

MOTION FOR ELECTION TO CENTRAL COMMITTEE OF TUBERCULOSIS OF INDIA

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING (SHRI H. K. L. BHAGAT) : Sir, on behalf of Chaudhary Ram Sevaik, I beg to move the following Motion:

That in pursuance of clause 3(vii)(b) of the Rules and Regulations of the Tuberculosis Association of India, this House do proceed to elect, in such manner as the Chairman may direct, one member from among the members of the House to be a member of the Central Committee of the Tuberculosis Association of India in the vacancy caused by the retirement of Shrimati Sityavati Dang from the membership of the Rajya Sabha.

The question was put and the motion was adopted.

MESSAGES FROM THE LOK SABHA

I. The Delhi Land Holdings (Ceiling) Amendment Bill, 1976.

II. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Bill, 1976.

SECRETARY-GENERAL : Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha :

I

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Delhi Land Holdings (Ceiling) Amendment Bill, 1976, as passed by Lok Sabha at its sitting held on the 20th January, 1976."

II

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Bill, 1976, as passed by Lok Sabha at its sitting held on the 20th January, 1976."

Sir, I lay a copy of each of the Bills on the Table.

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I. Statutory Resolution Seeking Disapproval of the Rent Control (Amendment) Ordinance, 1975.

II. The Delhi Rent Control (Amendment) Bill, 1976. MR. CHAIRMAN: Shri Sardesai.

SHRI S. G. SARDESAI (*Maharashtra*): I am moving the Resolution. Sir, I move the following Resolution :

"That this House disapproves the Delhi Rent Control (Amendment) Ordinance, 1975 (No. 24 of 1975) promulgated by the President on the 1st December, 1975."

The question was proposed.

SHRI S. G. SARDESAI : Shall I speak now or after the Bill is moved by the Minister ?

MR. CHAIRMAN : You can speak, if you like,

SHRI S. G. SARDESAI : Let him move the Bill.

MR. CHAIRMAN : So. You will speak on the Bill ?

SHRI S. G. SARDESAI : The Bill and the Resolution are combined. I will speak after he moves the Bill.

MR. CHAIRMAN : All right. The Minister, may move the Bill.

THE DELHI RENT CONTROL (AMENDMENT) BILL, 1976

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING (SHRI H. K. L. BHAGAT) : Sir, I move :

"That the Bill further to amend the Delhi Rent Control Act, 1958, be taken into consideration."

The question of amending the Delhi Rent Control Act, 1958, has been pending for a long time. The Government propose to bring, subsequently a comprehensive legislation in this connection before the Parliament. Meanwhile, with a view to conferring a right of tenancy on heirs/ successors of a deceased statutory tenant so that they may be protected from eviction by landlords and also for simplifying the procedure for eviction of tenants in case

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the landlord requires the premises *bona fide* for his personal occupation and consequent on the Government decision on 9th September, 1975, that a person who owns his own house should vacate the Government accommodation allotted to him before the 31st December, 1975, the Government considered that in the circumstances, the Act required to be amended urgently. The matter was discussed with the Members of Parliament from Delhi who also stressed the urgency of the matter to provide relief to persons against whom eviction proceedings were pending, in courts of law on this account.

As the Parliament was not in session, Delhi Rent Control Amendment Ordinance, 1975, was promulgated on 1st December, 1975. The Bill seeks to replace the said Ordinance.

I commend the Bill for consideration.

The question was proposed.

SHRI S. G. SARDESAI (Maharashtra): Sir, the honourable Minister has told us very little beyond what has been stated in the Statement of Objects and Reasons of the Bill and in the papers that have been circulated to us.

[Mr. Deputy Chairman in the Chair]

I had expected that he would go deeper into this question. Why? Because this Ordinance and this Bill which is based on the Ordinance deal with an extremely important social problem, namely, the housing problem in the city of Delhi. Obviously, this problem cannot be approached in the manner of an approach which could be made in respect of contractual relations, let us say, between two traders or between two businessmen both of whom are out to make profits. Now, this kind of a contract is totally different from the kind of relationship which exists between the owners of houses, the landlords, and the tenants who live in those houses. I say this because this question raises extremely serious social problems. It is an accepted fact that in any society, not only in the civilized societies, but also in the other societies, food, clothing and shelter are the absolute and indispensable requisites of life and this Ordinance and this Bill deal with the third question, namely, the question of shelter and that

is why I say that a very humane approach is needed in handling this whole question which is before us and not the one as we find in the contractual relations, as I have said earlier, between two businessmen.

Apart from the general aspect of this question, this Bill deals with the question of tenants, of rents, of landlords and so on in a city like Delhi which has been growing since independence at a very very fast rate. This is a city like certain others in India and, to my knowledge, Delhi, during this period, has grown faster and the rate of development of Delhi has been faster than even that of Bombay or Calcutta. Naturally, in a city like Delhi, the increase in population is far greater than the increase in the housing accommodation which is provided by the landlords with the result that the pressure on houses constantly goes on increasing and that being so, the problems of the tenants, their miseries and their hardships, naturally increase. For what reason? The reason is, as one might say, that there is a sort of a landlords' market here and it is not the tenants' market, to use that word. The landlords can dictate terms to the tenants because the houses are few and those who want to live in these houses, the prospective tenants, are very laagle in number. That is why a tremendous amount of economic and social pressure is applied by the landlords against these tenants and it is this thing; which we have got to see. I would like to add that this Government has been committed to putting some restrictions on the ownership of urban property. In fact, we were told that a Bill is going to come in this House during this session. That being so, one would expect a Government like this to come forward with proposals not only for the protection of the tenants, but also for seeing, in addition, that in due course of time, these tenants become the owners of the houses which they occupy. The situation is so serioufe that it would definitely jüstilfy a step like this. It is not as if the tenant stays there at the mercv of the landlord and the landlord can evict him at any time he likes. But, it should be seen that in due course of time he becomes the owner of the house which he occupies. This is the kind of approach which we expect particularly from this Government

and the party which is committed to bringing about these social reforms. I want to go a step further and say that the context in which this Bill has been brought forward is even more serious because, as we all know, sometime ago, because of a High Court decision or some-thiae like that, the landlords in Delhi got practically unlimited powers to evict the tenants as they liked. And that's why this whole question has come up. It was referred to the Government, and they have brought in this Ordinance because that state of affairs stands.

I am told that at present in Delhi, something like 40,000 cases filed by landlords against tenants for eviction are pending. This shows the magnitude of the problem, the vastness of this problem. In a city like this, 40,000 cases are like the sword of Damocles hanging over the heads of these 40,000 people. In this context, it is an extremely rapish outlook of the landlords with regard to tenants in Delhi as in other cities. Not only that, we also know that because of the tremendously increasing demand for houses, landlords not only take an opportunity to evict tenants whenever they want, but they have also economic considerations behind that. Once you evict a tenant who has been paying some sort of statutory rent or controlled rent in the past, then you regain possession of that house and we know that almost universally all the landlords demand, a very big amount of illegal gratification, *pugree*, from the new tenants whom they allow to occupy the premises. This is the whole background in which this Bill has been brought.

I may also refer to the other question about which I had occasion to speak that day and about which the Minister himself is very serious. That is the question of those who have been temporarily rendered houseless in this city because of the new settlement operations which the Government has launched. In Delhi we have a vast number of people who are houseless, where traditionally, more and more people are becoming! houseless and where landlords have launched something like 40,000

cases against tenants for eviction, so that the whole problem of housing is now becoming a tormenting problem for this entire city, and particularly for the poor elements in the city.

