

[Secretary.]

"In accordance with the provisions of Rule 133 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Representation of the People (Miscellaneous Provisions) Bill, 1956, as passed by Lok Sabha at its sitting held on the 18th December, 1956."

I lay the Bill on the Table.

THE DELHI TENANTS (TEMPORARY PROTECTION) BILL, 1956—continued

श्रीमती सावित्री निगम (उत्तर प्रदेश) : सभापति महोदय, मैं इस विधेयक का समर्थन करने के लिये यहां खड़ी हुई हूँ। जिस ऊँचे उद्देश्य को लेकर यह विधेयक लाया गया है वह निःसंदेह सराहनीय है किन्तु, श्रीमन् मुझे जितनी प्रसन्नता इस विधेयक का नाम सुनकर और देख कर हुई थी उतनी प्रसन्नता विधेयक को पढ़ने के बाद नहीं रही।

श्रीमन्, संसद् के सभी सदस्य भली भाँति परिचित हैं कि किस प्रकार लैंडलार्ड्स का टेनेंट्स के साथ कटीन्यूअस हैराममेंट दिल्ली निवासियों में आतंक फैला रहा है और वे कितनी किस्म किस्म की तरकीबें निकाल कर, हथकंडे इस्तेमाल करके इन बिचारे लोगों पर जो छोटे छोटे मकानों में कठिनाई से रह रहे हैं बिना तरस खाये उन्हें निकालने के लिये तैयार रहते हैं। यह बात भी बिलकुल स्पष्ट है कि लैंडलार्ड्स के हाथ में, मकानों के अतिरिक्त काफी अर्थ बल भी है और काफी रुपया वे मुकदमेबाजी में खर्च कर सकते हैं, झूठी सच्ची गवाही दिलाने में भी खर्च कर सकते हैं। उनके पास अदालतों में जाने के लिये काफी टाइम भी रहता है। इन कारणों से लैंडलार्ड्स को अपने टेनेंट्स को हरास करने में काफी सुविधा रहती है। जिस तेजी से किरायेदारों को मकान छोड़ने पड़ रहे हैं यह तमाम सामाजिक कार्यकर्त्ताओं, तमाम आफिसर्स के लिये एक चिंता का विषय बना हुआ था। अभी थोड़े ही दिन पहले सब्जी मंडी में एक बहुत बड़ी इमारत में, जिसमें कि करीब दो सौ प्राणी रहते थे, १५, २० फेमिलीज रहती थी, सरकारी अफसर रहते थे, हमारे मंत्रिगण और अन्य नेता अपनी तमाम कोशिशों के बावजूद भी, किरायेदार की मांग के आगे, उन लोगों को हटायें जानेसे

रोकने के लिये कोई मदद नहीं कर पाये और उन सब लोगों को एविक्ट करा लिया गया। यह बात मा० स्वर्ण सिंह महोदय के भी नालेज में लाई गई, लेकिन वे भी उनकी मदद नहीं कर पाये। जब सरकारी अफसर, पढ़े लिखे और समझदार लोगो का यह हाल है तब आप स्वयं अनुभव कर सकते हैं कि इस तरह की कार्यवाही से बिचारी अनपढ़ जनता को, जिसके पास न समय है, न धन है, कितना कष्ट उठाना पड़ता होगा। श्रीमन्, इसमें जो सहूलियतें दी गई हैं मकान मालिकों को कि इन कारणों से वे एविकशन करा सकते हैं, उन पर जरा आप गौर फरमाये। इसमें लिखा है : "sub-letting the premises without permission" अभी तक यह होता आया है कि जब दिल्ली में रिफ्यूजी आये तो लोगों ने दया भाव से प्रेरित होकर उनको मकान में रहने के लिये जगह दी और मकान मालिक से कह भी दिया कि भाई, हम इनको रख रहे हैं, ये हमारे रिश्तेदार हैं। तब से लगातार अब तक वे लोग साथ रह रहे हैं। लेकिन मकान मालिक जो कि यह चाहते हैं कि किसी न किसी प्रकार से उनको निकाल दिया जाय और इसलिये उनको नोटिस देते हैं कि आपने क्यों हमसे बिना पूछे सबलेट किया, हालांकि तमाम डाक्यूमेंट्स से यह प्रूफ होता है कि आज से ही नहीं बहुत पहले से वे रह रहे हैं और उन्होंने परमिशन ले ली थी। लेकिन फिर भी उनका इविकशन हो जाता है। इसी तरह से "causing substantial damage to the premises" यह कारण दिखाकर लैंडलार्ड्स के लिये इविकशन करा लेने का जो बंदोबस्त कर दिया गया है वह भी कितना नुकसानदेह है। जहाँ टूटी फूटी इमारतों में किरायेदार रह रहे हैं वहाँ दो चार गवाहों को खड़ा करके कह देते हैं कि हमारा मकान खराब कर दिया है किरायेदार ने, इसलिये उसको इविक्ट किया जाय और इस तरह इविकशन करा लेते हैं। आप जानते हैं कि अभी तक न्याय समर्थ के ही हाथ में आता है क्योंकि यह चीज हमारे देश से अभी गई नहीं है कि अदालतों में रिश्वत देकर अपना काम करा दिया। नतीजा यह होता है कि बिचारे किरायेदारों के मकानों की मरम्मत नहीं कराई जाती है जो कि एक मकान मालिक का फर्ज है और उल्टे ऊपर से उन पर यह दोष लगाया जाता है कि आपने चकि मकान को तोड़ फोड़ दिया है इसलिय आप उसे खाली कर दीजिये। ऐसे पच्चीसों मामले कांग्रेस कमेटी के सामने और हमारे भारत सेवक समाज के सामने आए।

एक तो वर्षों से मकान की मरम्मत नहीं कराई, रिपेयर नहीं कराया लेकिन किराया बराबर वसूल किया और उसके बाद यह नोटिस लिख कर दे दिया कि उन्होंने मकान तोड़ दिया और अदालत में भी उनके फेवर में फैसला दिया जिससे किरायेदारों को मकान खाली करने पड़े। उन बिचारों को कहीं सड़क पर शरण लेनी पड़ी या दूसरों के आसरे में जाकर रहना पड़ा।

श्रीमन्, इसके बाद यह दिया हुआ है कि "the premises being required by the owner for his *bona fide* personal use" यह सहूलियत देने से तो आप यह समझिये कि पांच प्रतिशत लोगों को भी जो आज मुसीबत जदा हैं, जिन पर मकान मालिकों ने मुकदमा चलाया है, उनको प्रोटेक्शन मिलने वाला नहीं है, हालांकि उद्देश्य बहुत अच्छा है। मैं जानती हूँ कि बड़ी उदारता से, बड़ी उदात्त भावनाओं से और लोगों की मदद करने के लिये यह बिल लाया गया है, लेकिन यह शर्त लगा दें से तो पांच प्रतिशत लोगों को भी मदद न मिलगी। क्योंकि मालिक मकान क्या करते हैं, मैं आपको बताती हूँ। अभी अभी एक ऐसी संस्था जिसका गवर्नमेंट इंतजाम कर रही थी, जो कि एक कलचरल केन्द्र बन गई थी, हमारे प्रोहिबिशन का, वह किसी रिविविजिंड बिल्डिंग में किराये पर रहकर अपना दफ्तर चला रही थी लेकिन बाद में जब दिल्ली स्टेट खत्म हुई और रिविविजिशन हट गया, लेकिन वह संस्था बराबर चल रही थी, तो क्या हुआ कि मकान मालिक ने अपने बीबी बच्चों को वहाँ लाकर बिठला दिया और कहने लगे कि हमारा लड़का हमसे अलग हो गया और दो, एक बहाने बना कर उसको वहाँ से हटा दिया। मैं जानती हूँ कि दो, तीन महीने बाद वह कमरा किसी न किसी दूसरे किरायेदार को उठा दिया गया। श्रीमन्, इसी तरह से बीसियों, पच्चीसों बातें बना कर—हमारा बेटा बीमार हो गया, हमारा दामाद आया है, भाई का ट्रांसफर हो गया है,—ऐसे अनेक कारण बता कर मकान मालिक कहेंगे कि हम बोनाफाइड पर्सनल यूज के वास्ते किरायेदार को हटाना चाहते हैं। अगर मिनिस्टर महोदय अदालत के आंकड़ों को देखने की कोशिश करते तो उनको मालूम होता कि हर महीने दो, दो सौ, चार, चार सौ केसेज होते हैं जिनमें बिचारे किरायेदारों को इविकट होना पड़ता है। इसलिये अगर इस सेक्शन में यह प्रोविजो लगा दिया गया होता : "provided the landlord gives a

declaration that after the eviction of the house, he will not rent it again for the next five years" तब तो शायद, श्रीमन्, ४०, ५० प्रतिशत किरायेदारों को संरक्षण (प्रोटेक्शन) मिल जाता, जैसा कि प्रोटेक्शन देने के लिये यह विधेयक लाया गया है। उन तमाम किरायेदारों की तरफ से मेरी मंत्री महोदय से प्रार्थना है और श्रीमन् आपके द्वारा उनसे प्रार्थना है कि प्रोविजो के रूप में यह अमेंडमेंट स्वयं सरकार पेश करके संसद् से स्वीकार करा दे। इसके लिये मुझे कोई यश लूटने की आवश्यकता नहीं, मैं चाहती हूँ मेरे नाम से यह अमेंडमेंट मूव होने के बजाय मंत्री महोदय अपने आप ही यह अमेंडमेंट मूव करें, और उन किरायेदारों को जो कि संकट में फंसे हुए हैं प्रोटेक्शन दिलाने के लिये उसको मंजूर करें। अगर यह हो जायगा कि पांच साल तक मकान मालिक मकान को रेंट में नहीं उठा सकेंगे तो उससे यह भी मालूम हो जायगा कि कितने केसेज में उनको वाकई जरूरत है अपने जेनुइन मतलब के लिये। अब तक यह तजुर्बा होता आया है कि एक बार उन्होंने बड़े बड़े पर्सनल यूजेज दिखा करके इविकशन करा लिया, मकान से किरायेदार को हटा दिया और उसके दो, तीन महीने बाद ही चार गुना, आठ गुना, बारह गुना किराये पर उसे उठा दिया। अगर इसका संरवे करा के देखा जाय कि पिछले छः महीनों में कितने मकानात खाली किये गये जिनमें यह कारण दिखाया गया था कि हमें पर्सनल यूज के लिये चाहिये, और उसके बाद कितने री-रेंट कर दिये गये तो श्रीमन्, हम सब लोगों की आँखें खुल जायेंगी कि किस तरह चालाकी, चतुराई से लोगों को हैरास किया जाता है, इक्स्प्लाइट किया जाता है, तंग किया जाता है, बेचारे किरायेदार को पहले तो महीनों अदालतों में दौड़ाया जाता है और उसके बाद उनको निकलवा कर सड़क पर फेंक दिया जाता है। ऐसे कई केसेज हैं जिनमें उन लोगों को जो निकाल दिये गए हैं धर्मशालाओं में जाकर टिकना पड़ा और उधर जिन्होंने उनको हटाया उन्होंने अपने मकान तिगुने, चौगुने किराये पर उठा कर दूसरे किरायेदारों को बसा लिया है।

