

*The motion was adopted*

*The Preamble, as amended, was added to the Bill*

*Title was added to the Bill.*

SHRI Z.R. ANSARI: I beg to move.

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

MR. DEPUTY SPEAKER: The question is:

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

*The motion was adopted*

13.10 hrs

### DELHI RENT CONTROL (AMENDMENT) BILL

[English]

MR. DEPUTY SPEAKER: Now the Minister, Shrimati Mohsina Kidwai.

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): I beg to move:

"That the Bill further to amend the Delhi Rent Control Act, 1956, as passed by Rajya Sabha, be taken into consideration.

Sir: You and the hon Members are aware that there have been demands from different quarters for amending the Delhi Rent Control Act. The proposals received have, however, been often one-sided—i.e. only in favour of the landlords or only to espouse the cause of tenants. The Government has, however, to take a balanced view which while being essentially supportive of the interests of the weaker sections of the society, does not inhibit development of housing for rental purposes and does not cause undue and extreme hardship.

With these particular considerations in

view, the Government has formulated the present Delhi Rent Control (Amendment) Bill, 1988, which was introduced by me in the last Session of the Rajya Sabha on the 13th of May, 1988. The Bill was considered and passed in the Rajya Sabha on the 30th August, 1988 with amendments since incorporated in the Bill now placed before this House.

The principal objectives and reasons for the amendment of the Delhi Rent Control Act, 1958, have been set out in the Statement of Objects and Reasons appended to the Bill; and therefore, they do not bear any repetition. However, to put these briefly, I may say that this Amendment Bill has three principal objectives.

The first objective is to rationalise the provisions of the existing Rent Control Law by bringing about a balance between the interests of landlords and tenants. With this end in view, and having regard to the general rise in the level of interest rates, the standard rent which was fixed at 7.5% to 8.25% of the cost of construction of the premises and the market price of land comprised in the premises on the date of commencement of the construction, is now proposed to be calculated on the basis of 10% of such cost of construction and the price of land. For offsetting the effect of inflation and rise in the cost of repairs and maintenance, provision has been made for the revision of standard rent to the extent of 10% every three years.

On their retirement, death etc. the members of Armed Forces, para-military forces, and the Delhi Police would be able to get one house belonging to them vacated from their tenants for self-occupation. Similar dispensation is also provided for widows.

Premises which have been let out for residential as well as non-residential purposes at a monthly rent exceeding Rs. 3,500 are being exempted from the purview of the Rent Control law; and consequently, the relatively affluent tenants of such premises will not be entitled to protection and benefits extended under the said law. On the other

hand, a tenant will have the right of reoccupation or compensation even in cases of limited period of tenancy, if the landlord re-rents the premises within a period of three years of his eviction. The penalty for re-letting or transfer by the landlord after getting vacant possession of the rented premises for his use is also being enhanced. Tenants are proposed to be given the facility of remitting the monthly rent to the landlord by postal money order and institutions set up by the private trusts are being debarred from evicting their tenants.

The second objective of this Bill is to give a boost to house-building activity and to promote maintenance of the existing housing stock in a reasonable state of repair. This is sought to be achieved mainly by exempting from the purview of the Rent Control Law newly-constructed premises for a period of ten years from the date of completion of such construction, and providing for periodical revision and updating of standard rent to compensate for inflation, etc.

Finally, the Bill also seeks to reduce litigation between landlord and tenants and ensure expeditious settlement of disputes between them. With this end in view, it is proposed to provide that only one appeal, as against two at present, from the decision of the Rent Controller, will be permissible. Moreover, the appeal can be only on the question of law and not on question of fact.

I hope the proposed amendments to the Delhi Rent Control Act, 1958, as embodied in this Bill, formulated with the objectives which I have elucidated, will get the support of this august House.

Sir, I commend the Bill for the consideration of the House.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Delhi Rent Control Act, 1956, as passed by Rajya Sabha, be taken into consideration."