I may be asked, why are you saying all this? Because, if you set aside this entire context in which this Bill has come before this House, it looks just an ordinary affair. There are two persons: the landlord and the tenant. The tenant has got, on the basis of a certain amount of rent, certain right. The landlord has certain rights: he can evict the tenant whenever he wants. But it is not so simple at all. An ordinary, legalistic kind of contractual approach must be totally ruled out. What are the two reasons? They are the reasons for which I want to disapprove of this Ordinance and also the Bill on which it is based. I would like to know whether even at this late stage the Minister is prepared to give some consideration to this.

What is the first point? The first point is one which, I think, applies to cities like Bombay, as far as I know. If a tenant is in occupation of a house or a flat which he has rented, then, when he dies, his heir, whosver he may be, gets the right of continuing in that house. It is a very general thing. And why should it not be so? A tenant is granted a statutory right of occupation. And to make a certain kind of comparison, I might say that it is something like a statutory tenancy in rural areas, because when a certain statutory tenant in rural areas dies, it does not mean that the landlord of that land is unable to get back that land. Not at all. It is in fact something like partial ownership of property; it is not full ownership. It is partial in the sense that when the tenant is given statutory rights to be there then when he dies, whatever rights he has in relation to the landlord, those rights pass on to his heir. Now, it may be his son or daughter or wife or widow daughter-in-law. But why do you want to go into those details? Why do you say that it has either to be the daughter-in-law, a widow, or his son or younger brother or elder brother, and then also retain a series of priorities in term* of which tenancy will pass?

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All these legal complications and minute things are always exploited by the landlords for the purpose of taking over the hand of the tenants. The tenants are always in a weak position. They are poor and illiterate and cannot go to the court. They have no lawyers, in a condition like this, it should be a simple legislation saying after the death of the tenants who have statutory rights, their tenancy will pass on to their heirs, whoever they may be. This Bill does not do that. In fact, it says that even in respect of the son or the daughter or the wife they will continue to be in the tenancy provided they are financially dependent on the original tenant. I cannot understand it. Why must they be financially dependent? A son may be earning and living with his father. Does it mean that an earning son should not be given this right? Therefore, this whole condition of financial dependence on the original tenant must absolutely go. Even in the case of such tenants, the landlords get the right to evict them after a year. I just cannot understand it. It means that some mercy is shown just for a year and after that he will be thrown out.

Then I come to the question of the powers which are being given to the landlords to evict the tenants. Such sweeping powers have been given in this Bill. As it is, they have got lots of powers. Now, it is a case of summary eviction. With these powers being given to the landlords who are already so powerful what do you expect to happen? A large number of evicted people will come on the scene. There are two points which we made earlier when this Ordinance came up. We wrote about it in our papers also. One of the points is that if you do not look at the question purely from the point of view of law then you have also to do something for the evicted tenants. Has the Government, as a State, nothing to do in the matter? After the tenants are evicted according to the provisions which you make, what are they to do? Where are they to go? Where are they to get new houses? Is this not the question which the Government ought to consider? It is a question of social policy and when such a bill is adopted, the Government has to

make a provision and state clearly as to what sort of provision they would like to make for the cause of the tenants who get evicted.

Then there is the other question of Government employees who are occupying Government houses. They are being given the right to occupy their own house if they have it in Delhi, so that is good. But as far as I understand, the position in this Bill comes to this. If a landlord has 3 or 4 or 5 houses in Delhi, then all that he has to do is to declare his intention to come and live there. If he declares his intention to come and live there, he can re-occupy all the 3 or 4 houses. He may say that his brother or cousin or somebody-else is to live there. Our objection in this case is that first and foremost nobody should own more than one house. Other houses should be taken away. In any case, if a landlord has more than one house, he should be absolutely barred from taking possession of any house except what is absolutely necessary for his own residence. These are the various social questions which this Bill raises. I do not know whether the Minister who wants to rush the Bill through Parliament, has thought of these problems, vast social problems which really concern the lives, happiness and misery of lakhs and lakhs of people. Bring forward a legislation which is truly a social legislation, not just a contractual legislation, and which will really give satisfaction to the lakhs and lakhs of tenants whose future is involved. Very often when we make a request to the Government and they give us replies - 'Inch are very polite and good but little more is done. I hope that in this case, it will not be so. Otherwise, sometimes I begin to feel that Delhi is going to be a city of tents, with people who live in tents under the sky. Such a calamity should not be there. That is why I would again appeal to the Government to reconsider the question. Withdraw this Bill, withdraw this Ordinance. Give a better thought to the whole question and bring forward a comprehensive legislation which surely will be in the interest of the tenants.

Thank you.

شری سمید احمد ہاشمی (اٹر پردیش) :
 جناب ڈپٹی چیپرمین صاحب— یہ دلی رینٹ کنٹرول بل جو ہمارے سامنے آیا ہے اس کے پہلے یہ آرڈیننس کی شکل میں آ گیا ہے اور اسی کے سلسلہ میں چند باتیں بیان کرنا چاہتا ہوں۔ ہمارے منسٹر آف ورکس اینڈ ہاؤسنگ نے ایک اسٹیٹمینٹ دیا تھا اور اس آرڈیننس کو لانے کے لئے جو عجلت کی تھی اس کی مختلف وجوہات میں سے ایک وجہ یہ بھی تھی کہ اس وقت پالیسی یہ بنائی گئی ہے کہ جو گورنمنٹ کے ملازمین ہیں ان کے جو اپنے مکانات ہیں وہ ان مکانات میں چلے جائیں اور گورنمنٹ کے مکانات کو خالی کر دیں جن میں وہ اس وقت رہ رہے ہیں۔ میں عرض کرنا چاہوں گا کہ اس مسئلہ کے مختلف پہلو ہیں لیکن ایک بات ذہن میں رکھنی چاہئے کہ اس وقت کے جو عدلیہ نظام جو کورٹ کے نظام ہیں اس میں اگر مقدمہ چلایا جائے تو اتفاق سے برسوں تک اس کا کوئی فیصلہ نہیں ہوتا۔ ظاہر ہے کہ آرڈیننس کے فوراً بعد یہ ایکٹ آ رہا ہے

اور اس کا جو ایک بنیادی مقصد ہے میں سمجھتا ہوں وہ مقصد عدلیہ نظام کے ماتحت فوت ہو جاتا ہے جب تک اس کے متعلق کوئی فیصلہ نہ ہو جائے تب تک وہ مقدمہ لٹکا رہتا ہے اور اس طرح سے اس مقدمہ کے فیصلہ ہونے میں سالہا سال لگ جاتے ہیں۔

اس کے علاوہ میں یہ بھی عرض کرنا چاہتا ہوں کہ اس مسئلہ کے مختلف پہلوؤں میں سے ایک بہت ہی اہم مسئلہ اور ہے جس کی طرف میں منسٹر صاحب کی توجہ دلانا چاہتا ہوں۔ آج دلی میں اور ہندوستان کے مختلف حصوں میں—میں اس وقت دہلی کی بات کر رہا ہوں۔ کہ یہاں پر بہت سی وقف کی زمینیں ہیں، اوقاف کی زمینیں ہیں لیکن یہ ایک پبلک انٹرسٹ کی چیز ہے پبلک مفاد کی چیز ہے کہ آج سے بیس سال پہلے، پچاس سال پہلے ان کا جو ایک کرایہ مقرر تھا آج بھی ان کا دلی رینٹ کنٹرول کے مطابق اس کرایہ میں کوئی ترمیم نہیں ہو سکتی ہے۔ اس طریقہ سے بہت سی

پراپرٹی جو پبلک انٹرسٹ کی ہے وہ برباد ہو رہی ہے۔ میرا سبجشن ہوگا اس سلسلہ میں کم سے کم پبلک انٹرسٹ میں جو وقف کی زمینیں دلی کے اندر ہیں ان کو دلی رینٹ کنٹرول سے الگ رکھا جائے۔