इसलिये श्रीमन्, मेरी मिनिस्टर महोदय से और आपसे भी यह प्रार्थना है कि आप उन्हें यह सलाह दें कि वे अवश्य ही मेरे सुझाव को मान कर उन तमाम लोगों को संरक्षण दें और इस विधेयक का जो सच्चा उद्देश्य है उसको पूरा करें। जब

तक यह प्राविज्ञो नही जोड़ा जायेगा, मेरा यह फिर से निवेदन है कि तब तक इस विधेयक के द्वारा ५ प्रतिशत टेनेंट्स को भी प्रोटेक्शन न मिल सकेगा। धन्यवाद।

12 NOON

DIWAN CHAMAN LALL (Punjab) : Mr. Chairman, I am grateful to you, for giving me this opportunity of saying a word or two in regard to this particular measure, not in any other spirit but with a view to understanding exactly what is operating in the mind of the hon. Minister who has placed this measure before us. I have tried to examine the provisions of this measure with a view to bringing it in line with the Statement of Objects and Reasons given by the hon. Minister and attached to the Bill. The object seems to me, according to my hon. friend, the prevention of the eviction of a large number of tenants by landlords. I quote from it now :

“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 of the Delhi and Ajmer Rent Control Act, 1952. Any large-scale eviction of tenants will affect adversely those of them who belong to the poorer section of the community and is bound to create an undesirable situation. It is therefore necessary to undertake legislation to afford protection to tenants from eviction except in certain cases where eviction is justified. The Bill seeks to give temporary protection to tenants who are in occupation of premises the rent of which does not exceed one hundred rupees from being evicted from their premises except on one or the other of the following grounds namely:—

- (i) failure to pay rent ;
- (ii) using the premises for a purpose other than that for which it was rented ;
- (iii) sub-letting the premises without permission ;

(iv) causing substantial damage to the premises ; and

(v) the premises being required by the owner for his own *bona fide* personal use.”

Now, Sir, the provisions of this Bill will apply only to areas other than those declared to be slum areas, as legislation in respect of the latter has been undertaken separately. I am very glad that the hon. Minister has excluded those particular areas which are likely to be taken over by the Government for the purpose of slum clearance. I take it that all those areas are going to be excluded and that the provisions of this measure will not apply to those particular areas. I do not know if Government has already declared any particular area as a slum area.

THE MINISTER FOR WORKS, HOUSING AND SUPPLY (SARDAR SWARAN SINGH): Actually that legislation was approved by this House only yesterday. It has still to go before the other House.

DIWAN CHAMAN LALL : Now, all that I want to make clear is this that the provisions of this measure should not militate firstly against that particular legislation which Government has got in hand and secondly, against the *bona fide* use of the premises by those who own those premises. Now, I make this suggestion rather a wide one. Why do I make it ? It is because of this factor. If you look at this measure, Sir, there are certain exemptions given in respect of the Delhi and Ajmer Rent Control Act, 1952. The exemptions refer to section 13 of the Act. Clause 4 of this measure says, “So long as this Act remains in force, no decree or order, whether passed before or after the commencement of this Act, for the recovery of possession of any premises shall be executed against any person except in the following cases, “namely, clauses (a), (b), (c) and (e) of the proviso to sub-section (1) of section 13 of the Rent Control Act :” (ii) where the decree or order is on the ground that the tenant has, whether before or after the commencement of the

Rent Control Act, caused or permitted to be caused substantial damage to the premises ;” or “(iii) where the decree or order relates to any vacant ground and has been passed on any ground similar to any of those referred to in sub-clauses (i) and (ii)”. Let us have a look at the sections that are being deleted, that is to say, the operation of those particular clauses of this section 13 which are not being made applicable as far as this particular measure is concerned and let us find out the justification for the exclusion of those particular clauses. Let us take (g) that the premises are *bona fide* required by the landlord for purposes of rebuilding the premises or for the replacement of the premises by any other building or for the erection of another building and that such building or re-building cannot be carried out with the premises being vacated. What is the justification that the hon. Minister has for deleting (g)? After all, according to his own suggestion regarding slum clearance, Government itself is going to be forced to take possession of those premises which the Government wishes cleared of slums. If a landlord finds that certain particular premises are dangerous to the safety of those who inhabit those premises or finds that it is necessary for the better look which the hon. Minister wants Delhi to possess to pull down certain premises and re-build them in a better manner, the hon. Minister is preventing him from doing it. I do not know what justification he can have for withdrawing the authority that a landlord has in these particular circumstances. I do not see the justification at all. If it is merely the protection of the tenants, I can understand that but if a landlord finds that the premises are dangerous and are *bona fide* required by him for purposes of pulling down those premises and putting up better buildings, probably safer buildings, why should the hon. Minister prevent that landlord from utilising the premises for that purpose? Under the provisions of this Bill, clause (g) of the proviso to sub-section (1) of section 13 is deleted and the landlord can never improve his property. I can

understand the hon. Minister saying, “If you are going to operate under the authority given to you by the law, clause (g), then you give a guarantee that you will carry out the improvements that you are seeking to make.” I can understand that but I cannot understand this power being withdrawn from the landlord. This is a power given to him to improve his own property, making it more efficient, better in look and certainly safer if he finds that the premises are not safe.

Now, let us look at another clause, clause (1), that the landlord requires the premises in order to carry out any building work at the instance of the Government or the Delhi Improvement Trust in pursuance of any improvement scheme or development scheme. Now, what is my hon. friend's answer to this? Government itself directs a particular landlord, Mr. Chairman, to pull down a particular building and set up another building. The Delhi Improvement Trust is the sole owner of the whole of Delhi and nothing can be done without its sanction. Now, under its improvement schemes, if it calls upon a set of landlords to pull down the premises and rebuild again, that power of the landlord is being taken away. Under this Bill, Government will not permit even itself to order certain premises to be pulled down for purposes of rebuilding or will not permit the Improvement Trust to improve certain areas.

SHRIMATI SAVITRY DEVI NIGAM: I think the hon. Member should be aware that this is only a temporary measure intended for three or six months or for a few days only.

DIWAN CHAMAN LALL: My very learned friend and very able colleague, Shrimati Savitry Devi Nigam, does not realise that intelligence is not a temporary thing; it is a permanent thing. Clearheadedness is not a temporary thing; it is a permanent thing and by this legislation if my hon. friend is going to cut his own hands, cut his own feet, for a period of two years and do something that is wrong, it is my duty to point it out to him and say that he is doing something

[Diwan Chaman Lal.]
that is wrong even though it may be a temporary one.

SHRI H. C. DASAPPA (Mysore):
How can he cut off his hands and feet temporarily?

DIWAN CHAMAN LALL: There are artificial limbs and these are supposed to be a little better than the natural ones though it may take him a couple of years to get the artificial limbs. However, the point is that whatever damage may be done even though it is a temporary damage, it is a damage which is unjustifiable. I am asking my hon. friend to let us know why it is that he is robbing himself and robbing the Improvement Trust of the authority and is handing over that authority to certain tenants. No doubt, the tenants have to be protected but for what rhyme and for what reason? If in these circumstances it is necessary to protect the interests of the tenant, it is easy enough to find alternative accommodation for the tenant and there should be no difficulty in finding alternative accommodation.

Now we have for instance in (j), that the conduct of the tenant is such'

SHRI V. K. DHAGE (Bombay):
May I ask for a clarification from Diwan Chaman Lal? Does he contemplate that the provision which is in (i) which he has read just now will not be covered by the Slum Areas Bill that was passed by the House yesterday or it will not be covered?

DIWAN CHAMAN LALL: I think it is a question which should not be asked of me; it should be directed to my hon. friend, the Minister. The question that I am at the present moment dealing with is merely the question of the authority that my hon. friend under this measure is withdrawing in reference to certain premises in regard to which direction is given both by the Government and by the Improvement Trust or either by the Government or the Improvement Trust.

Now, let me, Mr. Chairman, with your permission, look at another sub-

section of this section 13—'that the tenant has, whether before or after the commencement of this Act, built, acquired vacant possession of, or been allotted a suitable residence' or '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.' What justification is there for not permitting the owner of premises, who has let the premises for a particular purpose to an employee and when that employee ceases to be his employee, to evict him? Under this measure my hon. friend says 'on; you can go on living in those premises'. I cannot understand that even though as my learned colleague, Shrimati Savitry Devi Nigam says that it is only for two years. Two years is two years, and you are permitting an unauthorised person to continue in residence in those premises for a period of two years and there is no justification for it at all. There was a particular object with which those premises were let out to a particular employee—not let out but made available to a particular employee and quite possibly he may not be paying any rent if he is an employee—but you will not permit him to be thrown out and another employee who comes in his place may have to look for accommodation elsewhere when the accommodation is already available but not made available merely because of this particular measure.

There is another sub-section, 'that the conduct of the tenant is such that it is a nuisance or that it causes annoyance to the occupiers of the neighbouring premises or other occupiers of the same premises'. Why is my hon. friend taking away this particular authority? Nuisance is a very wide term; it does not merely include noises made by tenants living in the same locality but it is a very wide expression. It may be that the premises is being used for immoral purposes and you may not be able to prove it but that may affect the entire locality because of this particular nuisance

that is being caused and my hon. friend takes away that authority as well. He is not willing that that authority should be utilised even in such a particular case.

