

# THE DELHI TENANTS (TEMPORARY PROTECTION) BILL, 1956

THE MINISTER FOR WORKS, HOUSING AND SUPPLY (SARDAR SWARAN SINGH): Sir, I move:

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union territory of Delhi from eviction be taken into consideration."

Sir, I do not propose to make any detailed observations about the provisions of the Rent Control Act. This Act has been in force for a number of years and it was hoped that the application of this Act will bring a certain amount of balance between the tenants and landlords. The position, however, has worsened considerably of late and cases have come to light which require some careful consideration of what should be done. To afford, however, a temporary relief this measure has been brought forward. The circumstances under which a tenant can be evicted are given in section 13 of the parent Act. There are a number of sub-sections starting from (a) to (l) under which a decree for eviction can be passed. By this amendment it is proposed that temporary protection may be afforded to all those whose cases come under the various clauses except four which are specified in the present measure. The four circumstances which will not attract the application of this temporary protection are cases which are covered in sub-sections (a), (b), (c) and (e) of section 13 of the parent Act. Those cases would be, failure to pay rent, using the premises for a purpose other than that for which it was rented, subletting the premises without permission and causing damage to the premises and the premises being required by the owner for his own *bona fide* personal use. The provisions of this Bill are complementary to the legislative measure which has only a few moments ago been approved by this House. The various areas where slum conditions have existed or areas in which special measures have to be

taken would be covered by the provisions of the measure which has been adopted a few minutes before. But all areas cannot be straightway declared as slum areas and work cannot be started in all those areas. There will be areas outside those slum areas where some other method will be thought of, to consider the cases of various tenants as to what should be done on a long term basis for their protection and what should be the new formula that should be evolved to bring about a suitable balance between these changed conditions that have arisen on account of large pressure of population in a big city like Delhi. But before thought could be given to find some permanent and long term solution of this problem, some temporary relief was considered necessary and this present measure is a step in that direction which will give relief of a temporary nature for a period of two years.

Naturally, the House would like to know as to what are our proposals with regard to the solution of this problem on a long range basis. The intention is to study this problem carefully and to appoint a committee on which various authorities interested could be represented, for instance, the Delhi Development (Provisional) Authority or the permanent authority, if one comes into operation within that time. The municipality could also be represented or the corporation if one is formed. Then, Members of Parliament who are interested in this subject and all these persons sitting in a committee would go into this question thoroughly and would suggest the method of dealing with the problem which is assuming a pretty serious condition. There are a fairly large number of clauses, under which a decree can now be obtained, but under this temporary protection not only a decree will not be passed in new cases, but even the execution of decrees which have already been passed will be stayed.

With these observations, I commend this Bill for adoption.

THE VICE-CHAIRMAN (SHRI R. P. TAMTA) : Motion moved :

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union territory of Delhi from eviction be taken into consideration."

There is a notice of amendment for reference of the Bill to a Select Committee by Shri Onkar Nath.

SHRI ONKAR NATH (Delhi) : Sir, I move :

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union territory of Delhi from eviction be referred to a Select Committee of the Rajya Sabha consisting of the following Members, namely,—

1. Sardar Swaran Singh
2. Shri Jaspat Roy Kapoor
3. Shri Kailash Bihari Lall
4. Shrimati Savitry Devi Nigam
5. Begum Siddiqua Kidwai
6. Shri Ram Kripal Singh
7. Shri Onkar Nath (*the Mover*)

with instructions to report by the 20th December, 1956."

From the Statement of Objects and Reasons given you will find that reports received indicate that a large number of proceedings have been instituted by landlords in the Delhi courts for the eviction of tenants on one or more of the grounds specified in section 13. The grounds which have been given for the eviction of tenants are sub-letting the premises without permission; the premises being required by the owner for his own *bona fide* personal use, etc. I think hardly about five per cent of the cases are covered by the present Bill and that too for two years only. Something has to be said on behalf of the landlord also. In paragraph (i) of the proviso to sub-section (1) of section 13 you will find where they say, 'that the premises were let to the tenant for

use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment'. If this is also not included, it will hit hard public institutions. Suppose there is a hospital and there is a nursing superintendent. She leaves the service; but she cannot be evicted. Or suppose there is a teacher or a hostel superintendent. He or she ceases to be a teacher of the school, but still he or she cannot be evicted for two years. How would they accommodate the new teacher? So, this paragraph of the proviso, I think, might have escaped the attention of the hon. Minister. This may be added. There are other provisions like (g), (d), etc. All this will require to be examined in a Select Committee. The Select Committee can sit today and give its report tomorrow. There are many things which require examination. Hence I strongly feel and humbly submit that this measure merits reference to a select committee.

