

**श्री राम सहाय :** मेरा क्वेश्चन यह है कि आपने यह तो तय कर लिया लेकिन अगर पाकिस्तान वाले ने यह तय किया कि वह वहां का नहीं है तो वह कहां जायेगा ?

**SHRI JAISUKHLAL HATHI:** That is not for me. Then all Pakistani nationals may not go. I am not bound to keep them all here.

**श्री अर्जुन अरोड़ा :** उन्हें युनाइटेड नेशन्स में भेजने का इन्तजाम किया जाना चाहिये ।

**SHRI JAISUKHLAL HATHI:** If they are infiltrators and are coming without valid passports, then this Government has no responsibility for doing it.

**SHRI SYED AHMED:** He said that the decision of the tribunal is final. May I know who are appointed as members of such tribunals ?

**SHRI JAISUKHLAL HATHI:** Judicial personnel, District Judges.

— **شری عبدالغنی :** کیا وزیر صاحب

فرمائیں گے کہ اس طرح کے نوٹس جاری کر کے ہراس کرنے کی بجائے کیا گورنمنٹ اس پر وچار کرے گی کہ انڈین نیشنلس کو آئیڈنٹیفیکیشن کارڈ دے دیا جائے تاکہ کسی کو غلط طور پر پریشان نہ کریں اور کیا یہ بھی فرمائیں گے کہ جن کو نوٹس دیا ہے ان کے بارے میں انکوائری کیسے ہوتی ہے آیا وہ پاکستانی ہے یا ہندوستانی — ؟

†[**श्री अब्दुल गनी :** क्या वजीर साहब फरमायेंगे कि इस तरह के नोटिस जारी करके हरास करने के बजाय क्या गवर्नमेंट इस पर विचार करेगी कि इंडिया नेशनेल्स को आइडेंटिफिकेशन कार्ड दे दिया जाय ताकि

†[ ] Hindi transliteration

किसी को गलत तौर पर परेशान न करें और क्या यह भी फरमायेंगे कि जिनको नोटिस दिया है उनके बारे में इन्व्वायरी कैसे होती है आया वह पाकिस्तानी है या हिन्दुस्तानी ?]

**SHRI JAISUKHLAL HATHI:** Regarding the first part, whether the Government would think of giving identity cards to all Indian nationals, in fact this was considered but the people of the area itself objected. They said that it would lead to unnecessary harassment that if they had not the identity cards with them, they would be harassed unnecessarily. Therefore at their own request, at the request of the Indian nationals in the area, this had to be abandoned but instead of identity cards, thumb impressions are taken of each individual.

#### DELHI RENT CONTROL ACT

\*749. **SHRI I. K. GUJRAL:** Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that a deputation of tenants in Delhi met him to point out some lacuna in the Delhi Rent Control Act;

(b) whether he promised to consider the possibility of amending this Act; and

(c) if so, whether any steps have since been taken for amending it ?

**THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI V. C. SHUKLA):** (a) A memorandum was presented by the Secretary, Tenants Welfare Association, Model Town, Delhi-9, to the Home Minister.

(b) and (c) No such promise was made. However, complaints made on behalf of tenants are being looked into.

**SHRI I. K. GUJRAL:** The Delhi Rent Control Act was enacted in 1958. At that time also there was an understanding that from time to time a review would be made to check and judge the hardships to the tenants. May I ask, in view of the fact that

there is an increasing number of litigations and the courts are almost overcrowded with such litigation if the Ministry would institute a review of the Act ?

**SHRI V. C. SHUKLA:** Yes, the Home Minister has already initiated a move to review the provisions of the Act and as soon as we find time for doing it, we shall call a meeting and go completely through the provisions of the Act.

**SHRI I. K. GUJRAL:** Is he aware that since the housing shortage is increasing in this city, the rents are going up and the landlords are finding flimsy excuses to drive out the tenants to the courts so that they can evict them and rent out the houses on high rentals ?

**SHRI V. C. SHUKLA:** Some complaints of this kind have reached us. As the hon. Member would realise, the Act makes provision for safeguarding the interests of the tenants and if there are any lacunae or anything which have to be done, that shall be examined when we sit down and examine the provisions.

**SHRI I. K. GUJRAL:** Although the pretext has always been that this is meant to safeguard the interest of the tenants, is he aware that the Act has just worked in the reverse direction ? For instance, there is a provision in the Act that any landlord can go to a court and just declare that he needs the house for his own use and that is a good ground for eviction and under this many evictions have taken place. May I ask whether he would look into it immediately ?

**SHRI V. C. SHUKLA:** There are two diametrically opposite viewpoints on this. The tenants say that this Act is loaded in favour of the landlords and the landlords say the opposite. We are going to examine the provisions of this Act and whatever is necessary we shall definitely do.