Now, lastly, 'that the tenant has, whether before or after the commencement of this Act, caused or permitted to be caused substantial damage to the premises, or notwithstanding previous notice has used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government or the Delhi Improvement Trust while giving him a lease of the land on which the premises are situated'. Something wrong is done by a particular tenant, a wrong that is cognisable by the Delhi Improvement Trust from whom the lease has been taken by the landlord. Some wrong has been done by a particular tenant of a landlord who has taken the premises from the Government on lease or from the Improvement Trust, something that may make it impossible for the landlord to continue to live in those premises; may be a breach of covenant entered into by the landlord with the Improvement Trust or with the Government. If such a breach is committed of that particular covenant by some action taken by the tenant, even then the landlord has got to put up with that breach and possibly be excluded from those premises because of the breach committed by the tenant or through the tenant. Yet the landlord will be unable to throw the tenant out. It may be a continuing breach leading to the danger of the landlord himself being evicted yet he is not in a position to stop the tenant from continuing that breach by throwing him out. I do not see any justification for this. What is the great justification for this measure? Is it any policy on the part of the Government that it has adopted this particular measure temporarily for two years? I should be very happy to know if it is something which is so important in the consideration of the Government that this measure cannot possibly wait for a careful consideration of its provisions which are likely to be most injurious to the city itself and injurious both to the Gov-

ernment and to the Improvement Trust whose orders will not be obeyed and cannot be obeyed.

Therefore, I suggest that in view of the particular points that I have raised my hon. friend would be well advised to withdraw this measure and not to proceed with it until he has given the most careful thought to it and considered it carefully. Now, I am not going to weary him with the Report of the Delhi Improvement Trust Enquiry Committee of 1951. I would only draw his attention to paragraph 52 of that Report; pages 16 to 17 and top portion of page 18 are worth consideration by him in this connection.

May I, therefore, once more appeal to my hon. friend first of all to clarify the position as to what has necessitated him to bring forward this measure which is very defective, which is not going to serve the purpose that he has in view but is likely to create a serious of complications both in the functioning of the Improvement Trust and in the functioning of the Government in reference to premises leased out by the Government to certain other people? I suggest therefore that first of all he should enlighten us in regard to this measure and secondly I suggest that he should throw some light on these various points that I have raised in connection with the various sub-sections of section 13 of the parent Act, as to why it is necessary to exclude those particular provisions. My hon. friend has already included in the body of the measure the provisions contained in sub-sections (a), (b), (c) and (e) and I would like him to give some indication as to why he wishes to exclude the others, particularly (g), (h) and (l). What is the great necessity that has urged him to come to this House and ask for powers to delete the effect of these sub-sections? I regret to say that this is a very hurried measure, hurriedly conceived. I do not know for what reason. May be my hon. friend has certain very legitimate reasons to put before the House but I do suggest to him that even now at this late stage he may withdraw this measure and

[Diwan Chaman Lall.]
reconsider its provisions with a view to meeting the arguments that have been raised against them.

SHRI KISHEN CHAND (Andhra Pradesh): Mr. Chairman, I had listened very carefully to the speech of an hon. lady Member of this House when she was trying to depict the landlords as if they were a rapacious lot, who were treating the tenants very shabbily in order to lease out their houses at higher rents. Probably she is not a resident of Delhi. You know it is generally the case with leaders who invite people to come to them to place all their grievances, and often the grievances are distorted. In that atmosphere the grievances are placed before the hon. Minister, and the hon. Minister comes forward with such a Bill.

Sir, the population of Delhi has grown phenomenally since 1945, largely by the influx of refugees. If you take the statistics of landlords in Delhi, you will find that in the old Delhi area there is normally one landlord to one house. There may be a few landlords who may have seven or eight or ten houses. For the sake of those few landlords, who have got a large number of houses and who may be bad people, who may be taking unfair advantage of their position and harassing the tenants, you are passing a legislation and giving power to courts to withhold eviction in the cases of people who own only one house. Sir, portions of those houses were requisitioned, portions were taken on rent, and during the last seven or eight years, the family has grown; and children who may have been fifteen or sixteen years of age at that time are now twenty-four or twenty-five and are of marriageable age. Possibly the owner wants them to get married and settle down. In all these cases there is tremendous hardship. I can take round the hon. lady Member and the hon. Minister to parts of Delhi where the hardship caused by unauthorised occupation is very severe and acute. Just taking into account the few bad cases and then to deprive the large number of really genuine

landlords who are suffering hardship is not right. If I take the hon. Minister, I can show him that the landlords are very much harassed. I know of a case where the landlord cannot use the latrine in his house and has to go and beg the neighbour for use of the latrine. The tenant occupies larger part of the house, the landlord occupies only one room. When the landlord wants an extra room or two, he cannot get it. The hon. lady Member has got enough supporters, Bharat Sevak Samaj office and the Congress office to say to the Minister "eviction should not be allowed". I submit, Sir, an individual's house is a sanctuary, and he has an absolute right to such a sanctuary. Unless we find that a man has got more than one house, there is absolutely no right for the Government to requisition it or occupy it. There is no emergency now. We have had freedom for the last eight or nine years, and there is no justification for requisitioning a portion of a small house with barely six or seven rooms in three floors. You know that in Delhi the houses are generally of three storeys in very narrow lanes, and possibly each house has a family of about seven or eight people, perhaps with married sons among them. All are living in that house huddled together. In spite of that huddled atmosphere the hon. Minister wants to make this provision. The family may have grown, their difficulties may be great and most genuine, and yet they cannot ask for the eviction of the tenant, because the bogey is created that the landlord is trying to get that house vacated. . .

SARDAR SWARAN SINGH: I have no intention to interrupt the hon. Member but he has got some misapprehension about the scope of this Bill. So far as *bona fide* use of the landlord for him or for his family is concerned, I am not staying it, although the hon. Lady Member wants that also to be included.

SHRI KISHEN CHAND: I know, Sir, that there is a provision that the eviction will be allowed on certain basis. But what is the effect of a legislation of this type on the mind

of the Judge? A legislation of this kind gives the impression that the Government is trying to be a little on the side of the tenant, that impression may be right in the case of those landlords who have got several houses rented out, but in the case of a landlord who has got only one house with four or five rooms, who has been forced to rent out two rooms out of four, do you think that it is right? I do not think so. I think it is most wrong to pass a legislation of this type and then create the impression in the minds of the judiciary that the Government wants that there should be no eviction. The result will be that though the hon. Minister has given an exemption under clauses (a), (b), (c) and (e) of the proviso to sub-section (1) of section 13 of the original Act, the hardship will continue. The hardship is very acute, and it is the unfortunate lot of the citizens of Delhi that they have got the heaviest blow from the partition. They have got the largest number of refugees, who want to settle in Delhi. The grievances of the citizens of Delhi are numerous. There are refugee shops and stalls just in front of the old shops. The old shopkeeper is deprived of his livelihood, because we have sympathy with the refugees and we feel that they must be provided with stalls, no matter what happens to the original shopkeepers of Delhi. I think we should be fair, and I do hope that the hon. Minister will reconsider the matter and not insist on pushing through the measure. There is no urgency about it. The Statement of Objects and Reasons begins with the sentence "Reports received indicate that a large number of proceedings have been instituted by landlords" etc. It is a very vague way of stating facts. I do not think that the total number of evictions to be considered will exceed 500 or 600. If 500 or 600 evictions take place, or even a thousand it is not going to cause very great hardship to these tenants. They have had ample time during the last six or seven years within which to find other accommodation. It is easy to be wise about other people. If a person has to share a portion of his house with someone

else then only the difficulties can be realised. If any hon. Member has got three rooms, let him offer two rooms to a tenant of an unsuitable type, and after six months' time he will realise the difficulties. These tenants who have got special rights are the most unfit people to live with. They have an attitude which makes them think that the landlord has no right, that they themselves should be the landlord of the house.

SHRI H. P. SAKSENA (Uttar Pradesh): Just because they are poor.

SHRI KISHEN CHAND: They are not fit to live with. The other man is equally poor. We are not thinking here of big palaces. The whole discussion is about people who are paying a rent of Rs. 10 to Rs. 15, where the landlord has only an income of Rs. 50 or Rs. 60. It is a question of the people living on the same scale. We are not thinking of the big landlords.

Sir, I do not think there is any need for this legislation. It is a most unwanted legislation which will cause great hardship to the citizens of Delhi and, therefore, I oppose it.

[MR. DEPUTY CHAIRMAN in the Chair]

SHRI KAILASH BIHARI LALL (Bihar): Sir, I also feel just like my friend Diwan Chaman Lall. At the very outset I would have suggested that there is no necessity for such a Bill being rushed through this House now. I was even going to suggest by way of compromise that the Bill should have been referred to a Select Committee and that the proposal of Shri Onkar Nath should have been accepted. If that is also not possible, I think there is no hurry about it, and this measure could have waited for some time. I feel, and it may be apparent to the hon. Minister also if he scrutinises the provisions of this Bill, that he is running counter to the desires of the sister Ministry of Home Affairs. Yesterday the hon. Minister was saying—of course I did not hear him properly but it seemed that it was in reply to my suggestion—that the development of Delhi can very well be achieved by allowing buildings

[Shri Kailash Bihari Lall.]

to grow up and that these slums would then be automatically cleared off. I could catch a little the voice of the hon. Minister saying that slums should be first got rid of even if people had to remain in the open sky which was better than the slums.

SHRI H. C. DASAPPA : In winter ?

SHRI KAILASH BIHARI LALL : Winter season or summer season. It is very nice for us to say these things living in air-conditioned houses and in good bungalows. But giving advice to people to live in the open air and breathe fresh air rather than think of slums and have a beautiful Delhi is something so cruel that my heart does not accept it. How does the hon. Minister reconcile these two things here in this Bill ? There, there should be open skies and here, nobody should even demolish the dilapidated houses. And that is Diwan Chaman Lall's argument. You cannot demolish even the houses which the Improvement Trust has asked you to demolish. Let them remain there simply because the heart of the Ministry melts with kindness ? And here is the heart of a lady Member. Of course, she should be exclusive ; she has a lady's heart ; it must melt at the cry of any person, at the cry of a few urchins or school boys. If a few urchins go about in the street crying "किरायेदारों की मुसीबत सुनो", "किरायेदारों की मुसीबत सुनो" her heart begins to melt with kindness. But here we are responsible people. When we come to realise....

SHRIMATI SAVITRY DEVI NIGAM : Armchair politicians. If you go to the masses and listen to their grievances. You will realise.

SHRI KAILASH BIHARI LALL : Masses do not consist of a few urchins or school boys and a few professional criers on the road. If you have got the heart to realise the difficulties of masses, then. . .

SHRIMATI SAVITRY DEVI NIGAM : What about thousands of evictions ?

