc/out-of-turn allotment exists in the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 and such ad-hoc/out-of-turn allotments of Government residential accommodation are made under the blanket power given to the Government under SR-317-B-25 under Rules ibid, which provides that "the Government may for the reasons to be recorded in writing relax all or any of the provisions of the rules in this Division in the case of any officer or residence or class of officers or type of residences". Various administrative orders have, however, been issued specifying the circumstances and conditions under which ad hoc allotments are made to the following categories on the basis of the specific orders issued from time to time: <ul style="list-style-type: none"> (i) personal staff of high dignitaries; (ii) eligible wards of retired or deceased Government servants who are in occupation of General Pool Accommodation; (iii) Government employees suffering from malignant cancer, pulmonary tuberculosis, leprosy, heart ailments etc; (iv) physically handicapped Government servants;

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			<p>(v) an occupant of departmental housing who has to vacate it on transfer to general pool accommodation; and</p> <p>(vi) on compassionate grounds.</p> <p>According to the guidelines stated to have been issued by the Ministry in January, 1990, the maximum number of out-of-turn allotments that may be made shall be one out of five such allotments.</p>
12.	125.	Urban Affairs & Employment (Deptt. of Urban Development)	<p>From the information made available to them, the Committee find that the ad hoc/out-of-turn allotments made in Delhi had exceeded the prescribed norm of 20 per cent in all the years during the period 1991 to 1994. The Committee's examination in this regard has revealed that while the number of ad hoc/out-of-turn allotments made in Delhi in 1990 was 1237, the number of such allotments increased to 1720 in 1991; 2256 in 1992; 2057 in 1993 and 2811 in 1994. In fact, the percentage of out-of-turn allotments with reference to total number of allotments made in a year progressively increased from 26.4 in 1991 to 33.1 in 1992; 38 in 1993; and 47.19 in 1994. Distressingly, there were instances when the number of out-of-turn allotments had far exceeded the in-turn allotments particularly in Type-II where officials with 27 years of service were still waiting for their turn. The Committee's examination also revealed that despite the long waiting period for all Types, there were as many as 166 cases of out-of-turn allotment during 1991 to July, 1994 to persons who had not even completed five years of service. In their reply to Audit in February, 1995, the Ministry stated that out-of-turn allotments are made by competent authority under SR-317-B-25 and that under this Rule, all provisions of Allotment Rules could be relaxed including any instructions issued thereunder; and that whatever instructions have been made regarding specific percentage to be</p>

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maintained are only self-imposed instructions and were not part of the Supplementary Rules. In their subsequent note to the Committee, the MUAЕ again maintained the same position and reiterated that the restriction of 20 per cent was not a part of the Supplementary Rules. The Committee are not at all inclined to accept these assertions. Their scrutiny revealed that the Ministry had themselves gone on record to state in their note dated 22 February, 1994 that they "have, in the past, on more than one occasion, laid statements on the table of the House in Parliament that as per the internal policy of the Ministry, all efforts are made that in turn and out-of-turn allotments are given in 4:1 ratio. Both in Parliament as well as in various Parliamentary forums what has been emphasised by this Ministry is that out-of-turn allotments would be restricted to 20 per cent of the total allotments." From the foregoing, the Committee regret to conclude that Government did precious little to restrict themselves to 20 per cent norm for out-of-turn allotments prescribed by them earlier and they rather resorted to indiscriminate use of the power given to relax all or any of the provisions of the Allotment Rules.

