

ber that the main question pertains to Chhatisgarh Express and, therefore, his supplementary does not arise out of it.

**Former M.Ps, occupying Government accommodation**

\*183. SHRI VIREN J. SHAH: Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) what is the number of Ex-Members of Parliament who are occupying Government accommodation allotted to them as Members of Parliament;

(b) the names of those who are in such unauthorised occupation for a period exceeding six months and the date of such occupation in each case;

(c) whether Government have ever used the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971;

(d) if so, the results thereof; and

(e) whether Government propose to ensure that effective use of the above Act is made in case of all Ex-M.P.s in unauthorised occupation?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI M. ARUNACHALAM): (a) Of the former Members of Parliament ^ who were given allotment of accommodation as Members of Parliament (as opposed to being Ministers) from the General Pool, fifteen are still continuing to occupy such accommodation unauthorisedly.

(b) A statement is laid on the Table of the Sabha.

(c) to (e) In all the cases of unauthorised occupants in (b) above, eviction proceedings have been initiated under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 to get the premises vacated. However, due to court stay and administrative reasons, eviction could not be made in some cases.

**Statement**

*List of Ex-MPs in unauthorised occupation of Government accommodation for a period exceeding six months*

Sl. No.	Name	Bungalow No.	Date of cancellation
1.	Shri G.K. Moopnar	24, Akbar Road	2-3-89
2.	Dr. Jagannath Mishra	8, Safdarjang Lane	16-4-90
3.	Shri Manoj Pandey	C11/57, Moti Bagh	27-12-89
4.	Shri Jagatpal Singh	20, Canning Lane	9-5-90
II. List of Ex-MPs who have since expired and the accommodation is in unauthorised occupation of their families for a period exceeding six months.			cccu-
1.	Late Shri Bhai Shaminder Singh	B-2, B.K.S. Marg	1-9-89
2.	Late Shri Darbara Singh	9, Krishna Menon Marg	11-5-90

SHRI VIREN J. SHAH: Sir, I think, advantage has been taken by the hon. Minister, while replying to the question, because of a slight infirmity in my question. I looked up five volumes of Rajya Sabha and Lok Sabha debates for the last two years only where there are questions

asked on this. I looked up the 1971 debates when Mrs. Gandhi was the Prime Minister and Shri Uma Shankar Dikshit was the Minister, when this Bill was introduced. A very interesting fact came out from the Lok Sabha and Rajya Sabha debates. The then Minister said that because

ex-MPs were not vacating, this Bill was essential. At that time, the number given was 35. Then, in reply to a question in this very House, on 16th March, 1990, it was said that there were 237 cases of ex-MPs alone.

The reply to my today's question does not talk about ex-Ministers and ex-Governors. Again in reply to a question which was answered on 25th August, 1990, a list of 44 cases, including ex-Governors and ex-Ministers, was given, where houses were being occupied in an unauthorised manner. Apart from this unauthorised occupation, large amounts were also due. I am not going into that. The amounts due run into lakhs of rupees. I am not interested in that part. But apart from ex-MPs, there are ex-Ministers and ex-Governors also. Then here are a number of people who have never been MPs. and who are occupying Government houses in an unauthorised manner, when there is a tremendous shortage of houses.

DR. BAPU KALDATE: Who are they?

SHRI VIREN J. SHAH: Now, this is only in regard to General Pool. But there are ex-MPs. occupying houses which are in the Lok Sabha and Rajya Sabha Pools. Where do I get an answer in regard to that?

MR. CHAIRMAN: That arises out of your main question.

उन्होंने जनरल पूल का क्लायर रेस्ट्रिक्ट नहीं किया था।

His question includes Rajya Sabha and Lok Sabha Pools also.

श्री रजनी रंजन साहू : ...चेयरमैन जवाब देने राज्य सभा का... (व्यवधान)

श्री सभापति : राज्य सभा का चेयरमैन जवाब देगा ?

श्री रजनी रंजन साहू : चेयरमैन, ब्रान्स कमेटी। ... (व्यवधान)

The Chairman of the House Committees of Lok Sabha and Rajya Sabha will go into it.

श्रीमती सुषमा स्वराज : जो भी सवाल शीला जी को एड्रेस किया जाता है साहू जी खड़े हो जाते हैं। सुबह से यह सिलसिला चला है और हर सवाल पर यह खड़े हो जाते हैं... (व्यवधान) जो भी सवाल किया जाता है उसी पर यह खड़े हो जाते हैं। पता नहीं... (व्यवधान)

श्री रजनी रंजन साहू : मैं आपके बोलने के बाद भी खड़ा हो जाऊंगा। यदि आप भी मंत्री हो जायें... (व्यवधान)

SHRI VIREN J. SHAH: sir, mine one-and-a-half years for the first time, a question has come up in my name. But I am getting this disturbance from both sides.