SHRI KAILASH BIHARI LALL :

There may be thousands of evictions in such a big country. If a thousand persons deserve it, it should take place. What about the thousands of landlords who are suffering from disabilities ? You have heard a few stories narrated here and I personally know that there are such heartless tenants who would sit tight on the landlords and would demand a thousand rupees for vacating the premises. It has become a profession today. Because you are going on making the law in such a way that those people are encouraged to resort to this immoral traffic—not in the sense in which this was used in the Bill which was passed yesterday. This is also a kind of immoral traffic, if a man has not spent even a pie on building a house, sits there with a view to striking some bargain and dictates terms to the landlord, saying, "I will not vacate the house unless you pay me one thousand rupees." And he would stand in the way of the landlord in the matter of building his house. If you take a census of such stories and hardships going on with the landlords, you will really feel that you do not require this Bill to be rushed through, but something else. So it would have been better if you had referred this to a Select Committee. I hold in my hand a pamphlet which was given to me yesterday by the Delhi Pradesh Kirayedar Federation. Of course, they have enumerated a good deal of the harassment which, in their view, landlords practise on the tenants. But then they too are not satisfied with this Bill. They say :

"In the opinion of the Federation the proposed Delhi Tenants (Temporary Protection) Bill will not meet the purpose for which it is being placed by the Parliament, as it almost repeats the clauses of Section 13 of the Delhi-Aimer Rent Control Act and which have already failed to protect the interests of the tenants."

So, this is the certificate that the Government is getting from this Federation—an association of tenants. Four persons sit together and form

an association and pass any resolution they like. Only some intelligent person is required who knows something of drafting and then the association is formed. Of course, it is a good thing to propagate certain ideas. But, you see, this Federation also does not give the Government any credit even for the Act which they have passed. I think this Act is already too much of an encroachment upon the rights of the persons who have invested money and built something and helped your cause of development of Delhi. You are retarding that development if you go on making laws in this way. Here you have heard the story. If you give a room to a certain person who is in distress, he will come and begin to dictate terms to you because you are making such a law for that person in the name of protection. You are giving him some latitude.

DR. RADHA KUMUD MOOKERJEE (Nominated): He becomes a proprietor.

SHRI KAILASH BIHARI LALL: Yes, more than a proprietor. A proprietor has got some heart even, for he has invested money in the whole thing.

MR. DEPUTY CHAIRMAN: You have to address the Chair.

SHRI KAILASH BIHARI LALL: The landlord has got some heart for the building that he has built. But this man has not the heart even for the building, just like the false mother who would try to get the child cut into two for the sake of justice. This is how the tenants are behaving. So, perhaps, the picture of the other side has not been placed before the Government. Government only thinks that these certain persons are being harassed by landlords. How the landlords are being harassed, that is not in the picture. You will see what this Kirayedar Federation says:

Pradesh Kirayedar Federation and landlords besides officials who will look into the grievances of the tenants and landlords and also advise on letting and subletting of the vacant or vacated premises in terms of the old 1939 rent."

I think, even in the view of this Federation, what you are doing is not desirable. At least I for myself will agree if you set up some body even to enquire into the state of affairs and then you will come to know who is practising tyranny to what extent—tyranny of the tenant over the landlord or the tyranny of the landlord over the tenant. Then you will come to know the real truth. But if you go on haphazardly passing legislations for all kinds of things, then perhaps you will not be helping the very cause of the development of Delhi because who will then come forward? What incentive will be there for people to invest money in house-building? Of course, if you want to patronise the socialistic pattern, we are all for it and then, let us have control over all the buildings. Let the landlords rest in peace. Tell them, "You have no business to hold any house." It will be quite in keeping with the policy that you want to follow. I agree I am a socialist so far as this idea is concerned. Lay your hands upon all the buildings and give only one building to one person and acquire all. Then you will yourself feel this and realise what credit they will give you, as a landlord. When you subject yourself to the laws that you are making, you will feel how you are behaving. I have seen with my own eyes the buildings that the Government built for refugees. They have put their rent very high there. When some people want to occupy them, they come in. When they hear that so much is the rent for this building, they vacate and run away from those buildings. It is better to have first-hand experience of this. You become a landlord and have all the holdings and then you will realise. Of course, you are making your laws and may make this law also and you can relieve the landlords from possessing too many

"In the opinion of the Federation, the Enactment must provide (a) an Advisory Committee consisting of the representatives of the Delhi

[Shri Kailash Bihari Lall.]

houses. Of course, you may give them compensation under the Constitution. Instead of cash money all at once, you can do this from the rent that you will realise. For God's sake, have all the houses, and then you will feel, as a landlord, what credit you are going to get from these kinds of tenants, and then only you will realise what type of tenants they are. This is only giving impetus to all kinds of lawless elements in the country. These people are so lawless and they conspire in such a way against the landlords that they have made the life of the people a veritable hell. You are not realising that thing. Of course, I do not say that all landlords are quite all right. There may be some landlords who are tyrannical and who are conspiring to have more and more money. There is no doubt about that. But they are very few. All the landlords are not so heartless as they are being painted here. On the contrary, I can say that the tenants are much more heartless than what the landlords are. Therefore I request you that if you cannot do anything else, the least that you should do is to postpone this measure for some time or refer it to a Select Committee, or you should appoint a committee to enquire into all the grievances of both sides. Otherwise it is no use having such a measure passed here. It has been pointed out to you that you are taking away even those provisions in section 13 of the Act which have been applicable up till now and which have given some solace to the landlords. I am appealing to you in the interests of justice only, and I submit that the contention of Diwan Saheb is quite reasonable and it should be given due consideration. At least postpone this measure for some time or refer it to a Select Committee. In this connection, Sir, I support the motion of Shri Onkar Nath for referring this Bill to a Select Committee. It matters little if it is delayed by a few months and is taken up in the next session. That will be doing justice to both the parties, Sir.

SHRI H. N. KUNZRU (Uttar Pradesh): Mr. Deputy Chairman, the

object of this Bill is to amend the Delhi and Ajmer Rent Control Act for a period of at least two years. Yet the title of this Bill is not "The Delhi and Ajmer Rent Control (Temporary Amendment) Bill", but it is "the Delhi Tenants (Temporary Protection) Bill, 1956". The title has been so devised as to enable Government to get the sympathy of Members of Parliament and the public. I think, Sir, that its proper title ought to have been "The Delhi and Ajmer Rent Control (Temporary Amendment) Bill". It claims to protect the interests of tenants. But I shall show a little later that it only gives them a licence which they do not enjoy at present. And this is not a protection.

Then again, Sir, what is the justification for bringing forward this Bill? The Rent Control Act was passed in 1952 after a great deal of thought had been given to its provisions both by Parliament and by the public. It has to be shown that the provisions of this Act have resulted in serious injustice either to the tenants or to the house-owners. Now it is stated in the Statement of Objects and Reasons 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 of the Delhi and Ajmer Rent Control Act, 1952." Now, Sir, the 1952 Act was devised to remedy a serious situation, and if the statement that I have just now read out is to be regarded as a sufficient justification for bringing forward this Bill, a comparison ought to be instituted between the state of things existing before the Delhi and Ajmer Rent Control Act was passed and the state of things at the present time. Merely to say that a large number of suits for the eviction of tenants is pending in the Delhi courts at the present time is not sufficient to condemn the Delhi and Ajmer Rent Control Act at all. There may have been a great deal of delay in the disposal of the cases here. We all know that the delays which are proverbial in all countries have become a special source of harassment to honest people in this coun-

try. Again, Sir, it has to be shown that suits have been filed for the eviction of tenants on unreasonable grounds. That has not been shown by Government. The suits have been filed only on the grounds mentioned in the Rent Control Act. How does Government come to the conclusion that the suits filed on these grounds are unreasonable? Now this Bill, Sir seeks to make a far-reaching change in the provisions of section 13 of the Rent Control Act. The changes are of such an important character that I think the Bill should have been sent to a Select Committee, but Sardar Swaran Singh, having a large majority behind him, and perhaps acting at the behest of that large majority, is trying to push this Bill through Parliament in a few hours.

DIWAN CHAMAN LALL : That large majority was not even aware of this.

SHRI H. N. KUNZRU : Now, Sir, the main provisions of the Rent Control Act which will be rendered inoperative for a period of two years by the Bill before us have been read out by previous speakers. But I should, nevertheless, like to draw pointed attention of the House to one or two provisions of section 13 of the Rent Control Act which the Bill before us seeks to delete at least temporarily.

Sir, the purpose of a Rent Control Act ought to be to protect the legitimate rights both of tenants and of house-owners. I thought that Shri N. V. Gadgil who gave a great deal of thought to this matter had succeeded in getting legislation passed through the Constituent Assembly which maintained a fair balance between the two interests. But Sardar Swaran Singh now tells us that gross injustice has been done to tenants because they can be evicted on certain grounds some of which I shall mention now. One of the grounds on which a tenant can be evicted under Section 13 of the Delhi and Ajmer Rent Control Act, 1952, is "that the tenant has, whether before or after the commencement of this Act, built, acquired vacant possession of, or been allotted, a suitable

residence." He may have built a house himself but he is still one of those harassed tenants to whose case Mrs. Savitry Devi Nigam referred so sympathetically. He is to continue to occupy the premises in which he is living at present and be free to let his house at a high rent, particularly if the construction was completed after the 30th June 1951 and before the expiry of the period of three years after the coming into force of the Rent Control Act. The landlord is a miserable rapacious creature who wants to evict such a tenant and the tenant is harassed and he has to throw himself on the mercy of the Government in order to secure the redress that he needs, to continue to occupy another man's house and to let out his own house at a high rent. He perhaps occupies the rented premises at a low rent. His house can fetch a better rent but he will not go and occupy one or two rooms in it. Perhaps the house that he has built is at some distance from his place of business or from the place in which he is employed. All these conveniences of his are to be fully taken into account, and his right to continue to occupy the rented premises is to be maintained. Is the existence of a large number of suits for eviction to be regarded as a ground at all for the deletion of the provision that I have just read out?

Take again another provision. This provision was read out by Diwan Chaman Lall. The landowner is entitled to apply for the eviction of the tenant on the ground "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." A businessman has a house which he lets out to one of his employees. The employee leaves his service and yet he is to continue to occupy the house which was let out to him because he was in the service of this businessman. Now, what is the justice underlying the deletion of such a provision? If the principle underlying this provision is just, it ought to apply to Govern-

[Shri H. N. Kunzru.]

ment property, but the Bill will not apply to Government property, even when that Government property is one which fetches a rent of not more than Rs. 100. It is to apply to all private property but not to Government property, and why not? If Government can ask a man who has left its service to vacate the premises that he occupies because of his being a Government servant, why should not a man who is in private employ be asked to vacate a house let out to him, because he was in the service of the firm or the businessman who owns the house in which he lives? This is a wholly one-sided measure. Nothing new has arisen. We all live in Delhi and we keep our eyes and ears open. Perhaps it will be no exaggeration to say that there is no real grievance on the score that the Delhi and Ajmer Rent Control Act of 1952 has been abused. If it has been abused, bring forward well-conceived amendments, but the amendments of the kind that I have read out are not based on justice or fairplay. If the object of this Bill is to get the votes of the tenants occupying small houses at the next general election, then it has doubtless been well-conceived for that purpose, but if its object is to do justice to the two parties concerned in this matter, then it fails completely to achieve this purpose.