13. 126

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Another matter which engaged the attention of the Committee is the growing percentage of out-of-turn allotments made purely on "special compassionate grounds" during the years 1991 to 1994 which progressively increased from 63 per cent in 1991 to 74.2 in 1992; 79.1 in 1993 and 86.7 in 1994. Curiously enough, the reasons cited in such sanctions included, "exigencies of work", "inability to afford private accommodation", "other family compulsion" etc. Commenting on the nature of the cases covered under the category of "special compassionate grounds" the Secretary of the MUAЕ deposed before the Committee that "this term compassionate is a misleading generic

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term" and that "it is the real out-of-turn allotment.....". Interestingly, the DOE/MUAE have neither issued any administrative orders/guidelines specifying the conditions which would constitute special compassionate circumstances deserving consideration for out-of-turn allotment nor prescribed any application forms in respect of cases of special compassionate grounds despite the fact that specific orders and application forms have been stipulated for several other categories of the officials desiring residential accommodation on ad hoc/out-of-turn basis. The Committee consider it to be yet another instance of the manner in which Government chose to make out-of-turn allotments without giving due regard to the large number of employees silently suffering and patiently waiting for in turn allotments for considerably longer time.

14. 127. Urban Affairs & Employment (Deptt. of Urban Development)

The Committee find that in most of the cases the reasons for out-of-turn allotment contended to have been made in relaxation of the Rules were not recorded in writing by the competent authority although it was required to be done under the relevant Rule, namely, SR-317-B-25. The Ministry during examination stated that in a number of cases the competent authority had considered the request and given orders on the application of request itself indicating that the reasons given in the application had been accepted by the competent authority. Keeping in view the specific provision in the Rule for recording the reasons in writing for relaxation of the Rules, the Committee expect that legal provisions shall be followed scrupulously in future.

15. 128. Urban Affairs & Employment (Deptt. of Urban Development)

The Committee are surprised to find that no departmental scrutiny could be exercised by the DOE in respect of such applications for ad hoc/out-of-turn allotments where direct submissions were made to the competent authority who passed appropriate orders on the request. As has already been observed earlier, in a number of cases the competent authority had

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considered the request and given order on the request itself. According to the information made available to the Committee, the competent authority in some cases had also passed orders granting the request whereas the recommendations from the DOE/Ministry officials had been otherwise. During evidence, the Director of Estates deposed that specific files at various intervals were submitted to the competent authority pointing out the total percentage of out-of-turn allotment which was being given and also the ceiling which had been imposed in 1990. Interestingly, one such note prepared on 10 January, 1994 highlighted that *ad hoc* allotments of quarters of Type-B had been on the increase and during the year 1993, 48 per cent of the quarters were allotted out-of-turn which was much above the 20 per cent limit specified. This note even went to the extent of pointing out that the condition of in-turn allotment of quarters in the new allotment year in respect of Type-B was precarious as only one in-turn allotment was made as against 38 *ad hoc* allotments made in Type-B during the first week of January, 1994. Yet another note recorded on 22 February, 1994 brought out that the out-of-turn allotments made during January, 1994 had been much above the 20 per cent norm in all types of accommodation except in Type-IV and Type-IV (special). This note *inter-alia*, contained suggestions for consideration to take a policy decision to restrict the number of out-of-turn allotment to the total number of allotment to be made during each month to 20 per cent and also not to entertain direct requests from Government servants since it was violative of the Civil Service Rules. The Committee consider it unfortunate that no decisions were taken on those suggestions. The Committee do not wish to add anything to these self-speaking facts.

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16.	129.	Urban Affairs and Employment (Deptt. of Urban Development)	<p>The Committee note that <i>ad hoc</i>/out-of-turn allotments had been made under the General exception Rule viz. SR-317-B-25 which authorised that the Government may for reasons to be recorded in writing relax all or any of the provisions of the Allotment Rules. During evidence, the Committee were informed that these powers had been exercised by the Minister for Urban Development in respect of the out-of-turn allotments made above Type-IV and by the Minister of State, Urban Development in respect of the accommodation from Type-I to Type-IV. They were also informed that such distribution of work was made by an internal distribution order issued in the Ministry. The Committee have been informed that in pursuance of their query whether a Minister of State without independent charge in the Ministry could enjoy discretionary powers available under relevant Rules in respect of the work assigned to him by the Cabinet Minister in the Ministry, the MUAЕ have made a reference to the Ministry of Law for advice. The Committee would like to be informed of the legal advice obtained in the matter.</p>
17	130	-do-	<p>According to the prevailing instructions, out-of-turn/<i>ad hoc</i> allotments are to be made one type below the entitlement of applicant. The information made available by the MUAЕ, however, revealed that there were as many as 69 cases, as on 1 January, 1993, where the allotments were made above entitlements. Strangely enough, the details of such cases included seven cases of allotments in D-II Type and 37 in Type-IV. The Committee have been informed that the list of all persons who were given out-of-turn allotments above their entitlement has since been submitted before the Supreme Court in connection with the Writ Petition No. 585 of 1994 and a decision on this issue would depend on the official orders of the</p>

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Court. The Committee would like to be apprised of the corrective action taken in such cases in due course.