دوسری ایک چیز یقیناً جس کا میں خیرمقدم کروں گا اس بل میں اور جیسا میں نے شروع میں عرض کیا تھا کہ اس بل کا جو بنیادی مقصد ہے وہ یہ ہے کہ مکانات کو ویکٹ کرانا ہے لیکن بعد میں عدلیہ نظام اس کیس میں کتنی مدت لگ جاتی ہے اور پھر بھی مکان ویکٹ نہیں ہوتا اور اس طرح سے جو بنیادی مقصد مکان کو خالی کرانے کا تھا وہ فوت ہو جاتا ہے اس لئے ایک ویلفیئر اسٹیٹ میں ایک ویلفیئر گورنمنٹ کا یہ فرض ہے ذمہ داری ہے اور اس ذمہ داری کو وہ محسوس کرتی ہے۔ ہم اپنے عوام کو اپنی پبلک کو زیادہ سے زیادہ سہولتیں دیں زندگی کی بنیادی ضرورتوں کی۔ زندگی کی بنیادی ضرورتوں میں سے مکان بھی ہے

رہائش بھی ہے۔ اگر رہائش کا حق کسی سے چھین لیا جائے تو اس کی زندگی ادھوری رہ جائیگی۔

میں عرض کر رہا تھا کہ اس بل کا بنیادی تھیم ویکٹ کرانا تھا۔ ظاہر ہے اگر ہمیں لوگوں کو آباد کرانا ہے اور کرایہ داروں کو سہولتیں دینی ہیں اور ان کو اوپکشن سے محفوظ کرنا ہے تو میں سمجھتا ہوں کہ اس بل کے اس تھیم کو ختم کرنا ہوگا۔ یہ صحیح ہے کہ پہلے مرنے والے کے ورثا کو حق کرایہ داری نہیں ہوتا تھا۔ اس بل میں اس کمی کو دور کیا گیا یہ بڑی خیرمقدم کی چیز ہے کہ اس کمی کو دور کیا گیا۔ میں عرض کروں گا کہ ابھی بھی ایک بہت بڑی کمی باقی ہے اور اسے ہمیں دور کرنا چاہئے۔ وہ کمی یہ ہے کہ جس طرح سے رہائشی مکانات انسان کی بنیادی ضرورتوں میں سے ہیں اسی طرح سے دوکان مکان کارخانہ اس شخص کی معاشی زندگی کا مرکز اس کے لئے ریڑھ کی ہڈی ہے۔ اگر ایسی شکل پیدا ہو جائے کہ

دوکان دار جو ایک دوکان کا مالک ہے اور کرایہ دار ہے اس کے انتقال کے بعد دوکان کو خالی کرا لیا جائے اور وہ ورثا کو نہ ملے تو ظاہر ہے کہ اس طریقہ سے ورثا معاشی ویسلے سے محروم ہو جائیں گے جن پر ان کی زندگی منحصر ہے۔ جس طرح سے ورثا کو یہ حق نہیں تھا حق کرایداری اور اسے شامل کرنے کے لئے اس کو امینڈ کیا گیا ہے اسی طریقہ سے میں سمجھتا ہوں کہ اس بات کو بھی شامل کرنا چاہئے کہ اگر کسی کے پاس دوکان ہے کارخانے کی زمین ہے یا ایسی جگہ ہے جہاں وہ اپنا معاشی دھندا روزگار کرتا ہے تو اس سے بھی اس کو محروم نہیں کیا جائے گا۔ آپ غور کریں توسیع نمبر ۲ اور توسیع نمبر ۳ کے اندر وجوہات دی گئی ہیں وہ اتنی محدود ہیں کہ اس کے ماتحت شکل یہ ہوگی کہ کوئی ضعیف باپ یا ضعیف ماں جو کماتے نہیں ان کی موت کے بعد پسماندگان کو تحفظ نہیں ملے گا۔ توسیع دو اور تین میں ایسا امینڈمینٹ لایا جائے جس سے کہ کرایہ داروں کو حقیقی راحت مل سکے۔ آپ کو

جان کر تعجب ہوگا کہ اس وقت دہلی میں کرایہ داروں اور مالک مکان میں چالیس ہزار مقدمے چل رہے ہیں اور ان میں چار ہزار بے دخلی کے مقدمے ہیں۔ ظاہر ہے کہ اگر ہمیں سہولت دینی ہے کرایہ داروں کو تو ہمیں ایسا کچھ کرنا پڑے گا کہ کوئی ایسی شکل باقی نہ رہے جس سے ظالمانہ طور پر مالک مکان کرایہ داروں کو پریشان کر سکیں۔ میں منسٹر آف ہاؤسینگ شری بھگت جی کے علم میں یہ بات لانا چاہوں گا وہ دہلی کے رہنے والے ہیں اور جانتے ہیں کہ آج جمنہ پار کے علاقوں میں عزارہا لوگ ہیں جو سلم ایریا میں بستے ہیں اور مالک مکان ان کو کرایہ داری کی رسید نہیں دیتے۔ ظاہر ہے اس سے ان کو پروٹیکشن ملنے کی کوئی شکل پیدا نہیں ہوتی۔ تو ہمیں خیال کرنا پڑے گا اس بات کا اہتمام کرنا پڑے گا کہ اس قسم کے لوگوں کو بھی پروٹیکشن اور راحت مل سکے اور ایک بات میں اور عرض کروں گا اس سلسلہ میں کہ سلم ایریا ایکٹ کے تحت کرایہ داروں کو جو تحفظ دیا گیا ہے اس کے اندر بھی

وہ تحفظ صرف انہیں تک محدود نہیں ہونا چاہئے بلکہ اس کے اندر یہ امینڈمینٹ کرنا چاہئے کہ ان کے ورثا کو بھی وہ تحفظ مل سکے۔ آج زمانہ ایسا ہے کہ جب ہم اس بات کی کوشش کر رہے ہیں کہ ہم ایک سپلائیشن کو ختم کر سکیں استحصال کو ختم کر دیں اور پبلک کی بنیادی ضرورتوں کو آسانی سے مہیا کر سکیں۔ ہمارے یہاں دیہاتوں کے اندر پہلے قانون تھا زمین کا کہ اگر پانچ سال تک کسی کے قبضہ میں زمین ہو تو اس کے وارثان کو اس زمین کے جوئے اور بونے کا حق منتقل ہو جاتا تھا اور آج یہ حالت ہے کہ جس وقت سے وہ زمین اس کو دی جاتی ہے اسی وقت سے وہ حق وارثان کو منتقل ہو جاتا ہے۔ تو آج جن لوگوں نے مکانات بنائے اور مکانات بنانے کے بعد اس کے کرایہ سے اتنی قیمت وصول کی کہ جو مکان کی قیمت تھی اور مکانات کی قیمت کے ساتھ ساتھ فائدہ بھی اٹھا لیا ۲۰ ۱۰ سال تک کرایہ دار بھی رہے یعنی جتنا فائدہ ان کو وصول کرنا تھا وہ انہوں نے وصول کر لیا تو کیا یہ