I know that there are other people who want to speak on this measure and I shall not therefore take up more time of the House, but I should like to point out just one more thing. A man to whom the house is given on rent does not occupy the house at all. It remains vacant for six months before a suit is filed, and yet Government thinks—and Mrs. Savitry Devi Nigam thinks—that a very serious injustice will be done to the tenant if he is deprived of the possession of this house. Neither the tenant nor any relation of his is occupying the rented premises for six months before the filing of the suit. Yet Government thinks that it is its sacred duty to protect the interests of this harassed tenant whom the landlord has evicted.

DIWAN CHAMAN LALL : That case is non-existent.

SHRI H. N. KUNZRU : This Bill is a most unjust Bill. It ought to be withdrawn and a better-conceived Bill ought to be brought forward, but if that cannot be done, then it should certainly be sent to a Select Committee so that more thought may be given to it than has been done by Government, unless the Government with set purpose wants to pass a law which while doing injustice to a certain class of people, will enable it to get a number of votes at the next general elections.

MR. DEPUTY CHAIRMAN : Mr. Dhage, you can begin your speech at 2 o'clock. The House stands adjourned till 2 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHRI V. K. DHAGE (Bombay) : Mr. Deputy Chairman, at the outset I must say that I welcome this Bill and the object with which the Bill has been brought up. It is rather strange that in a measure like this, the Government is getting support from the Opposition and opposition from their own Benches. We can see that the object with which this Bill has been brought up is to give relief to the tenants, and to provide a measure by which the tenants may be saved from harassments. The very Statement of Objects and Reasons attached to this Bill, which has been quoted by Dr. Kunzru and also by Diwan Chaman Lall—though they quoted it to prove their own case which is not my case—makes it clear that the *apriori* consideration for which this Bill has been brought up is that the tenants are meeting with harassment at the hands of landlords. Whether that has been properly stated or not is a different question altogether and I do not quarrel with the wording of this statement of Objects and Reasons. Even Dr. Kunzru has not been able to deny that

the number of cases that are pending in the law courts does indicate the fact that tenants are not properly treated. What exactly is happening in Delhi is this. Landlords have made it a business to ask for the ejectment and eviction of tenants. They enter into transactions on a *benami* basis, when there is no reality with regard to the purchase of the houses. The house is purchased only for the purpose of effecting the ejection of the tenant and the law does not at all prevent that kind of thing. The provision in the Delhi and Ajmer Rent Control Act merely states that the requirement must be a *bona fide* one. I will read out to you, Sir, sub-section (e) of section 13 of this Act. It runs as follows :

“that the premises let for residential purposes are required *bona fide* by the landlord who is the owner of such premises for occupation as a residence for himself or his family and that he has no other suitable accommodation.”

You will see that there are commentaries on the provisions. I shall read the commentary with regard to sub-section (e) which runs like this :

“The expression ‘*bona fide*’ cannot apply to a set of circumstances, but only to the statements or intentions or actions of a human being.”

Please note that there is a ruling to this effect that what is required is not the existence of circumstances to prove whether there is *bona fide* necessity for the house or not, but all that is necessary for the court is to see that the landlord demands or asks for the building on the ground that he *bona fide* requires it for himself. Whether the demand that he requires it for himself is made *bona fide* or not is not considered. That is all that is required to be done under the law for the purpose of asking the tenant to vacate. Because of this provision, what has been happening in Delhi is that three or four people gather together and they make it a business to purchase houses and to say that it is required for their own purposes, for their own residence and they ask for

the ejectment. The ejectment takes place and within a month or two the same house is again let out and let out on a very high rent. This is exactly what is happening in Delhi and to meet this exigency the Government has had to bring up this Bill to provide relief for such tenants who are harassed by landlords.

I support the arguments that have been given by Shrimati Savitry Devi Nigam in this regard and so I will not dilate on those factors which have been narrated by her. I would, however, like to reply to some of the points which Diwan Chaman Lall raised in his speech. He referred to sub-section (i) which was also referred to by Dr. Kunzru. This reads as follow :

“(i) 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 ;”

The present Bill which has been brought up does not give a justification for the ejectment of the tenant on this ground. What we are considering in this Bill is only the circumstances under which eviction can be effected. Please remember that the Bill deals only with eviction and not with the claiming of damages by the landlord from the tenant and all that. Please also notice that the way it is stated, it would mean that if the tenant ceases to be under the service of the landlord, then *ipso facto*, the landlord must be able to effect eviction of the tenant. The object of this Bill is to prevent any kind of eviction except for the causes that have been enumerated in it. That, of course, is a human consideration. In order that the employer may be able to effect eviction of the tenant, he will ask him to get out of his service.

He will dismiss him from service and, after having dismissed him from service, he will say that he is no longer in his service and, therefore, he

[Shri V. K. Dhage.]

must be evicted. These are the things that are happening and, therefore, Government comes here to give protection to such an employee who should not suffer at the hands of his employer because he happens to be a tenant as well.

Clause (k) deals with a tenant who has, whether before or after the commencement of that Act caused or permitted to be caused substantial damage to the premises. Now, this substantial damage was one of the causes for getting the tenant evicted but it did not prevent the landlord from claiming damages in the courts for whatever damage that occurred to his property. By removing this clause, Government do not say that the landlord will not be allowed to recover damages if and when any damage is caused to his property. Government merely states that the tenant shall not be evicted on that ground but that does not mean that the landlord shall not be able to claim damages in the court of law if any damage has been caused to his property.

Similar, Sir, is the case with regard to nuisance which says that the conduct of the tenant is such that it is a nuisance or that it causes annoyance to the occupants of the neighbouring premises or other occupants of the same premises. Now, this Bill says that this shall not be a reason for claiming eviction from the tenancy of that property. It does not say that any other relief that is available to any person in the locality is barred; this does not prevent any person from claiming any other relief that is provided in law. It is open to him to take recourse to that. But the only thing is that the landlord will not be able to *evict* the tenant on this ground. Now, I come to the next point (*Time bell rings.*), I will take two minutes more, Sir.

MR. DEPUTY CHAIRMAN: There is not much time left.

SHRI V. K. DHAGE: I shall refer to only this clause. I am not in good health to speak for a longer

period. You will notice that I am rather restraining as well.

This clause refers to the landlord requiring the premises in order to carry out any building work at the instance of the Government or the Delhi Improvement Trust in pursuance of any improvement scheme or development scheme. Government have now brought forward a Bill for the purpose of the clearance of the slums; they have to meet a contingency. In the event of that Bill becoming law, there will be pulling down of several buildings which are considered to be unfit for human habitation. Now, if that thing is to happen, there is bound to be a shortage of tenancy in the city of Delhi because many buildings will have been pulled down. If there is any area which is called a slum area, Government will ask it to be pulled down irrespective of the fact whether it is required by the Improvement Trust or not. But what the Government does not want is that just because that building is to be pulled down the tenants should be evicted. That is what they want and, therefore, this measure has been brought forward for two years as Government would be faced with a shortage of tenancy for a period of two years at least. So long as there is not sufficient building activity after the slums have been pulled down this Bill will continue. And it is to give relief to the tenants that this Bill has been brought forward. As far as I have been able to understand, this has been done with a view to providing sufficient tenancy in the city of Delhi.

SHRI S. N. MAZUMDAR (West Bengal): Mr. Deputy Chairman, I agree with Dr. Kunzru that this Bill has been brought forward at this late hour in such a hurry mainly as an election measure in order to get the votes but still, I think, that because of that reason we should not lose sight of the fact that this Bill is going to be beneficial for those who are tenants. Whatever may be the intention of the Government, if any measure is beneficial to the people of the poorer sections, I am prepared to wel-

come it and for that reason, I welcome this Bill.

Now, Sir, in cases of social justice, it is not just a question of holding the balance and apportioning justice to both sides in a strict manner because, in undoing social injustices, we find that the scales were tipped heavily in favour of the vested interests and if you want to change that, you will have to encroach upon the so-called rights of the vested interests. Coming to the question of the landlords, I do not think, Sir, the landlords are in such a pitiable condition that this Bill is going to do them very much *greater damage or that it is going to hit them*. I have not much idea about the landlords in Delhi, I admit, but I have ideas about how the landlords behave in Calcutta and in other larger towns and how difficult it is for the tenants to get accommodation and, particularly in New Delhi and Delhi, the problem of housing is stupendous. Even if a man secures a job here, the first headache is how to get some accommodation somewhere. I have known of people who are prepared to work for you without any monetary remuneration if you would only give them some accommodation. This has arisen specially in the case of New Delhi because it was constructed originally for people who owned cars, people who are big. When I first came to New Delhi, I noticed on the footpaths posters saying, "For cyclists only" and I enquired as to what was the portion meant for the pedestrians. Then, a friend of mine jokingly said that the pedestrians were to be treated as trespassers in New Delhi. That is the position to some extent even today. So, when there is so much of shortage of accommodation, we must find out means to see that people who are living in some places are not thrown at the mercy of the landlords. Now, as the time that you have given is short, I am not in a position to deal with all these facts in detail, but I have to mention this fact that even here it has been said that the tenant can be evicted if the owner requires the building for his *bona fide* use. but we know, Sir, how, in the name of *bona fide*

use, landlords take advantage of all legal flaws and take recourse to various manoeuvres to get the tenant evicted and then use the building for non-*bona fide* purposes. That is why, Sir, if this amount of protection is given to the poor tenants even at this late hour, I think it will help them to a great extent and, as Mr. Dhage has pointed out, at least for two years, the tenants will be assured of some accommodation. The housing problem is really a very big problem and Government have to go in for house-building on a large scale but that is a big question and in this short space of time I cannot go into it but there is one thing that I must mention. Sub-letting the premises will be one of the grounds on which a tenant could be evicted but in places like Delhi and New Delhi, it should be borne in mind as to how and in what circumstances sub-letting sometimes happens. A man is able to get two rooms and then comes one of his close relatives or friends and tells him, "If you do not give me some accommodation, I will have to live under the trees or in a hovel. So, give me some shelter" Without any monetary motive, people are at times forced by circumstances to share their accommodation. Even though they are poor people, they do like to have some space in their living quarters but they are forced by circumstances to give some accommodation to some others. These things also should be seen properly so that under this head the tenants are not made to suffer any injustice.

MR. DEPUTY CHAIRMAN : Sardar Swaran Singh.