**SHRI BHUPESH GUPTA:** It was a strange suggestion that he made, the philosophy that the tenants say that the Act works against them, and that the landlords say the other way. We are not concerned with all

that. The law was passed with a view to protecting the tenants against such landlords, and since so many complaints have accumulated—and it is common knowledge also—was it not necessary for the Government to go into the question comprehensively and take prompt measures, rather than come and tell us here that when they will find time they will go into this thing ? Do I understand that the Government is going to function any more like this in this matter ?

**SHRI V. C. SHUKLA:** There was a Bill introduced by a Member of this House on the same subject, and that Bill has been sent for eliciting public opinion, and as I said earlier, all the complaints which have been coming, we are aware of those complaints, and we are going to sit down and examine all of them, and whatever is necessary, we will definitely do.

**SHRI B. K. P. SINHA:** May I know, Sir, if in any future amendment of the law, while the tenants should be protected, the interests of some special class of house-owners, or the so-called landlords, would also be considered ? I know of quite a few cases in Delhi where, in the case of a man of modest means, or a woman of modest means, or a widow of modest means or a minor of modest means, his or her sole income or livelihood depends upon his or her house. But that house is kept by a certain rich business firm. Now, while they reap good business from the premises, they harass the landlords, because they are widows or minors, in hundreds and thousands of ways. Will this situation also be considered in any future amendment of the Delhi Rent Control Act ?

**MR. CHAIRMAN:** Everything will be considered.

**PANDIT S. S. N. TANKHA:** Is the Government aware of the fact that even where the owner has more than one house he is allowed, under the present Act, to get all his houses vacated by the tenants ? Is this the position in the Rent law of Delhi ? I would like to know whether the hon. Minister is also aware of the fact that upon getting the premises vacated these landlords have begun to take *pagri*, as in Bombay and elsewhere, in Delhi also, when letting out their houses again.

SHRI V. C. SHUKLA: All these questions are before us and they will be examined.

DEEMED DATE OF APPOINTMENT FOR  
C. S. S. OFFICERS

\*750. SHRI JAGAT NARAIN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that though Government agreed in principle some years back to give a deemed date of appointment to C. S. S. Officers, that decision is not being implemented; and

(b) if so, what are the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI V. C. SHUKLA): (a) and (b) A statement is laid on the Table of the House.

STATEMENT

(a) and (b) The reference presumably is the concept of "deemed date of appointment" which had to be introduced in respect of officers appointed to the Central Secretariat Service in Class I at the time of initial constitution. Before the constitution of the Central Secretariat Service in 1951, there were a large number of officers drawn from various sources who were either purely temporary or substantive holders of lower posts in different departments of the Government of India or under State Governments. When they were appointed to the Central Secretariat Service, the need arose for determining their relative seniority and in doing so, it was considered necessary to give due weightage to their past service. To achieve this, it was decided to arrive at a "deemed date of appointment" for every officer so appointed on the basis of a formula which gave weighted credit for service in the posts carrying a pay of Rs. 1,100 and above, posts carrying a pay of Rs. 800 and above and the total service rendered after attaining the age of 25 years.

2. After the completion of the initial constitution of the Service, the normal mode of appointment to these posts has been by promotion from lower grades of the Service. These promotions are made solely on the basis of merit and the relative seniority of officers is determined with

reference to the merit-ranking accorded to them by the Selection Committee. The need for a "deemed date of appointment" does not therefore arise.

श्री जगत नारायण : क्या वजीर साहब बतलायेंगे कि उन्होंने अपने जवाब के पारे दो में यह लिखा है : "After the completion of the initial constitution of the Service . . ." सवाल यह कि Before the completion of the initial constitution of the Service जो उन्होंने यह फारमूला दिया है "deemed date of appointment" तो मैं यह जानना चाहता हूँ कि उन्होंने यह इस्तेमाल किया या नहीं किया ? अगर किया तो कितने केसेज में किया ?

SHRI V. C. SHUKLA: Would you kindly repeat the question?

श्री जगत नारायण : आपने अपने जवाब के पार्ट 2 में यह लिखा है :

"After the completion of the initial constitution of the Service, the normal mode of appointment to these posts has been by promotion from lower grades of the Service."

"To achieve this, it was decided to arrive at a "deemed date of appointment" for every officer so appointed on the basis of a formula which gave weighted credit for service in posts carrying a pay of Rs. 1,100 and above . . ."

तो मैं यह जानना चाहता हूँ कि यह जो फारमूला है वह इस्तेमाल किया गया या नहीं किया गया ?

SHRI V. C. SHUKLA: Yes, Sir, this formula was followed very closely and this expression "deemed date of appointment" had to be introduced and used when the services were amalgamated, when this service was being initially formed way back in 1951-52, and after this service was formed, the promotions were always on merit-cum-seniority basis. And later on this formula had no relevance and this was not used.