شکل ممکن نہیں ہو سکتی کہ آج جو کرایہ دار ان مکانات کے اندر ہیں ان کو حق رہائشی مستقل طور پر دیا جائے اور جس طریقہ سے ایگریکلچرل لینڈ کے اندر وارثان وغیرہ کو زمین منتقل ہوتی رہتی تھی اسی طریقہ سے ان کے لئے بھی وہ کرایہ داری کا حق ان کے وارثان کو منتقل ہو جائے چاہے وہ رہائشی بلڈنگ ہو یا معاشی جگہ ہو ان میں کوئی فرق نہ رہے اور دونوں جگہوں کے حق برابر ہوں۔ تو میں ان الفاظ کے ساتھ اس بل کا خیر مقدم کرتے ہوئے اس بات کی پھر سے ایک مرتبہ گزارش کروں گا کہ جو یہ ایک کمی رہ گئی ہے اس کے اندر کہ معاشی جگہوں کو کارخانوں کو اور دوکانوں کو جو اس میں شامل نہیں کیا گیا ہے ان دوکانوں کو اور کارخانوں کو بھی اس کے اندر شامل کیا جائے اور اس بل کے دائرہ کو اور وسیع کیا جائے اور پھر میں ایک مرتبہ بھگت جی کی توجہ اس طرف مبذول کروں گا کہ جو اوقاف کی جائیداد تباہ ہو رہی ہیں میں چاہوں گا کہ یہ پبلک انٹرسٹ میں ہوگا کہ پبلک ٹرسٹ ایکٹ سے اوقاف کی حائداد کو الگ کیا جائے۔

† [(श्री सैयद अहमद हाशमी (उत्तर प्रदेश) : जनाब डिप्टी चैयरमैन साहब, वे दिल्ली रेंट कंट्रोल बिल जो हमारे सामने आया है, इसके पहले यह आर्डिनेंस की शकल में आ गया है और इसी के सिलसिले में चन्द बातें बयान करना चाहता हूँ। हमारे मिनिस्टर आफ वर्क्स एण्ड हाउसिंग ने एक स्टेटमेंट दिया था और उस आर्डिनेंस को लाने के लिये जो अजलत की थी उसकी मुख्तलिफ बजूहात में से एक बजह यह भी थी कि इस वक्त पालिसी यह बनाई गई है कि जो गवर्नमेंट के मुलाजमीन हैं उनके जो अपने मकानात हैं, वह उन मकानात में चले जायें और गवर्नमेंट के मकानात को खाली कर दें, जिनमें वो इस वक्त रह रहे हैं। मैं अर्ज करना चाहूंगा कि इस मसले के मुख्तलिफ पहलू हैं, लेकिन एक बात जहन में रखनी चाहिए कि इस वक्त आप के जो अदलिया-ए-निजाम जो कोर्ट का निजाम हैं, उसमें अगर मुकदमा चलाया जाये तो इत्तिफाक से बरसों तक उसका कोई फैसला नहीं होता। जाहिर है कि आर्डिनेंस के फौरन बाद यह एक्ट आ रहा है और उसका जो एक बुनियादी मकसद है, मैं समझता हूँ, वह मकसद अदलिया-ए-निजाम के मातहद फौत हो जाता है। जब तक उसके मुतल्लिक कोई फैसला न हो जाये तब तक वह मुकदमा लटका रहता है और इस तरह से इस मुकदमा के फैसला होने में सालहा साल लग जाते हैं।

इस के अलावा मैं यह भी अर्ज करना चाहता हूँ कि इस मसला के मुख्तलिफ पहलुओं में से एक बहुत ही अहम मसला और है जिसकी तरफ में मिनिस्टर साहब की तवज्जो दिलाना चाहता हूँ। आज दिल्ली में और हिन्दुस्तान के मुख्तलिफ हिस्सों में—मैं इस वख्त दिल्ली की बात कर रहा हूँ—यहाँ पर बहुत सी बक्फ की जमीनें हैं आकाफ़ की जमीनें हैं, लेकिन यह एक

† [] English translation.

पब्लिक इंटेरेस्ट की चीज है, पब्लिक मुफाद की चीज है कि आज से बीस साल पहले, पचास साल पहले, उनका जो एक किराया मुकरर था, आज भी उनका दिल्ली रेंट कंट्रोल के मुताबिक इस किराये में कोई तरमीम नहीं हो सकती है। इस तरीके से बहुत सी प्रापर्टी जो पब्लिक इंटेरेस्ट की है, वह बर्बाद हो रही है। मेरा सजेसन होगा कि इस सिलसिले में कम से कम पब्लिक इंटेरेस्ट में जो बक्फ की जमीनें दिल्ली के अन्दर हैं, उनको दिल्ली रेंट कंट्रोल से अलग रखा जाये।

दूसरी एक चीज यकीनन जिसका मैं खैर मुकदमा करूंगा, इस बिल में और जैसा मैंने शुरू में अर्ज किया था कि इन बिल का जो बुनियादी मकसद है, वह यह है कि मकानात को वैकैट कराना है, लेकिन बाद में अदलिया-ए-निजाम इस केस में कितनी मुद्दत लग जाती है और फिर भी मकान वैकैट नहीं होता और इस तरह से जो बुनियादी मकसद मकान को खाली कराने का था वह फौत हो जाता है। इसलिए एक वैल्फेयर स्टेट में एक वैल्फेयर गवर्नमेंट का यह फर्ज है, जिम्मेदारी है और इस जिम्मेदारी को वह महसूस करती है। हम अपने अक्ल को, अपनी पब्लिक को ज्यादा से ज्यादा सहूलियतें दें जिन्दगी की बुनियादी जरूरतों की। जिन्दगी की बुनियादी जरूरतों में मकान भी है, रिहायश भी है। अगर रिहायश का हक किसी से छीन लिया जाये तो उसकी जिन्दगी अधूरी रह जायेगी।

मैं अर्ज कर रहा था कि इस बिल का बुनियादी थीम वैकैट कराना था। जाहिर है अगर हमें लोगों को आबाद कराना है, और किरायेदारों को सहूलियतें देनी हैं और उनको एविकशन से महफूज करना है तो मैं समझता हूँ कि इस बिल के इस थीम को खत्म करना होगा। यह सही है कि पहले

[श्री संयद अहमद हाशमी] मरने वाले के विरसा को हक किरायेदारी नहीं होता था। इस बिल में इस कमी को दूर किया गया। ये बड़ी खैर मकदम की चीज है कि इस कमी को दूर किया गया। मैं अर्ज करूंगा कि अभी भी एक बहुत बड़ी कमी बाकी है, और उसे हमें दूर करना चाहिए। वह कमी यह है कि जिस तरह से रिहायशी मकानात इन्सान के बुनियादी जरूरतों में से हैं इसी तरह से दुकान, मकान, कारखाना उस शख्स की मुआशी जिन्दगी का मरकज उसके लिए रीढ़ की हड्डी है। अगर ऐसी शकल पैदा हो जाये कि दुकानदार जो एक दुकान का मालिक है और किरायादार है उसके इन्तकाल के बाद दुकान को खाली करा लिया जाये और वह विरसा को न मिले तो जाहिर है कि इस तरीके से विरसा मुआशी बसीले से महरूम हो जायेंगे जिन पर उनकी जिन्दगी मुनहसिर है। जिस तरह से विरसा को यह हक नहीं था कि हक किरायादारी और इसे शामिल करने के लिए इसको अमेन्ड किया गया है उसी तरीके से मैं समझता हूँ कि इस बात को भी शामिल करना चाहिए कि अगर किसी के पास दुकान है, कारखाने की जमीन है या ऐसी जगह है जहां वह अपना मुआशी धन्धा-रोजगार करता है तो उससे भी उसको महरूम नहीं किया जायगा। आप गौर करें तौसीह नम्बर दो और तौसीह नम्बर तीन के अन्दर जो रियायत दी गयी है वह इतनी महदूद है कि उसके मातहत शकल यह होगी कि कोई जईफ बाप या जईफ मां जो कमाते नहीं, उनकी मीत के बाद पसमांदगान को तहफुज नहीं मिलेगा। तौसीह दो और तीन में ऐसा अमेन्डमेन्ट लाया जाय जिससे कि किरायादारों को हकीकी राहत मिल सके। आपको जानकर ताज्जुब होगा कि इस वक्त दिल्ली में किरायादारों और मालिक मकान में 40 हजार मुकदमें चल रहे हैं और इसमें 4 हजार बेदखली के मुकदमें हैं। जाहिर है