श्री संघ प्रिय गौतम : यह सहयोग की भावना का प्रदर्शन है, सुषमा जी आप भी सीख लीजिए।

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI SHEILA KAUL): Sir, I would like to explain. Housing has become a very acute problem for us because as it is correctly said, those who have walked into the houses or have been accommodated after they are not entitled to the premises, they continue staying there and it becomes a problem for those who are entitled to stay and for us who have to accommodate them. For this I have written a letter to our different new Members who have come and also to the ex-Ministers and members of other parties requesting them vacate the premises so that I could house the people who have come from far off places to work for the Parliament here. You will be surprised to learn that only one person replied to me. No body bothered even to reply. Even then I was very polite to them. I thought, in this way perhaps they would like to reply but they have not replied to me. I am really in a fix.

MR. CHAIRMAN: You want their help.

SHRIMATI SHEILA KAUL: I want their help. (Interruptions). Let me complete.

SHRI VIREN J. SHAH: Let me help her. The answer to parts (c) and (d) are

such as if the Act is not really being used. If you use the Act more effectively.

SHRIMATI SHEILA KAUL: Actually, if the 'hon. Member so desires I will have to use it because that is the only way to get the houses vacated. There are certain houses that come under the power of the Lok Sabha Housing Committee and certain other categories are with the Rajya Sabha Housing Committee. The Chairman of these two Committees have to take action on that account. What I am concerned is only about the houses occupied by ex-Ministers and Governors. As you have suggested, I must use the Act. It is not my way of doing things, but as you have suggested I will do it.

SHRI VIREN J. SHAH: I am grateful to the hon. Minister for this assurance. I am not the only one to suggest this. When Mrs. Indira Gandhi came as Prime Minister, on her own in 1971, this was one of the Bills introduced and at that time a very revered person like Shri Uma Shankar Dixit was the Minister. I would urge the hon. Minister to read the debates of 1971. I can give references about those debates. Go through the purpose of this Bill.

MR. CHAIRMAN: She will read everything.

SHRI VIREN J. SHAH: I am grateful to you for having confidence in her. What I want to say is, if you read that, you will find that there is a commitment made on the floor of both the Houses about how this Act is to be implemented because questions were raised by several Members from Opposition and from the ruling party. The Act might not be used against the poor people and for that the exact wordings were 'that every citizen should be treated equal. This was in the context of ex-MPs. Now there are ex-Governors occupying accommodation for three years and ex-Ministers occupying accommodation for more than 2 years. You see this list coming with every reply.

MR. CHAIRMAN: What is your question?

SHRI VIREN J. SHAH: My submission is two-fold. Will the Minister consider making use of the Act in an effective manner? I may be forgiven to say this because I am talking about my own people but the people outside consider it shamelessness that the Members of Parliament who are not entitled to occupy accommodation refuse to act in a manner which is befitting to an hon. Member of Parliament regardless of Party considerations.

May I submit to the hon. Minister for using the Act so that the houses are available? I have also mentioned that other than ex-Ministers and ex-MPs there are people occupying houses from general pool. They are doing it for years. I am sure she will obtain the list. Will she take action on both these counts?

SHRIMATI SHEILA KAUL: Eviction orders have already been sent and I would like to explain to the hon. Member what has happened. They bring in stay orders,

MR. CHAIRMAN: You have mentioned about court orders.

SHRIMATI SHEILA KAUL: Then it becomes very difficult for us. Nevertheless, there are certain houses that come under that category. We are trying to request the people and, as you say, we must be a little more strict with them and in that manner, I am sure we will be successful and you will get your accommodation in the month of August, I hope.

MR. CHAIRMAN: He has got it; he does not need ... (Interruptions)...

SHRI VIREN J. SHAH: Sir, if I may, there is a precedent that the only person who was evicted. ..

**श्री सभापति : आपको वहाँ मकान की जरूरत है, आपका तो... (अवधान)**

SHRI VIREN J. SHAH: Sir I would not like that, what you have said.\*

to go on record if you don't mind, I would submit with the greatest humility. There is a precedent of a sitting Chief Minister of Karnataka, Mr. Hegde, as an ex-M.P.—That is the only precedent where his bed, baggage, television set, books—everything—was thrown out on the lawn under this Act though he was the Chief Minister of Karnataka. Though he is a personal friend of mine I think that was the right act done by the Government. Why are you not following that? What is the problem about it? Is it because some individual is an unequal citizen or because he belongs to party 'A' or party 'B' and he is an unequal citizen? This is a precedent and the honourable Minister can follow it vigorously.

SHRIMATI SHEILA KAUL: We have sealed some premises in the way you have said, and "sealing of the premises" means eviction.

SHRI A. G. KULKARNI: Sir, I mostly agree with what Mr. Viren Shah has stated, but I look at it in a different manner. Personally, for myself, I vacated my house the next day I ceased to be a Member of the Rajya Sabha. But now I find that it has become more of a game for professional politicians to stay on in the houses. . . . (*Interruptions*) ... I said "they." What I see is professionalism in politics is not required. We are servants of the people and we are elected for that purpose. So, whatever that Act is, I know that you have stated that because there is a case where a gentleman got some bills for electricity, etc., from NDMC in his own name. The bungalows were allotted to a different MP— and he got a stay order from the High Court. It is all a shameful business. I do not understand this.