SHRI ONKAR NATH (Delhi) : I am here, Sir. I have not spoken.

SARDAR SWARAN SINGH : I think he has already spoken.

SHRI ONKAR NATH : I spoke only on the Motion to refer the Bill to a Select Committee but not on my other amendments or the merits of the Bill.

MR. DEPUTY CHAIRMAN : You cannot speak another time now. When we come to the amendments, you can speak. The Minister will reply now

SARDAR SWARAN SINGH: Mr. Deputy Chairman, this small measure which I thought would not take much time, has been debated upon with a certain amount of interest and enthusiasm. Criticism has been two-fold; one set of hon. Members who have participated in the debate have put forward the thesis that this is much too drastic a measure and that it cuts at the root of the rights of the landlords in regard to the eviction of tenants which they have been enjoying under the provisions of section 13 of the Rent Control Act. Very lengthy and elaborate arguments were advanced, some of them legalistic, and a case has been sought to be built on the ground that great hardship is likely to accrue to the landlords if this temporary relief is granted as contemplated by the amending Bill. Then, Sir, there has been another set of speakers some belonging to the Benches opposite and some to this side of the House who have supported the measure so far as it goes but have further taken the line that it does not go far enough and that it should be made even more stringent. If I may respectfully say, that is some justification for the present measure in the form in which it has been brought forward. These violent reactions one way or the other do indicate that there can be a violent difference of opinion and difference in approach when dealing with a problem of this nature and from the very nature of circumstances a certain amount of balanced approach has to be brought about so that the hardship to which the tenants may be exposed may be minimised and at the same time the genuinely difficult cases of landlords may not be covered by this temporary protection. An effort has been made to strike a mean of that nature when this Bill was drafted and brought forward before this hon. House.

The argument that has been put forward by the set of hon. Members whom I may, for convenience's sake without insinuating anything, described as pro-landlord, group has been that under sub-sections of section 13 (1) of the parent Act—the Delhi and

Ajmer Rent Control Act, 1952—after obtaining the decree, the landlord will not be entitled to execute it or if he brings forward a suit he will not succeed, and that would lead to a great deal of hardship to the landlord. All types of arguments, of justice and what not, have been advanced in support of that view. Various clauses have been examined at considerable length by two very experienced parliamentarians, Diwan Chaman Lall and Dr. Hirdaynath Kunzru. They have posed a question and asked for justification of this temporary relief with regard to the cases which are covered by those clauses. The basic fact which is to be remembered while examining a provision of this nature is the practical human side, along with the purely legal side. After all, it is not the Government's case at the moment that a case has come for doing away with the various clauses. A case, however, does exist for affording some relief, but what form that relief should take is a much bigger issue which was intended to be thrashed out after a careful enquiry and investigation of all the relevant facts. I said at the outset that it was the Government's intention to go into this question carefully and the intention is to appoint a committee upon which the various interests may be represented and in that we also hoped to be benefited by the advice of hon. Members of Parliament and it will be for that Committee to examine the various aspects and suggest as to what revision this way or that way, towards the right or towards the left, is called for and pending that investigation there should be some relief to the people who are on the point of being thrown on the roadside. It could have been argued that the relief should have been a complete relief and, as has been suggested by some of the hon. Members, that this temporary relief could cover all the clauses. Well, there may be some force in that but it is a question of balancing the inconvenience caused to one group as compared to the other and in the judgment of Government it was considered that if this selection is made and those cases are only

brought within the purview of the present amending Bill whereby the landlord is not put to any real hardship, then it will be a case really for giving relief to the tenant.

Now, if these clauses are examined, they will be grouped broadly under one or two categories. The position in Delhi as it obtains today is that the price of land has increased considerably. My hon. friend who sits on semi-Opposition Benches, Mr. Kishen Chand, made out a case of imaginary hardship for the residents of Delhi. He said lakhs and lakhs of refugees have come down here and they have caused a lot of inconvenience and hardship to the old residents of Delhi. Well, some hardship may have been caused but he conveniently forgets that it is the Delhiwalla who is the owner of small buildings and plots of land and whose land and property have suddenly increased enormously in value on account of this influx of refugees. Plots of land which formerly used to be sold at fairly low prices where no houses would be built suddenly went up in value on account of these refugees against whom my friend, Mr. Kishen Chand, was complaining. That, Sir, has created a problem. The owner of that small plot of land whose value formerly was not very great, suddenly, on account of this rise in its price feels, according to that computation of value in imaginary figures—he forgets his own investment—that this huge unearned increment that has accrued to his property entitles him to a very substantial increase in rent. It is for this reason that for one reason or the other he either permits the creation of circumstances in which a case for ejectment is made out or sometimes he actively creates conditions under which circumstances are created which might attract the applicability of one or other of these clauses so that under this pretext he can get a decree for ejectment. Therefore I expected Mr. Kishen Chand really to have noticed with a certain amount of pleasure this sudden increase in the value of property if he had in mind only the case of the property owners from Delhi.

Then my friend, Diwan Chaman Lall, argued very forcefully and very ably and wanted to enquire from me the basis for certain clauses which he read out. I do not propose to go into each individual clause but the basic scheme is quite obvious. There are owners of property which is in a condition that does not fetch enough rentals and then such people have got enough money to spend—or they can raise finances—and under one or other of these clauses, they evict the tenants on the plea that they intend to rebuild that property. It is conveniently forgotten that this seemingly laudable objective of evicting a tenant for the purpose of rebuilding is used. I am sorry to say, for the purpose of extracting exorbitant rents from the prospective lessees of those buildings which are to be put on that land from which a tenant is evicted by the landlord on this plea of rebuilding. I am glad he hinted that some method could easily be found of finding alternative accommodation for evictees. But I put it to him and to others of his way of thinking as to how many landlords in this blessed city of Delhi have ever cared to find alternative accommodation for any of the evictees against whom they have got such decrees. I am still to know of a single case in which the landlord was magnanimous enough to think of finding alternative accommodation for the people against whom he might have obtained decrees of eviction and whom he might have evicted. The problem, therefore, has to be viewed in this perspective. Are we going to be a party to this more or less exercise of pressure tactics under which the landlords, on this plea of rebuilding, oust the poor people who were paying rents of the order of say Rs. 5, Rs. 10 or Rs. 15, put up buildings there and put up flats, and then charge Rs. 500, Rs. 400, Rs. 300 and the like?

DIWAN CHAMAN LALL: I do not want to interrupt my hon. friend, but what answer has he got to sub-clause (f), which is that the premises have become unsafe or unfit for human habitation and are *bona fide* required—remember the expression *bona fide* required—by the landlord

[Diwan Chaman Lall.]
for carrying out repairs which cannot be carried out without the premises being vacated ?

SARDAR SWARAN SINGH : If the hon. Member had been a little patient, I would certainly have covered this clause also.

DIWAN CHAMAN LALL : I interrupted my hon. friend because he said he was not going to deal with the clauses.

SARDAR SWARAN SINGH : I said at the very beginning that this measure has to be taken in conjunction with the other provisions of the Slum Areas (Improvement and Clearance) Bill which was approved by this hon. House yesterday. And I tried to explain that the very functioning of slum clearance authority will entail a certain amount of time-lag between tackling the various slum areas. Certain areas which are declared as slum areas will come within the purview and operation of the Slum Areas (Improvement and Clearance) Bill. There is a special code there for regulating evictions and the like. This Bill does not deal with that. The House yesterday approved a certain rate of compensation. That rate of compensation may perhaps come as a sort of rule shock to some of the vested interests. There is a very grave risk that in those areas where the Slum Clearance Act does not apply, recourse is had to the provisions of the normal Rent Control Act and there is a great risk and danger of poor people being evicted from those areas on the ground that the Slum Clearance Act is not applicable. The normal provisions of the Rent Control Act should apply and, therefore, evictions should be permitted. They can also sell under very laudable colours and can put out to the court or to the people at large that they are doing this with the object of removing a building which is very dangerous and that it is required for the *bona fide* purpose of reconstruction. If the building is so dangerous that no one need live there, I am sure the person who lives there is more aware of the danger than that distant

landlord who purports to act for the safety of the person whom he wants to protect. I am sure that the landlord cannot be a better judge of the safety of the individual than the tenant himself. Therefore, so far as this particular clause is concerned, I do not see as to what particular hardship will be caused if the eviction is stayed pending examination of this question as to whether it could be covered by the provisions of the Slum Clearance Act. If not, then so far as the mere prospect of or the project of rebuilding is concerned. . .

DIWAN CHAMAN LALL : I am sorry to interrupt my hon. friend, but is it his plea that the provisions of the Slum Clearance Act which we dealt with yesterday can apply to all *bona fide* premises—which is not a slum area, or to slum premises ?

SARDAR SWARAN SINGH : Certainly not.

DIWAN CHAMAN LALL : Then, how does that argument apply here ?

SARDAR SWARAN SINGH : The point is quite obvious and if the hon. Member does not see it, it is not my fault.

DIWAN CHAMAN LALL : No. I want my hon. friend to show it to me.

SARDAR SWARAN SINGH : The point is so obvious. Either an area is a slum area or it is not—and slum area becomes a slum area subject to the provisions of that Act if it is declared as such. Before this declaration as such, the slum authority cannot deal with all the areas at once, but there may be other areas.

DIWAN CHAMAN LALL : Sir. . .

SARDAR SWARAN SINGH : I think I have given way sufficiently on many occasions.

DIWAN CHAMAN LALL : I do hope my hon. friend will give way on this particular occasion. I am really wanting to clear the atmosphere of any doubts that there may be in regard to the statement made by my hon. friend. If it is a slum

area, the argument my hon. friend advanced was that this sub-section (f) is covered by the Bill that we passed yesterday. But if it is not a slum area, obviously the law cannot apply there. The argument that he is advancing does not apply to (f). I would like him to make that position clear. How does he apply it to an area which is not a slum area and how does he get over the difficulty which I have in regard to sub-clause (f) ?