कि अगर हमें सहूलियत देनी है, करायादारों को तो हमें ऐसा कुछ करना पड़ेगा कि कोई ऐसी शकल बाकी न रहे जिससे जालिमाना तौर पर मालिक मकान किरायादारों को परेशान कर सके। मैं मिनिस्टर आफ हाउसिंग श्री भगत जी के इल्म में यह बात लाना चाहूंगा, वह दिल्ली के रहने वाले हैं और जानते हैं कि आज जमुना पार के इलाकों में हजारहा लोग हैं जो स्लम एरिया में बसते हैं, और मालिक मकान उनको किरायादारी की रसीद नहीं देते। जाहिर है कि इससे उनको प्रोटेक्शन मिलने की कोई शकल पैदा नहीं होती। तो हमें ख्याल करना पड़ेगा, इस बात का एहतमाम करना पड़ेगा कि इस किस्म के लोगों को भी प्रोटेक्शन और राहत मिल सके, और एक बात मैं और अर्ज करूंगा इस सिलसिले में कि स्लम एरिया एक्ट के तहत किरायादारों को जो तहफुज दिया गया है उसके अन्दर भी वह तहफुज सिर्फ उन्हीं तक महदूद नहीं होना चाहिए बल्कि उसके अन्दर यह अमेन्डमेंट करना चाहिए कि उनके विरसा को भी वह तहफुज मिल सके। आज जमाना ऐसा है कि जब हम इस बात की कोशिश कर रहे हैं कि हम एक्सप्लायटेशन को खत्म कर सकें, इस्तेमाल को खत्म करें और पब्लिक की बुनियादी जरूरतों को आसानी से मुहैया करा सकें। हमारे यहां देहातों के अन्दर पहले कानून था जमीन का कि अगर पांच साल तक किसी के कब्जे में जमीन हो तो उसके वारिसान को उस जमीन के जोतने और बाने का हक मुन्तकिल हो जाता था और आज यह हालत है कि जिस वक्त से वह जमीन उसको दी जाती है उसी वक्त से वह हक वारिसान को मुन्तकिल हो जाता है। तो आज जिन लोगों ने मकानात बनाये और मकानात बनाने के बाद इसके किराये से इतनी कीमत वसूल की कि जो मकान की कीमत थी, और मकानात की कीमत के साथ-साथ फायदा भी उठा लिया,

10—20 साल तक किरायेदार भी रखे यानी जितना फायदा उनको बसूल करना था वह उन्होंने बसूल कर लिया तो क्या यह शकल मुमकिन नहीं हो सकती कि आज जो किरायादार उन मकानों के अन्दर हैं उनको हक रिहायशी मुस्तकिल तौर पर दे दिया जाये और जिस तरीके से एग्जिक्यूटिव लैण्ड के अन्दर वारिसान बगीरह को जमीन मु्तकिल होती रहती थी उसी तरीके से उनके लिए भी वह किरायादारी का हक इनके वारिसान को मु्तकिल हो जाये, चाहे वह रिहायशी बिल्डिंग हो या मुआशी जगह हो उनमें कोई फर्क न रहे और दोनों जगहों के हक बराबर हों ? तो मैं इन इल्फाज के साथ इस बिल का खैर मकदम करते हुए इस बात की फिर से एक मरतबा गुजारिश करूंगा कि जो यह एक कमी रह गयी है उसके अन्दर की मुआशी जगहों को, कारखानों को और दुकानों को जो इसमें शामिल नहीं किया गया है, उन दुकानों को और कारखानों को भी इसके अन्दर शामिल किया जाय और इस बिल के दायरे को और बसीह किया जाय और फिर मैं एक मरतबा भगत जी की तबज्जो इस तरफ मबजूल कराऊंगा कि जो श्रीकाफ की जायदाद तबाह हो रही है मैं चाहूंगा कि यह पब्लिक इन्ट्रेट में होगा कि पब्लिक ट्रस्ट एक्ट से श्रीकाफ की जायदाद को अलग कर दिया जाये।]

श्री ओइम् प्रकाश त्यागी (उत्तर प्रदेश) : अध्यक्ष महोदय, सरकार जो यह विधेयक लायी है उस के पहले आर्डिनेंस आया था और उस समय ही सरकार ने स्थिति की गंभीरता को अनुभव किया था। जो सरकारी कर्मचारी, जिन के पास अपने मकान हैं और उन्होंने सरकारी मकानों को भी घेरा हुआ है वह बात तो वास्तव में चरित्रहीनता के अन्दर आती है और इसी दृष्टि से इसे सरकार को लेना चाहिए था, परन्तु सरकार ने उन को अपने मकान

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खाली कराने के लिए एक विशेष सुविधा दे दी। परन्तु मुझे ऐसा लगता है कि सरकार ने इस के कूपरिणाम की तरफ ध्यान नहीं दिया है। अगर यह विधेयक केवल सरकारी कर्मचारियों तक ही सीमित रहता है तो मुझे इस का समर्थन करने में कोई आपत्ति नहीं थी। ऐसे सरकारी कर्मचारी जिन के अपने मकान हैं और उन्होंने उन को किराये पर दिया हुआ है और अगर सरकार उन को अब सरकारी मकानों से हटाना चाहती है तो वह अपने मकानों को खाली करा लें, केवल यह सुविधा दी गयी होती तो मुझे कोई आपत्ति नहीं थी। आपत्ति खाली इतनी है कि जिन मकानों में किरायेदार रहते हैं उन बेशर्तों का भी कुछ ख्याल किया जाता तो मानवीय दृष्टि से यह विधेयक बहुत अच्छा हो जाता। परन्तु इस विधेयक को आपने केवल सरकारी कर्मचारियों तक सीमित नहीं रखा, आपने इसको जनरल बना दिया। जैसा अभी दो बक्तारों ने सुझाव दिया मैं भी संक्षेप में कहना चाहता हूँ कि अभी तो 40 हजार केस कोर्ट में हैं और आपके इस विधेयक के पास हो जाने के पश्चात् यहाँ लाखों मुकदमों दायर किये जायेंगे। मकान मालिक आज इसी तलाश में बैठे हुए हैं कि कोई सहारा मिले मकान खाली कराने के लिये और फिर पगड़ी लेकर ज्यादा किराये पर उस मकान को दे। यह मनोवृत्ति वर्तमान विधेयक, कानून जो बहुत सख्त है, से बहुत हद तक दूर होती है लेकिन फिर भी आप देखते हैं 40 हजार मुकदमों दिल्ली कोर्ट में मकान खाली कराने के लिये दायर हुए हैं। जब आप आज यह सुविधा दे रहे हैं, तो यह संख्या लाखों की तादाद में पहुँच जाएगी। इस विधेयक को पेश करते हुए आपने उजड़ने वालों की संख्या का अनुमान नहीं लगाया।

अध्यक्ष महोदय, दिल्ली में रहते हुए मुझे 40—45 वर्ष हो गए हैं। मैं जानता हूँ

[श्री ओइम प्रकाश त्यागी]