MR. CHAIRMAN: What is your question please?

SHRI A. G. KULKARNI: My question to you is, through the Ministry and through Dr. Bapu Kaldate's House Committee strict action is necessary because this is professionalism of the politicians. Once they cease to be Members of Par-

liament, whether they are Ministers, Governors or not, if they don't vacate the houses it creates problems for the newcomers. I agree with you, but please see that this billing and all those things do not bar the Government from evicting them lock, stock and barrel.

SHRI R. K. DHAWAN: VIPs intervene in this matter.

SHRIMATI SHEILA KAUL: Sir I am most grateful to the honourable Members of this House who are trying to help me out to provide them with accommodation after they have come and have become Members of Parliament. It was my great difficulty to ask them again and again, request them again and again, and now, today, this House has unanimously agreed that some strict action has to be taken and, I am sure Sir, I will do my best.

SHRI RAM JETHMALANI: Sir, I have some experience of the manner in which this Act is being used for the purpose of securing premises from particularly, MPs and other politicians. There is a selective enforcement and most of the stay orders which are made by the courts are collusive orders made with the concurrence of the Law Officers of the State. I want to know if there are 230 cases of stay order—and it is a shocking statistics. Has the honourable Minister ever looked into the stay orders, has she consulted her Law Officers whether those orders are justified and has an appeal been filed to a superior court in a single case? The whole point is that the Ministry is not willing to displease the powerful and influential people and it wants to justify and is reluctant to take action by securing some kind of a judicial imprimatur. Will the Hon. Minister assure us that he will examine every case of stay and take steps to have them vacated?

SHRIMATI SHEILA KAUL: Sir, as I have mentioned before, I am not quite aware of what happened before I took over. But, as you have all agreed to help me out in this, I am sure I will do so, and I will not shrink my duty. (*Interrup-*

tions) Let me finish. The hon. Member has asked whether my Ministry has gone to the Law Ministry about the orders of the court. In some cases they have, and in some others they have not. I will ask them to do so.

SHRI KAMAL MORARKA: Sir, my question to the hon. Minister is this. Much ground has already been covered.

**श्री सम्भाषित : छोटा सा सवाल पूछ लीजिए ।**

SHRI KAMAL MORARKA: I want to give a suggestion. Most of the MPs who cease to be MPs are still political workers. The practical problem is that they do not want to leave Delhi. Will the Minister consider allotment of DDA flats to them so that they can buy the DDA flats and shift into them? This suggestion had been given to the Government when the National Front Government was there. But at that time the Minister did not agree. Hardly 40, 50 MPs will be there every year. They are building 9,000 tenements. If they allot DDA flats to the MPs it will be easier to get them out of the Government accommodation.

SHRIMATI SHEILA KAUL: As the hon. Member said just now, they want that flats should be given to ex-MPs. When they are ready, we shall consider this.

MR. CHAIRMAN: Very good.

SHRI MADAN BHATIA: I wish to draw the attention of the hon. Minister and the hon. Members of this House to one judgement of the Supreme Court which has been delivered recently. The Supreme Court has held that if any premises are allotted by any company to its employee for residence as employee, when he ceases to be an employee of the company and refuses to vacate the premises, it constitutes a criminal offence. Here we are dealing with the premises remaining in occupation of public servants. Members of Parliament ex-Ministers who hold those premises not only by virtue of their positions but as a result of the trust

reposed in them by the entire nation. If they continue to stick to those premises when they do not hold those positions, it is not merely an unauthorised occupation but it constitutes a breach of trust reposed in them by the people of this country. The whole matter, I request the hon. Minister, should be considered in the light of the judgement which has been delivered by the Supreme Court, and if necessary a law should be made by this honourable Parliament to this effect that if within a particular specific period a Member of Parliament who has ceased to be a Member of Parliament or a Minister who has ceased to be a Minister or a Government servant who has ceased to be a Government servant does not vacate the premises he will be liable to prosecution.

Thank you, Sir.

SHRIMATI SHEILA KAUL: It is a good suggestion.

**श्री सम्भाषित : आप सुप्रीम कोर्ट का जजमेंट देख लीजिए । सुप्रीम कोर्ट का एक जजमेंट हुआ है । वे कह रहे हैं कि सरकार उस पर गौर करे ।**

SHRIMATI SHEILA KAUL: We shall send for the Supreme Court judgement, and we shall see what we can do.

SHRI VIREN J. SHAH: There were two exceptions. They were Ministers in Mrs. Gandhi's Government in 1977. Both of them offered to vacate their houses in

24 hours of Mrs. Gandhi's resignation. Both came from West Bengal, Mr. Pranab Mukherjee and Mr. Debi Prasad Chattopadhyaya. Mr. Debi Prasad Chattopadhyaya vacated the accommodation in 48 hours, and Mr. Pranab Mukherjee said that he was willing to vacate it on that day itself. These are exceptions which should be emulated. It should not be an exception but a rule.