THE VICE-CHAIRMAN (SHRI R. P. TAMTA): Amendment moved :

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union territory of Delhi from eviction be referred to a Select Committee of the Rajya Sabha consisting of the following Members, namely,—

1. Sardar Swaran Singh
2. Shri Jaspat Roy Kapoor
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6. Shri Ram Kripal Singh
7. Shri Onkar Nath (*the Mover*.)

with instructions to report by the 20th December, 1956."

The motion for consideration and the amendment are before the House for discussion.

SHRI AKBAR ALI KHAN (Andhra Pradesh): May I request the hon. Minister to accept it, because it is a considered opinion, it is only a matter of a day?

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Vice-Chairman, the Statement of Objects and Reasons as stated here in the Bill is very laudable indeed and they have my whole-hearted support. But what I feel is this that the objects that we have in view cannot be achieved by the provisions of this Bill. Under clause 4 you have given certain exemptions, that is to say with the proviso in the old Act you have adopted that the eviction cannot take place if the eviction is taking place under paragraphs (a), (b), (c) and (e) of the proviso. Now, the rest of the provisions in the proviso which are nine in number you have omitted. Now, the hon. Minister has stated in the Statement of Objects and Reasons that a large number of cases are pending for eviction. Now, what is his information? Has he got the classification made of the various types of cases, under the various heads of the proviso? I do not know what his information is. But as far as my information goes, the majority of cases are under clause (e), that is to say, the landlords want to evict tenants for *bona fide* personal use. Now, what is going on is this. A racket is going on under clause (e). The landlords want to resume possession of the houses in order that they may sublet again at a higher rent, completely ignoring section 14. Section 14, says that you cannot rent out those premises for a period of eight months, but it is impossible to prove whether the tenant is staying or whether the landlord is staying. All these evictions are *mala-fide*. Now, the other case is this. They want to sell the houses in vacant possession, because I understand that the price for vacant possession of premises is very much higher than for occupied premises. Secondly, a new class of brokers have cropped up in Delhi whose business is to buy up the properties in occupied possession and then after

having purchased the property they apply for eviction. There is summary trial and they can get the tenant evicted in two months' time and then they can sell it at practically double the price at which they purchased. This is my information.

Now, thirdly, the landlords often get the tenants evicted in order to extract either from the same tenant a large amount of *pugree* or let out to other tenants by extracting a large *pugree*. What I suggest is that the provisions of this Bill can be very vastly improved if we accept the proposition that the main section of the Act, section 14, be amended that you cannot rent out the premises for two years. That is the life of this Bill. Without the permission of the court, once the landlord has taken possession of the house for his own use, he cannot rent it out for two years. Section 14 may be amended accordingly. Secondly, if there is a new purchaser, a broker—I want to correct that misconception also—let the new purchaser also not apply for the eviction of the tenant until the lapse of two years. There is a similar provision in the Administration of Evacuee Property Act. You cannot evict a tenant for at least two years after you have purchased an evacuee property. If you have a similar provision in the Bill before us that a new purchaser cannot evict a tenant for two years, it will have a very salutary effect on the new type of brokers that have cropped up.

These are my suggestions for the consideration of the hon. Minister. I am closing my speech as the time at my disposal is short and I shall be away tomorrow morning.

THE VICE-CHAIRMAN (SHRI R. P. TAMTA): The House stands adjourned till 11 A.M. tomorrow, the 19th December.

The House then adjourned at six of the clock till eleven of the clock on Wednesday, the 19th December, 1956.