कि दिल्ली में मकानों की इतनी ज्यादा दिक्कत है कि नौकरी तो मिल सकती है लेकिन मकान नहीं मिल सकता। जब आप यह विधेयक लाए हैं तो इससे किराये के दाम पहले से कहीं ज्यादा बढ़ गए हैं। और पगड़ी भी आकाश को चूम रही है और ब्लैक मनी उस पगड़ी के द्वारा जा रही है। इस लोभ में मकान मालिक अपने किरायेदारों से मकान को खाली करवा रहा है। हरेक का इरादा यह होता है, हरेक यही कहता है कि मैं अपने प्रयोग के लिये मकान खाली करवा रहा हूँ चाहे उसके कितने ही मकान और दुकानें हों। भगत जी, मैं कहना चाहूंगा कि इस विधेयक से लाखों आदमी जो उजड़ जाएंगे उनको मकान नहीं मिलेगा। इसलिए आपसे मेरी प्रार्थना है कि आप इस बिल में एक बात जोड़ने की कोशिश कीजिये और वह यह कि मकान खाली कराने की सुविधा जो आप दे रहे हैं वह सरकारी कर्मचारियों तक ही सीमित रखें। साधारण जनता को यह सुविधा नहीं मिलनी चाहिये क्योंकि साधारण जनता के पास अपना मकान खाली कराने के लिये वर्तमान कानून और नियम ही काफी हैं। मकान-मालिक और किरायेदार दोनों की सुरक्षा का ध्यान रखते हुए वर्तमान कानून है। लेकिन सरकारी कर्मचारियों के लिये जो कानून बना है उस को वहीं तक सीमित रखिये और अगर आप उम को जनरल बनाना चाहते हैं तो मैं चाहूंगा भगत जी कि आप यह अमेंडमेंट जोड़ दें तो ज्यादा अच्छा रहेगा। मैं यह चाहूंगा कि जो मकान मालिक अपने रिहायश के लिये मकान खाली कराने के बाद भी किराये पर उठाता है तो वह दंडनीय माना जाएगा। इसमें उनके लिये सजा का प्रावधान होना चाहिये। अगर आप ऐसा रखेंगे तो कोई भी मकान मालिक आसानी से अपना मकान खाली नहीं करा सकेगा। हाँ, सरकारी कर्मचारी जिसके लिये आवश्यक है अपना मकान खाली

कराना वह करवा ले। अगर मकान मालिक अपना मकान खाली करवाता है और फिर किराये पर देता है तो आपको यह प्रावधान भी रखना चाहिये कि जिस किरायेदार को निकाला गया है उसी को दुबारा से दिया जाए।

तीसरा मुझाव जो अभी सामने आया है मैं उसे ठीक समझता हूँ। मैं गांव का रहने वाला हूँ गांव में अगर तीन साल तक कोई खेती करता है तो वह मालिक बन कर खड़ा हो जाता है। यह सरकार जो समाजवाद में विश्वास रखती है उससे मैं कहना चाहूंगा कि जो 15 साल से अधिक किसी मकान में रह रहा है और वह किरायेदार है और उस मकान मालिक का किरायेदार है जिसके एक से ज्यादा मकान हैं तो उस किरायेदार को उस मकान का मालिक बना देना चाहिये क्योंकि वह 15 साल से रह कर उस मकान की कीमत बढ़ा कर चुका होता है। जब आप ऐसा कदम उठायेंगे तब मैं समझूंगा कि आप में समाजवाद की गंध आ रही है अन्यथा मैं समझूंगा कि आप अपने कुछ मकानों को खाली कराने के लिये दिल्ली की गरीब जनता को बहुत बड़ी आफत में डाल रहे हैं।

इसलिए मेरी भगत जी से यह प्रार्थना है कि आप इस विधेयक को जल्दीबाजी में पास मत कीजिये। आप इस विधेयक को वापस ले लीजिये। मैं समझता हूँ कि अगर आप इस बिल पर फिर से विचार करके अच्छे रूप में पेश करेंगे तो ठीक रहेगा। वर्तमान फॉर्म में जिस रूप में यह विधेयक लाया गया है, मैं इसका सख्त विरोध करता हूँ और मैं यह समझता हूँ कि यह समाजवादी विधेयक नहीं है। यह विधेयक आपकी पूँजीवादी मनोवृत्ति को दर्शाता है जिसके अर्धान इस शहर की गरीब जनता मारी जाएगी। इस शहर की गरीब जनता की सुविधा का आप ध्यान रखें, यही मेरी प्रार्थना है।

SHRI M. ANANDAM (Andhra Pradesh) : Mr. Deputy Chairman, Sir. I support this Bill as a Bill in the right direction. The hon. Members who have participated so far, have raised a number of problems, a number of questions relating to the ownership of urban property. I would only urge here that a distinction should be made between agricultural land and property and there should never be a case where a tenant should be asked to own the house if he has been a tenant for more than ten or twelve years. My submission is that there are houses of various sizes, smaller, bigger and still bigger, and a person paying a rent of Rs. 1000 for a house and staying in it for about ten or twelve years must have been a fairly rich man, paying a rent of Rs. 1000 for such a long time. So, if he is asked to own that house, probably our socialism will work in the diverse and not in the positive direction. Anyway, there are all larger problems, problems which have to be tackled on a different angle, on a different footing.

I would only say that when we take into consideration this Urban Property Ceiling Bill these problems may be tackled properly.

I would just make one or two suggestions here with regard to the Bill. So far as the Bill is concerned, we find that there are two or three objects for this. One is conferring the right of tenancy to the successor or heirs. I find that the successor or heirs can continue in the house for one year and later he has got to vacate it. I would suggest that this limit of one year may be removed and he may be allowed to continue in the house if it has been proved that he is the right successor for the deceased tenant because there is no basis why there should be a limit of one year so far as that point is concerned. The second point is that we should go deep into the fact or the root cause of evictions imposed by landlords. The cause is that you have the rent control in respect of old houses, houses built long ago but you do not have any type of rent control for houses built in recent times. So much so, what happens is, if a tenant is asked to vacate a house and go to another house, probably he will have to pay a very exorbitant rent. If he has

been paying a rent of Rs. 100 for a small accommodation of 500 sq. ft., he is now obliged to pay about Rs. 400 or even more for exactly the same type of accommodation. That is exactly the cause for all this type of agitation. So much so, the landlords insist on vacation and the poor tenant is unable to get a house for the same rent or for any reasonable rent. So, my suggestion to the Government would be that every house constructed in Delhi Municipal area by any private individual must come under the Rent Control Act and rents must be fixed by the Government for each of the houses. If that is done, probably many of these maladies which arise on account of the evictions may not arise at all.

Mr. Deputy Chairman, there is only one provision in this Bill on which I would like to say something and that relates to the houses belonging to the Government servants. In September 1975 the Government have issued an Ordinance and also a notice to all the Government servants that if they own a house in Delhi, they must vacate the house given to them by the Government. They must vacate the government quarters and go to their own houses and in order to enable them to get vacant possession of their houses, some provision is made for eviction of the tenants in such houses. Let us examine how far this is justifiable. I do not wish to say for the moment that if one owns a house, he should stay in a rented house and make money out of rent from his house. But many of these Government employees have built their houses with loans taken from the Government. I understand the loans go to the extent of Rs. 70,000 or 80,000, and the instalments that has got to be paid on such houses comes to Rs. 700 to Rs. 800 per month, and with interest added, it comes to Rs. 1,000 per month. If suddenly a Government servant is asked to vacate his rented house and go to his own house, it will throw a heavy burden on him to pay the loan instalment of Rs. 1,000 per month of his house which he cannot pay. The result is that he has got either to sell his house and repay the loan or continue in his house by paying the market rent. So, I suggest that in such cases the rule may be so amended that if the Go-

[Shri M. Anandam]

Government servant is staying in Government quarter and he has given a house on rent to somebody, and there is still the loan outstanding, till such time as the loan is outstanding, he should be allowed to continue in Government quarter. That suggestion may be very seriously considered. Or, I would suggest that if this thing cannot be done, at least 5 years may be granted to those landlords who have only one house on which there is a loan outstanding so that in those 5 years they may clear the loan and then go to their houses. It is a suggestion which the Government may seriously consider.