SARDAR SWARAN SINGH: I am sure my hon. friend would not have insisted and persisted in this intervention if he had taken the precaution of being present yesterday when the Slum Areas (Improvement and Clearance) Bill was being discussed here. In that a slum area merely by definition, does not become a slum to attract the provisions relating to the eviction. The eviction and treatment of the slum will flow from a certain notification that will issue declaring a particular area as a slum area. Now, the competent authority under that Act will not go on issuing notifications unless they have got concrete schemes to deal with those problems and to deal with those matters. Therefore, an area may have conditions which are very bad from the point of view of the residents which may prevail in a particular area. But that has to wait in the queue and has to give place to another area which is still worse. I know of a certain very responsible person who said that the major part of old Delhi may perhaps be described as slum area. That depends upon the particular standard that one applies. And with regard to the definition, I know of many people. I know, for instance, my hon. friend, Diwan Chaman Lall himself, who on the floor of this House, once argued very vehemently that the M.P.'s flat in which he is living is worse than a slum. That, therefore, is a question really of comparative assessment of the comfort in relation to the individual concerned. Therefore, an area may be a slum area, but its condition is still such that, within the limited resources that

we have got to tackle the slum areas, its turn to be tackled has not yet arrived and it has really to wait when more unfortunate cases are being tackled. Therefore, the tenant who is occupying that semi-dilapidated house also does require protection, because a rich landlord can say that this place either is not good enough or does not fit in with the skyline, or he may have strange notions of the beauty and the like of that place, and therefore on that pretext he may say : "I want the poor man to be out ; let him fend for himself ; I want to put up a multi-storeyed building here, and I want to charge rent accordingly". I want to protect that tenant during this temporary period so that some sort of rehousing scheme either in the public sector or in the private sector could in the mean time be thought of or, as I stated at the very beginning, this problem could be examined in some greater detail and a final solution could be found which could give justice to both the parties concerned. I am not against either the tenant or the landlord. I want to be fair and just to both. But I do feel that these people who are victims of social injustice cannot really be thrown on the roadside and left to fend for themselves merely on the ground that some body's property, by the influx of refugees, has suddenly increased in value so that he cannot then reconcile himself to the idea of charging a rent which he was charging for fifteen years, and that therefore he calculates that all these increments should be added to his investment and he should earn some percentage on that investment. I submit, Sir, that that is not a very fair basis of looking at the problem, and we cannot permit him to circumvent the real spirit underlying this Act by having recourse to eviction proceedings. It is in cases of this nature that this temporary protection is sought to be given.

The categories which have been kept outside the purview of this temporary protective measure are cases where it is felt that the landlord will be faced with real difficulty, and in our desire not to cause any hardship

[Sardar Swaran Singh.] particularly to the smaller holder we have provided that he can continue his eviction proceedings for three or four reasons, viz., for non-payment of rent, or when it is required for his *bona fide* personal use, or where the tenant has sublet the premises. So far as the other clauses are concerned, they are generally for the purpose of rebuilding and the like. Every clause will not be covered by this broad description, but it is in cases of the nature where the landlord has some sort of a profit motive that we have given protection to the tenant, and that also for a temporary period of two years.

There is one other important restriction, Sir, which has not been noticed by my pro-landlord friends, and that is the restriction with regard to the payment of rent. Only those tenants who pay rent up to Rs. 100 per month have been given protection under this measure. While the hearts of these very learned and experienced parliamentarians melt so much for that landlord against whom they feel that great injustice is being done, they do not give any answer as to what is going to happen to that poor wretch who is going to be thrown on the roadside merely because the landlord wants to put up huge cement concrete and brick buildings.

SHRI H. N. KUNZRU: What about the wretch who has got a house of his own but who lives in rented premises?

SARDAR SWARAN SINGH: He can certainly get a decree for *bona fide* personal use. That is provided, and I am not stating it—it is surprising that a person of the thoroughness of Dr. Kunzru should raise an objection of that nature.

SHRI H. N. KUNZRU: It is an afterthought.

SARDAR SWARAN SINGH: Which is an afterthought? My previous remark or my reference to the hon. Member?

SHRI H. N. KUNZRU: The hon. Member was saying something. He suddenly changed his track and put forward an excuse.

SARDAR SWARAN SINGH: I cannot go on beating the same track. I cannot repeat. That cannot be a point against me. What I was saying was what would happen to this wretch, which suddenly provoked my generally seasoned friend and a generally calm friend to ask what would happen to the person who had a house of his own but who lived in a rented house and wanted to evict the tenant. I have already protected him. Only I think he is very much obsessed by certain observations which fell from the lips of the hon. lady Member here who in her enthusiasm wanted to tighten it more, and that let loose the wrath of this pro-landlord group. Therefore, Sir, I submit that so far as a balanced approach to this problem is concerned...

SHRI BHUPESH GUPTA (West Bengal): May I have an idea as to which is the pro-landlord group?

SARDAR SWARAN SINGH: I wish Mr. Gupta had come here earlier. They are evenly divided in the two Benches, both the Opposition and the Treasury Benches. I was saying that we have tried to follow an even course and have struck a balance between two competing hardships by imposing such restrictions as that it shall be applicable only to rents up to Rs. 100, that the protection will be applicable for a period of two years, that in cases of genuine hardship where the owner requires it for his own personal *bona fide* use eviction is possible, that eviction is possible in cases where the tenant sublets.

Therefore, I submit, Sir, that the Bill as introduced may be considered.

MR. DEPUTY CHAIRMAN: I will put the amendment to vote first.

SHRI ONKAR NATH: Sir, I beg leave to withdraw the amendment.

*The amendment was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN : The question is :

"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."

The motion was adopted.

MR. DEPUTY CHAIRMAN : We will now take up clause by clause consideration of the Bill.

Clause 2—Definitions

SARDAR SWARAN SINGH : Sir, I beg to move :

1. "That at page 2, line 5, for the brackets and letter '(b)' the brackets and letter '(a)' be substituted."

MR. DEPUTY CHAIRMAN : The question is :

1. "That at page 2, line 5, for the brackets and letter '(b)' the brackets and letter '(a)' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 2, as amended, standpart of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 4—Temporary protection to certain classes of tenants from eviction

MR. DEPUTY CHAIRMAN : There are three amendments. Members may move their amendments. But there will be no speeches. We have already exceeded our time limit.

SHRIMATI SAVITRY DEVI NIGAM : Sir, we have to make our observations.

MR. DEPUTY CHAIRMAN : Just one or two sentences then.

SHRI ONKAR NATH : Sir, I beg to move :

2. "That at page 2, line 24, for the brackets, word and letters '(b)' (c) and (e)' the brackets, word and letters '(i) and (1)' be substituted."

SHRIMATI SAVITRY DEVI NIGAM : Sir, I beg to move :

3. "That at page 2, line 24, for the brackets, word and letters '(c) and (e)' the brackets, word and letter 'and (c)' be substituted."

SHRI V. K. DHAGE : Sir, I beg to move :

4. "That at page 2, after line 37, the following be inserted, namely:—

'Explanation II—It shall not be a *bona fide* requirement of the landlords for his or his family's residence, if he has not been an owner of the premises for at least twelve months previously'."

MR. DEPUTY CHAIRMAN : The clause and the amendments are before the House.

श्री ओंकार नाथ : उपसभापति महोदय, चूंकि मुझे पूरी तरह से बोलने का मौका फस्ट रीडिंग में नहीं मिला इसलिये मैं यह चाहूंगा कि मेरे इस अमेन्डमेंट के बारे में जो खास खास बातें हैं उनको मैं आपके और सरदार जी के सामने रख सकूँ।

मेरे शहर के २० लाख लोगों को और किरायेदारों को इस तरह के कानून की बड़ी देर से जहरत थी। जो किरायेदार हैं वे काफी परेशान हैं। लैंडलार्ड्स की तरफ से जो यहां पर यह कहा गया है कि लैंडलार्ड्स को किरायेदार परेशान करते हैं और किरायेदारों की ज्यादाती है तो मुझे यह सुन कर और देख कर बड़ा अफसोस हुआ कि आज भी कुछ लोग इस बात को सपोर्ट करते हैं और कहते हैं कि किरायेदारों के साथ ज्यादाती नहीं हो रही है, ज्यादाती किरायेदारों की है। हम लोग जोकि दिल्ली के रहने वाले हैं वे जानते हैं कि किरायेदारों के ऊपर क्या क्या ज्यादातियां हो रही हैं। जो १२ वज्रहात रेंड

* For text of amendment, *vide* cols. 3021-22 of Debate dated 18th December 1956.

[श्री ओंकार नाथ]

कंट्रोल एक्ट में मकान को खाली कराने के लिये दी हुई है उनकी बिना पर किसी न किसी बहाने से लैंडलार्ड्स अदालत में अर्जी दे कर मकान को खाली करा लेते हैं। जो कहते हैं कि किरायेदारों की ज्यादाती है उनसे मैं एक छोटी सी बात दरियाफत करना चाहता हूँ। इक्विशन के आज हजारों केसेज दिल्ली की अदालतों में पड़े हुए हैं, इनमें से पांच प्रतिशत भी आप ऐसे बता दीजिये जो किरायेदार की तरफ से आए हैं। जो १२ वज्रहात हैं उनकी बिना पर सभी केसेज लैंडलार्ड्स ही लाये हैं। इस वक्त यह जो बिल लाया गया है यह कोई परमैन्ट मेजर नहीं है रेंट कंट्रोल का, बल्कि गरीबों को सिर्फ दो साल के लिये प्रोटेक्शन दिया हुआ है। यह मैंने जो अमैन्डमेंट दिया है उसका मकसद यह है कि इन १२ वज्रहात में से ७ को तो रोका गया है केवल दो साल के लिये, लेकिन बाकी ५ वज्रहात ऐसी हैं जिनकी वजह से लैंडलार्ड कभी भी मकान खाली करा सकते हैं। इन पांच वज्रहात में एक वजह यह है कि अगर किरायेदार किराया न दे। बदकिस्मती से हमारे यहां किरायेदार की लानत अभी मौजूद है, हमको तो यह किरायेदार का लफ्ज एक हिस्ट्री का लफ्ज बना देना चाहिये। यह समाजवादी ध्येय के प्रतिकूल है खैर, मैं चाहता हूँ कि कानून फिलहाल यह प्रोटेक्शन जरूर दे कि जिससे किराया लैंडलार्ड्स को मिल जाय, उससे ज्यादा प्रोटेक्शन नहीं मिलना चाहिये। दूसरी वजह दी हुई है अगर किरायेदार "मिसयूज" करे। मैं सरदार स्वर्ण सिंह साहब से अर्ज करूंगा कि अगर ऐसे केसेज की लिस्ट बनाई जाय कि इक्विशन की वज्रहात क्या है तो सबसे बड़ी वजह यह मिलेगी कि अगर किसी ने आट की दुकान खोली और वह नहीं चली और उसने दूसरी चीजों की दुकान खोल ली या किसी का कपड़े का काम नहीं चला और उसने दूसरा रोजगार शुरू किया तो लैंडलार्ड कहते हैं कि साहब, यह मिसयूज हो गया। तो मैं यह चाहता हूँ यह चीज न रहे।

(समय की घंटी)

MR. DEPUTY CHAIRMAN: No, no. That will do. There is no time. We have exceeded the time-limit by 35 minutes.