1L 131 Urban
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lopment)

What has caused further concern to the Committee is the manner in which the MUAE handled the entire matter relating to their decision in January, 1990 to constitute two committees for scrutinising requests for out-of-turn allotments and give their recommendations for consideration and orders of the competent authority. While the then Minister for Urban Development had deferred for three months the setting up of these two committees, no subsequent action was taken in the MUAE on a rather strange ground that "the file relating to the orders of the Minister could not be located till recently". The Committee consider it to be a strange case of Missing file which surfaced only after the Committee took up their examination of this subject. While expressing their unhappiness over the inaction on the part of the MUAE in this matter, the Committee would like to be apprised of the circumstances under which such an important file could not be traced in five years for follow up action in time.

19 132 -do-

The Audit Paragraph highlights that out of 7616 out-of-turn/*ad hoc* allotments made in Delhi from 1991 to July, 1994, only 235 case files were produced for Audit scrutiny. The remaining files were not made available despite bringing the matter to the notice of the Government. Case files of out-of-turn/*ad hoc* allotments made in Bombay were also not made available. In their reply to the Audit in 1995, the Ministry observed that there was really no audit point involved in the matter for which those files should be put up for scrutiny before the Audit as any allotment made by the Government on out-of-turn basis did not exempt the allottee from the payment of licence fee prescribed under the Rules and that it might not be possible for the DOE to produce files

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relating to out-of-turn allotments for scrutiny by Audit. The Committee's examination has revealed that while the subject of making available files relating to *ad hoc*/out-of-turn allotment was under regular correspondence between the Ministry and the Audit at least from 30 August, 1994, it was only in July, 1995 and that too after the intervention of the Prime Minister that the Ministry informed the C&AG that "Audit is most welcome to see whichever file/case they consider necessary in the discharge of statutory obligations". Evidently, non-production of files in time to the Audit resulted in a situation where the Audit had to make their scrutiny of records on this subject on the basis of limited information available. While expressing their unhappiness over this, the Committee desire that suitable action should be taken by the MUAE to obviate such recurrence in future.

20 133 Urban
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Finance
(Deptt.
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In this context, the Committee recommend that Government may evolve a procedure whereby all Ministries/Departments are asked to nominate a nodal officer preferably Financial Advisor, who should be made personally responsible to ensure that documents and information requisitioned by Audit in discharge of their statutory obligations are made available by all concerned within a reasonable time.

21 134 Urban
Affairs and
Employment
(Deptt. of
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lopment)

The Committee further note in this connection that in pursuance of the orders of the Supreme Court, the MUAE have now moved the C&AG to conduct a Special Audit of all the out-of-turn allotments made on special compassionate grounds between 1991 and 1995 *vide* their communication dated 1 December, 1995. The Committee would await the outcome of the Special Audit.