There is also another problem. These orders of eviction were issued some time in November or December last year. There are a number of Government servants who own houses somewhere in Janakpuri and other far-off places. Near the Government quarters where they are staying, there are schools available. Now they have been asked to go to their own houses. The problem of schools would be more serious than the problem of eviction. I would suggest that at least some time-lag should be given till at least the next academic year so that they may continue the schooling of their children and move to their own houses from the beginning of the next academic year.

Then there is another matter. The houses belonging to the Government servants but occupied by the tenants have got to be vacated, and for the purpose of eviction they have to go to the court and get eviction orders. There is a provision in this Act that the tenant can file an affidavit in the court saying that for certain reasons he is unable to vacate the house. We know that the court proceedings take a number of years. We know that because of the Rent Control Act cases go beyond three or four years. Now for these three or four years if a Government servant has necessarily to continue in Government quarter, he has got to pay the market rent which will be burdensome for him to pay. Therefore, I suggest that where a court case is pending, and on account of this he has to

continue living in Government quarter, only subsidised rent should be charged from him, until the case is decided by the court. This suggestion may also be seriously considered.

Beyond this, I have nothing to say. I support the Bill and command it for consideration of the House.

SHRI VEERENDRA PATIL (Karnataka) : Sir, it is stated in the Statement of Objects and Reasons that one of the objects of this Bill is to confer the rights of tenancy to the heirs and successors of the deceased tenants. Already some Members have spoken on this Bill. I do not wish to repeat and take the time of the House; I shall try to be as brief as possible.

If the object is only to confer the rights, then it is most welcome, and I would welcome this Bill. But if we go through this Bill, we get the impression that this Bill is brought forward only in order to help the landlords considerably in evicting the tenants. Several provisions have been made in this Bill—provision has been made for summary trial; provision has been made for recovery of immediate possession from the tenant by dispossessing the tenant of the house. Sir, we have to look at the problem of the tenant. So far as the landlord is concerned, the moment he makes an application there is a summary trial and he is hopeful of getting possession of the house immediately. But what about the tenant? So far as that is connected, this Bill is totally silent. As some of the hon. Members as have just now said, the housing problem in Delhi is very acute because Delhi is growing by leaps and bounds. You can get anything but not accommodation here. And wherever the new colonies are coming up, new buildings are coming up, the rents are very exorbitant. In addition to giving an exorbitant rent, the tenant has to shell out some amount by way of *pagree* also. So, we have to look to the problem of the tenant who is going to be dispossessed. But so far as this Bill is concerned, it is totally silent on that aspect, if the hon. Minister had come before this House after making a provision that those who are going to be dispossessed are going to get alternative suitable

accommodation, then we would have congratulated him, we would have welcomed this legislation also. But it looks as if the Government has absolutely no sympathy for those who are going to be dispossessed. The moment the tenants are dispossessed from the flats or quarters, they are on the street. I expected that at least in his introductory remarks the hon. Minister would say something about these people, whether they are going to get any alternative accommodation. What the Government is going to do about these tenants, nothing has been mentioned. I do not know if he is going to mention about this in his reply to the debate.

Therefore, while considering this Bill, our heart goes to those tenants who are going to be dispossessed. If they are in those houses for a long time, why should they be dispossessed at all? If they are dispossessed, where is the guarantee that they are going to get alternative accommodation? Is the Government making any arrangements for providing alternative accommodation for them? Does the Government agree to take upon itself the responsibility of providing alternative accommodation to these classes of tenants?

One more point that I would like to make on this occasion is that we see in certain big cities that the tenants have been given a lot of facilities. We have accepted in principle, and we are acting on that, that those who are in possession of any property can own that property. By way of illustration, the tiller of the land can become the owner of the land. We have accepted this and we are implementing it, and we have also distributed millions and millions of acres of land and conferred *patta* rights on them. When this principle is accepted, why not we accept or apply the same principle in this case also? Why not we say that a tenant who is in possession of a quarter or flat for a period of five, ten or fifteen years, whatever it may be, can become the owner of that flat, of that property? This is not a new thing that I am suggesting to this House. Sir, subject to correction, in Bombay this option has been given to the tenant. There if the tenant wants to become the owner of

the flat he can make an application and he can then become the owner of the flat by paying compensation in instalments. So, when this principle has already been accepted in Bombay, why not we accept the same principle here and make it applicable to all the buildings that are here in Delhi? I leave it for the consideration of the hon. Minister concerned. I hope he would bestow his thought on this problem because the problem of housing is becoming very, very acute and I do not know how many tenants are going to be evicted by this legislation. We have no idea about that. Some Members said that there are already 40,000 cases pending. After this legislation comes into force, as friend, Mr. O. P. Tyagi, has said, the number of cases might go up to more than one lakh. When this is the position, it will tell upon the tenants and it will cause a lot of hardships. Therefore, while considering such a legislation, we should not lose sight of those tenants who are in possession of these flats. It is a hell of a job for them to get alternative accommodation for the same rent that they are paying to-day. Therefore, we must have sufficient sympathy for those people while we think of passing this Bill. Thank you.

SHRI SALIL KUMAR GANGULI (West Bengal) ; Sir, the Bill looks like a pro-landlord Bill. However, much has been said about it, and I do not want to take much time. But I would like to draw the attention of the hon. Minister to sub-clause (b) of Explanation III in clause 2 which reads :

"The right of every successor, referred to in *Explanation I*, to continue in possession after the termination of the tenancy, shall be personal to him and shall not, on the death of such successor, devolve on any of his heirs."

If the original tenant dies and soon after his successor dies, the heirs of such successor shall have no remedy and they will be thrown on the streets very quickly. This is an aspect which requires serious consideration. I think the hon. Minister will pay attention to this part and give some protection to these people in case of successive deaths taking place quickly in a family. That is all I wanted to say.

SHRI H. K. L. BHAGAT : Sir, I am very grateful to the hon. Members who

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have expressed sympathy for the people of Delhi, particularly the tenants. I am very grateful to them for the various suggestions that they given. As I submitted earlier, the Government proposes to bring a comprehensive Bill, likely in the next session of Parliament, and the Government is not precluded from considering the various suggestions that may be made in this connection after the enactment of this Bill. Sir, I wish to make it clear that the Government is very sympathetic to the tenants and the approach of the Government in this connection is neither contractual nor merely legal, as the hon. Member, Mr. Sardesai, has said. If the approach were merely legal, the Government would I P.M. not have come forward to amend the Bill to provide for conferring rights of tenancy on certain categories of successors, though the courts have held that in the case of statutory tenant the right is personal to him. Moreover the provisions of this Bill have been made applicable retrospectively to the extent of helping even those cases where the possession has not been recovered by the landlords even though courts have passed decrees of eviction against the tenants.

Hon. Members referred to 40,000 cases as pending in the courts. Hon. Shri O. P. Tyagi went to the extent of saying that lakhs of suits would be filed. I do not know what is the source of his information. But according to the information available with me, as on 31-7-1975 there were 8,849 cases pending with the Rent Controller and these cases relate to various categories and various kinds of claims on different considerations. About 848 cases were pending before the Tribunal. The figures relating to the number of cases pending in the High Court are not available with me. With respect I would say that though I cannot say that the present Bill that is being enacted will help each and every case it will help a large number of cases where the issue of successor etc. is involved.