Shrimati Savitry Devi Nigam.

SHRI ONKAR NATH: Just one minute.

MR. DEPUTY CHAIRMAN: No, no. No further speech. Shrimati Savitry Devi Nigam.

श्री ओंकार नाथ : मेरे अमैन्डमेंट में पांच हिस्से हैं—उनको मैंने खत्म नहीं किया। अभी चार वज्रहात मुझे और बतानी है.....

MR. DEPUTY CHAIRMAN: That will do. Shrimati Savitry Nigam.

श्रीमती सावित्री निगम : उपाध्यक्ष महोदय, मैं पहले ही कह चुकी हूँ कि इस विधेयक को लाने के लिये मैं और सारी दिल्ली के किरायेदार सरकार को बहुत मुबारकबाद दे रहे हैं। दो साल की रात दिन कोशिश और परिश्रम के बाद यह विधेयक लाया गया है। लेकिन, श्रीमन्, मैं सोचती हूँ कि मैंने जो अमैन्डमेंट दिया है अगर वह मंजूर न किया गया तो इस विधेयक को लाने का उद्देश्य पूरा नहीं हो सकेगा।

श्रीमन्, यहां पर जैसे जैसे आर्ग्युमेंट्स दिये गये हैं और जैसी स्पीचेज हुई हैं, उनको सुन कर आप भी और सभी लोग कंविस्ड हो गये होंगे कि अधिकार, लिप्सा और सत्ता का मद तथा भिलिक्यत का नशा इंसान को इंसानियत से गिरा देता है और इस नशे में उनके सामने जस्टिस की परिभाषा बदल जाती है। इसीलिये आज यहां इस तरह की दलील दी गई कि सारे किरायेदार अनफिट होते हैं। आज हजारों आदमी इवेक्युट होकर सड़कों पर पड़े हैं और सदियों के दिनों में भी बेचारों के पास सिर छुपाने को जगह नहीं है और यदि, श्रीमन्, उन लोगों को जिन्होंने कहा है कि इस बिल को लाने की अर्जेंसी क्या है, सड़क पर रोज रात भर के लिये छोड़ दिया जाय तब उनको पता लग जाय कि इस बिल को लाने की अर्जेंसी क्या थी। जैसी दलील किशन चंद जी ने दी कि सारे किरायेदार अनफिट होते हैं वैसी ही दलीले ब्रिटिश गवर्नमेंट दिया करती थी कि हिन्दुस्तान के लोग यहां का राज्य संभालने के लिये अनफिट हैं और उसी तरह की हेट्रेड जमीदार लोग दिखाया करते थे कि कहीं उनकी जमींदारी एबालिश न कर दी जाय।

MR. DEPUTY CHAIRMAN: You need not reply to all that has been said by the other Members. You speak on your amendment.

श्रीमती सावित्री निगम : इसलिये, श्रीमन्, मैं मा० स्वर्ण सिंह जी से प्रार्थना करूंगी कि वे यह न सोचें कि मैंने इंग्लिश एज्म में आकर या किसी और बिना पर, बगैर सोचे हुए यह बात कही है बल्कि सत्य और यथार्थ के आधार यह बात कही है कि यदि जितने इविकशन्स हुए हैं उनकी हिस्ट्री में जाने की वे कोशिश करें तो वे देखेंगे कि किस किस प्रकार के बहाने बना कर, मामूली से मामूली वजह दिखा कर, मकान मालिक अपनी यह बोनाफाइडी साबित करते हैं कि उनको मकान के खद कब्जे की जरूरत है। श्रीमन्, जैसा कि अभी कुछ स्पीचज से प्रकट हुआ उससे आप डेमॉन्स्ट्रेट कर सकते हैं कि मुमकिन है उन लोगों के भी कोई सेल्फ इंटरस्ट हों हैं लेकिन जिनका इसमें बिलकुल सेल्फ इंटरस्ट है वे तो अपने किरायेदारों को, जो कि उनके चंगुल में फंसे हुए हैं, और भी टार्चर करने हैं। इसलिये मेरी प्रार्थना है कि मेरे सारे अमेंटमेंट स्वीकार कर लेने चाहियें।

एक स्पीकर महोदय ने अभी कहा था कि स्त्रियों का दिल नर्म होता है। लेकिन मैं कहूंगी कि अमीरों का दिल पत्थर और लोहे का होता है, वे दीन और दुखियों की फरियाद नहीं सुन सकते। स्त्रियों का दिल नर्म नहीं होता बल्कि वे ह्यूमैनिटेरियन पौइंट आफ व्यू से हर चीज को देखती हैं। धन्यवाद।

SHRI V. K. DHAGE : Sir, I had explained in my speech before, that the provision of the word '*bona fide*' does not refer to any kind of a circumstance existing, but it only refers to a statement made by the landlord. Therefore, in the amendment that I have given notice of, I merely wish to provide the circumstance which will make the thing *bona fide* and that is why I think that he should be an owner of the House at least for 12 months before he asks for ejection.

SARDAR SWARAN SINGH : Sir, I oppose all these amendments because I feel that out of the 12 clauses under which eviction can be ordered. I have already given protection under eight and I do not want to increase that number and these things, I think, are sufficiently covered. I do not want to repeat the argument.

*Amendment No. 2 was, by leave, withdrawn.

*Amendment No. 3 was, by leave withdrawn.

MR. DEPUTY CHAIRMAN : The Question is :

4. "That at page 2, after line 37, the following be inserted, namely :—

'Explanation II.—It shall not be a bona fide requirement of the landlord for his or his family's residence, if he has not been an owner of the premises for at least twelve months previously'."

The motion was negatived.

MR. DEPUTY CHAIRMAN : The Question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

New Clause 4A

SHRI V. K. DHAGE : Sir, I move :

5. "That at page 2, after line 37, the following new, clause 4A be inserted, namely :—

4A. For the purposes of this Act, in section 14 of the Rent Control Act, for the words 'eight months', the words 'twenty-four months' shall be deemed to have been substituted'."

MR. DEPUTY CHAIRMAN : The Proposed new clause 4A is before the House.

SHRI V. K. DHAGE : Sir, I will take only one minute in regard to this. What has happened is this. The present practice is to obtain large amounts of *pugree* before tenancy is given and the period of eight months is not quite enough to give any kind of protection to the tenants because, soon after the period of 8 months is over, again a suit can be filed and

* For texts of amendments, vide col. 3122 *infra*.

[Shri V. K. Dhage.]
the tenant can be evicted. I, therefore, wish that this difficulty should not be faced by the tenant and I want that the taking of the *pugree* by the landlord should be curtailed as far as possible. Therefore, I have suggested that it should be 24 months instead of 8 months.

SARDAR SWARAN SINGH : Sir, I oppose this amendment because the period of 8 months is quite sufficient.

MR. DEPUTY CHAIRMAN : The question is :

5. "That at page 2, after line 37, the following new clause 4A be inserted, namely :—

'4A. For the purposes of this Act, in section 14 of the Rent Control Act, for the words 'eight months', the words 'twenty-four months' shall be deemed to have been substituted'."

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

SARDAR SWARAN SINGH : Sir, I move :

"That the Bill, as amended, be passed."

MR. DEPUTY CHAIRMAN : Motion moved :

"That the Bill, as amended, be passed."

DIWAN CHAMAN LALL : May I point out. . .

MR. DEPUTY CHAIRMAN : There is no time. We have exceeded the time by 45 minutes.

DIWAN CHAMAN LALL : I will not take more than one minute.

MR. DEPUTY CHAIRMAN : If I allow you, I will have to allow Shri Bhupesh Gupta also.

DIWAN CHAMAN LALL : I do hope that you will. . .

MR. DEPUTY CHAIRMAN : I will put the question

SHRI BHUPESH GUPTA : We want to make some observations.

MR. DEPUTY CHAIRMAN : There is no time. I am sorry. We have exceeded the time-limit by 45 minutes.

SHRI BHUPESH GUPTA : Sir, it is a question between the hon. Member and myself. I yield to him. Why should you cut out that time ?

DIWAN CHAMAN LALL : May I rise on a matter of personal explanation ? My hon. friend, the Minister, perhaps unconsciously, and my hon. friend on this side, in her enthusiasm, made certain charges about "my poor landlord friends", apparently referring to me, the person who raised the objection, and to my friend on my right. Let me tell him and tell this House that neither he nor I have any personal interest in any property at present in Delhi. The question does not arise.

SHRI H. N. KUNZRU : He knows that very well.

DIWAN CHAMAN LALL : The question does not arise. What arises is this that we do not want him to make. . . .

MR. DEPUTY CHAIRMAN : He classified the opposition into two categories.

DIWAN CHAMAN LALL : Whatever he did, I want him to realise also that his heart suddenly started bleeding for the poor tenants of Delhi so much that I almost took out my handkerchief to wipe away his tears. In fact, it bled because of the pressure of the Delhiwallas. But may I say

this that our own sole objection has been on the basis that this is a bad law? You have no business to come here with a bad law and ask this House by the force of your authority to pass it.

3 P.M.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MESSAGES FROM LOK SABHA

I. THE APPROPRIATION (No. 5) BILL, 1956

II. THE APPROPRIATION (RAILWAY) No. 6 BILL, 1956

III. THE APPROPRIATION (RAILWAYS, No. 7 BILL, 1956

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

I

"In accordance with the provisions of Rule 133 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation (No. 5) Bill, 1956, as passed by Lok Sabha at its sitting held on the 19th December, 1956.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

II

"In accordance with the provisions of Rule 133 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation (Railways) No. 6 Bill 1956, as passed by Lok Sabha at its sitting held on the 19th December, 1956.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

III

"In accordance with the provisions of Rule 133 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation (Railways) No. 7 Bill, 1956, as passed by Lok Sabha at its sitting held on the 19th December, 1956.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

I lay the Bills on the Table.

ANNOUNCEMENT *RE* BUSINESS FOR THURSDAY, THE 20TH DECEMBER

MR. DEPUTY CHAIRMAN: I have to make an announcement. I have to inform hon. Members that the following Bills will be taken up in the Rajya Sabha tomorrow after the disposal of any item of business which may be left over from today's list:

The Appropriation (No. 5) Bill, 1956.

The Appropriation (Railways) No. 6 Bill, 1956.

The Appropriation (Railways) No. 7 Bill, 1956.

The Representation of the People (Miscellaneous Provisions) Bill, 1956.

THE EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) BILL, 1956

THE MINISTER FOR LABOUR (SHRI KHANDUBHAI DESAI): Sir, I move:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, as passed by the Lok Sabha, be taken into consideration."