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22	135	-do-	<p>The Committee find that certain anonymous/pseudonymous complaints alleging a nexus between property dealers and officials of the DOE and organised rackets in allotments of out-of-turn Government accommodation involving officials of the DOE, CPWD etc., were received in the MUAE and the problems of investigating such complaints were discussed in a coordination meeting held with the CBI officials in January, 1994. In pursuance of the discussions held with the CBI, the Ministry forwarded to CBI seven complaints in May, 1994 and another list of suspected officials in April, 1995. However, the MUAE are stated to have received no feed back from the CBI with regard to the action taken by them so far. The Committee hope that the Government would take appropriate steps to expedite the enquiry in the matter and apprise the Committee of the action taken thereon.</p>
23.	136	Urban Affairs & Employment Deptt. of Urban Development	<p>Ad hoc/out-of-turn allotments are made to certain categories of Government employees under certain specific circumstances which are liable to be changed subsequently. The Committee, however, find that as per the extent practice, employees who have been allotted accommodation once on ad hoc/out-of-turn basis are not subjected to a subsequent review. The Committee are of the view that Government should consider the desirability of undertaking periodical review of such-out-of-turn/ad hoc allotments so that only genuine persons are allowed to retain such allotments.</p>
24.	137	-do-	<p>The Committee note that in pursuance of the recommendation made by them in their 168th Report (1974-75), the Government had decided to publish all the relevant figures of out-of-turn allotments made under each category during the year in the Annual Report of the Ministry. The Committee regret to note that this decision is not being implemented presently. The</p>

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			committee desire that such details should invariably be published in the Annual Report of the Ministry at least from 1995-96 onwards with a view to maintaining transparency and disseminating information in the matter of out-of-turn allotments.
25.	138	-do-	<p>The Committee note that the issue relating to out-of-turn allotment is currently pending with the Supreme Court where a Public interest writ petition has been file by way of reference to the complaints of corruption in the matter of allotment of Government accommodation on out-of-turn basis as also the use of discretion for allotment of accommodation on out-of-turn basis. The Committee have been informed that in the light of these developments, the Government now propose certain measures for revamping the system and keeping the out-of-turn allotment to the barest minimum. The steps so proposed include <i>inter-alia</i> limiting out-of-turn allotments to a maximum of 20 percent in each type on well defined grounds, placing such requests before an inter-departmental committee constituted for the purpose, incorporating the cciling and grounds for out-of-turn allotments in the Supplementary Rules both for the Government servants as well as other specified categories, initiating deterrent action against guilty Government servants in the matter of sub-letting, amending Public Premises (Eviction of Unauthorised Occupants) Act etc. The Committee were further informed that concrete action on the proposals referred to above would be taken after the decision of the Supreme Court in the matter. The Committee would like to be apprised of the further developments and also the subsequent action taken in the matter.</p>
26.	139	-do-	<p>The facts narrated above reveal a total break-down in the administration and management of Government residential accommodation</p>

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in general pool. The Committee are greatly distressed that this administrative paralysis has led the entire matter to the doors of the judiciary for appropriate remedies. While admitting the realities of this unfortunate situation, the Secretary, MUAE deposed before the Committee that "somehow the credibility of the whole operation has come into question." The Committee earnestly hope that the authorities concerned would atleast now take suitable corrective/remedial steps to keep their house in order and streamline the administration and management of Government residential accommodation in general pool.

27. 140 Urban Affairs & Employment Deptt. of Urban Development
 The Committee do recognise the need for having certain limited flexibility available with Government to allot accommodations on ad hoc/out-of-turn basis to meet the administrative exigencies that would arise. Considering the acute shortage of accommodation and the fact that each out-of-turn allotment deprives an eligible applicant in the long waiting list of his legitimate entitlement, the Committee believe that the maximum limit of 20 percent for such allotments is definitely on the high side. They are, therefore, of the view that this limit should be further brought down, say to 10 percent.

28. 141 -do-
 It is common knowledge that the root cause for the tendency to secure out-of-turn allotments is the slow pace of expansion in housing and the resultant poor availability of accommodation. The Committee have been informed that Government, therefore, proposed to adopt a multi-pronged strategy to minimise the problem. The steps contemplated in this direction, *inter-alia*, include reducing the out-of-turn allotment, removing unauthorised occupants, preventing unauthorised subletting, increasing the housing stock and incorporating changes in the policy governing grant of House Rent Allowance and House Building Advance to the Government servants. The Committee trust that the steps contemplated would be converted

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into concrete plan of action in the near future with adequate budgetary support so that the hardships faced by the Government servants in the matter of residential accommodation could be mitigated to a large extent. The Committee may be apprised of the action taken in the matter.