With regard to the change in the procedure for eviction, namely, the summary procedure, it is confined only to *bona fide* needs and to Government servants who have to vacate their Government accommodation. On an average it has been found that

generally speaking a case of eviction takes about two to three years. It takes about one year before the Rent Controller and one year is taken by the Tribunal, and perhaps, one year before the High Court if case goes there. I do not say that in every case it is so. May be it is a little more in some cases and a little less in other cases. But we should consider the Bill in this context also.

Then there are cases of hardship. A person may need a house for his *bona fide* needs. But he is not able to get it back for years together. Cases have come to my notice where people in the Army rented their houses, but when they come back from the front they are not able to get back their houses. Therefore, the question should be viewed in this context also.

It was said by Shri Sardesai that a landlord will get more than one house in this manner. So far as Government servants are concerned, they are precluded from getting more than one house in this BUI itself. As far as others are concerned, when the question of *bona fide* needs come in, it can be raised before the Tribunal that a person is not entitled to more than one house for *bona fide* needs. The courts have given interpretation in such cases and the tenant has a right to contest his claim and file an affidavit in such cases. Then his case will be decided on merits. The procedure in that case will not be the summary procedure, but more or less the one which existed before this enactment.

Hon. Member Shri Hashmi referred to the protection of commercial tenants and he said that they should also get protection as has been provided for residential tenants in this Bill. I would like to point out for his kind consideration that the definition of 'tenant' as amended by this Bill is not confined to tenants of residential premises only. It would cover commercial tenants also and therefore this would certainly give protection to those commercial tenants who are covered under this Bill.

An apprehension was also expressed that commercial tenants would be evicted through summary procedure. First of all, this procedure is confined to residential premises and secondly, it is applicable only to Government servants and *bona fide* necessities. Nothing else. It does not apply to commercial premises and, therefore, there

is no question of tenants being evicted from commercial premises.

A number of suggestions have been given as to whether a person will have one house or two houses. I would respectfully submit that these are more relevant to urban ceilings. And, Sir, the matter is coming up in this session of Parliament and the honourable Members will have an opportunity to discuss the same. Now, Sir, the honourable Member, Shri Sardesai¹ and the honourable Member, Shri Veerendra Patil, and the honourable Member, Shri Sambali . . .

MR. DEPUTY CHAIRMAN : Please correct the name of the honourable Member you mentioned just now. He is Mr. Hashmi and not Mr. Sambali.

SHRI H. K. L. BHAGAT ; I am very sorry, Sir. I apologise to the honourable Member, Shri Hashmi. Sir, the honourable Members, Shri Hashmi, Shri Tyagi, Shri Sardesai, Shri Anandan and other Members also pointed out the difficulties of the people with regard to housing in Delhi and the honourable Member, Shri Sardesai, went to the extent of saying that Delhi will become a city of tents and the other Members also expressed certain apprehensions. Sir, as I submitted the other day in this House, the pressure of population on Delhi is very high really. About 2 to 3 lakhs of people are added to the population of Delhi every year and about one one and a half lakh people migrate from the other States and about one lakh of people are added which is the natural growth. Therefore, the problems of housing in Delhi are really tremendous and I would respectfully submit that the Government is making some zealous efforts. I am not going into the details now. But I would like to submit that the Government is coming forward with some schemes of housing, for construction of houses of various categories and various kinds. And, Sir, apart from what has been already done, the Delhi Development Authority has planned to construct about one lakh dwelling unit which will cover a population of five lakhs. Well, I won't say that the situation would become what we want it to be. But the Government is making the best possible efforts to add to the housing facilities in the shape of new houses, in the shape of cheaper plots to be provided to the low-income categories and

from among the 20,000 which have been done and of the 20,000 more which are proposed to be done next year, I may bring to the notice of the honourable Members, 25% is reserved for the Harijans and the scheduled tribes.

SHRI KHURSHED ALAM KHAN (Delhi) : What about the people living in Shahjahanabad ? Will you say something about that also ?

SHRI H. K. L. BHAGAT : Now, Sir, I would very respectfully submit to the honourable Members that they should consider the situation in the new context in which we are today and in which we have progressed today.

Sir, at one time the concept was that the landlords were those people who owned very large estates and the tenants were those people who only occupied the houses. But, now we have been following a particular policy and in this country since independence and particularly during the last few years, there has been more emphasis on housing and on housing for the low-income groups, for the middle-income groups and for the poor people and so on. The Government has been building for these people and, today, to say that a landlord means a person who owns a very large landed estate and so on and a tenant means one who only occupies a house would not be correct and I would say that it is not a concept which would be as true today as it was before. Now, Sir, there are a very large number of people in Delhi, poor people, who own houses and who keep tenants and, therefore, the situation needs to be reconsidered and in days to come more are going to be there. They are going to be there and the situation needs to be considered in this particular context also.

SHRI KHURSHED ALAM KHAN : You have not said anything about my point.

SHRI H. K. L. BHAGAT : Now, Sir, with regard to the Government servants, the policy of the Government has already been made clear, I would like to say one thing: This policy is not designed against the Government servants. As a matter of fact, a house vacated by the Government servant will be utilised by another Government servant. So, this helps the Government servants. It might create hardships for some. But it does help certain other Government servants.

[Shri H. K. L. Bhagat]

One thing I would like to make clear before I conclude and that is that this law applies only to statutory tenants and not to contractual. Where there are contractual tenants, there are agreements between the parties and, so, the rights of the tenants devolve on the successors. And, therefore, a large number of tenants are there who are contractual tenants. So there is no question of their being adversely affected. They are already protected.

With these respectful submissions, I conclude my remarks on the discussion of this Bill.

MR. DEPUTY CHAIRMAN : I shall now, first, put the Resolution to vote. Do you want to any anything ?

SHRI S. G. SARDESAI : No.

MR. DEPUTY CHAIRMAN : The question is :

"That this House disapproves the Delhi Rent Control (Amendment) Ordinance, 1975 (No. 24 of 1975) promulgated by the President on the 1st of December, 1975."

The motion was negatived.

MR. DEPUTY CHAIRMAN : I shall now put the motion. The question is :

"That the Bill further to amend the Delhi Rent Control Act, 1958, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN ; I shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill. Clause 5—Insertion of new section AA SHRI VEERENDRA PATIL : Sir, I beg to move :

"That at page 4, after line 10, the following proviso be inserted, namely :— 'Provided further that a tenant shall not be displaced by the landlord unless he has been given a suitable alternate accommodation.' "
The question was put and the motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

That clause 5 stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill. Clause 6—Insertion of new Chapter III A

SHRI VEERENDRA PATIL : Sir, I beg to move :

2. -"That at page 6, after line 21, the following be inserted, namely :—

(3) A tenant shall become the owner of his tenement if he has been in possession of the tenement for more than five years continuously and has paid fifteen times of the annual rent, Bill." *The question was put and the motion was negatived.*

MR. DEPUTY CHAIRMAN : The question is :

That clause 6 stand part of the Bill. *The motion was adopted.*

Clause 6 was added to the Bill. Clauses 7 and 8 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI H. K. L. BHAGAT: Sir, I beg to move :

"That the Bill be passed."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN ; The House now stands adjourned till 2-15 P.M.

The House adjourned for lunch at thirteen minutes past one of the clock.

The House reassembled after lunch at seventeen minutes past two of the clock, Mr. Deputy Chairman in the Chair.

I. THE APPROPRIATION BILL, 1976

II. THE APPROPRIATION (NO. 2) BILL, 1976

MR. DEPUTY CHAIRMAN : Yes. Mrs. Stishila Rohatgi. We may take both the Appropriation Bills together.

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : Sir, with your permission, I move :

"That the Bill to authorise payment and appropriation of certain further sums.