[Translation]

SHRI JAI PRAKASH AGARWAL (Chandni Chowk): Mr. Deputy Speaker, Sir, I rise to support this Bill. But at the same time, I want to draw the attention of the Hon. Minister to the points which are not stated clearly in the Bill and which can be misinterpreted. This will affect the person whose house is about to be vacated.

First thing stated in this Bill is about the limit of the rent. It is stated that only those properties whose ratable value is below Rs. 3500 will come under the purview of this Bill. This implies that this Act and the provisions made thereunder for vacation and rent increase will apply to those properties whose rent is below Rs. 3500. People paying less than Rs 3500 as rent will be included therein. It means that even those who pay Rs. 300, Rs. 100, or Rs. 20 as rent will be covered. If you make this Bill applicable to those poor people also who live in congested and dilapidated, houses it can be used as a tool to evict them from there or to pay higher rent. But you have not made any provision for the repair of the house. It is my submission that those people who pay rent below Rs. 500, whom we call poor people, should be kept beyond the purview of this Bill. I am saying this because the Rent controller will pass orders for the vacation of the house or will order a 10 per cent increase in the rent after this Bill is passed. If the case is taken to the court, no body will be able to do anything for 20 years. It is my submission that you must pay attention to my request.

There are some properties where atleast 50 people or 20 families reside. I have even seen 500 people living in one Katra. In that case, if the owner asks for its vacation, there so families will have no place go. Alongwith this, if they pay rent from Rs. 5 to Rs. 50, it will be very easy to get the house vacated under the provisions of this Bill.

The Bill provides for 10 per cent increase in the rent. My submission is that old properties and old tenants should be exempted from it. You can yourself see the

[Sh. Jai Prakash Agarwal]

condition of the people who pay rent below Rs. 500. You will be moved to tears on seeing their plight. There is no light in their houses. They live in these house in miserable conditions and somehow make their both ends meet. They are not in a position to pay the increased rent. Every landlord wants to raise the rent, but is not prepared to undertake repairs of the house. No law makes it mandatory, for the house owner to undertake repair work of the house out of the rent received. So I feel the courts should seize the rent and undertake repair of houses or the D.D.A. should come to rescue. I propose that the Government should acquire the property where more than 200 persons live and thereby provide them relief.

The Government has made a provision for the personnel of Armed Forces and Delhi Police, employees of the Central Government and Delhi Administration under clause 14 'A and 'B' of this Bill. I would like to know from the hon. Minister which section of society this Bill aims to benefit? It is good on the part of the Government to get the houses of the personnel of Armed Forces, vacated. They serve at the borders in military and navy far away from their families and face bullets. But now a provision is being made in this Bill to get the house of a clerk also vacated. What is the use of getting the houses of employees of the Central Government who are permanently posted in Delhi vacated. They are also in possession of Government accommodation. What purpose would it serve if the houses of the employees of Delhi Administration, who are in non transferable service and continue to stay in Delhi for nearly, 20 years or more are got vacated. In prevailing economic conditions only a person who has an income of Rs. five to seven thousand can construct a house. So what is the use of getting their houses vacated. To my mind this is totally undesirable. Section-21 of the Bill recommends payment of damages, in case of nonpayment of rent, but there should be some relaxation or exception to this also.

SHRIMATI MOHSINA KIDWAI: It is 15

percent.

SHRI JAI PRAKASH AGARWAL: To my mind this is on the higher side and the hon. Minister should herself see how this figure can be brought down.

In clause-18(3) a provision has been made of fine and imprisonment of upto six months, in case of property transfer and re-letting. I believe that forcible eviction or getting the house vacated on the pretext of self occupation and then either relating it or transferring it is a criminal act, as this renders somebody homeless. Imprisonment and imposition of fine of Rs. 5 to 10 thousand are not deterrent enough, as the property valued lakhs of rupees easily gets vacated. I think the existing punishment for rendering someone homeless is not sufficient and therefore it should be made more stringent. I have one proposal to offer for consideration. In case of eviction by the Government, arrangements must be made for the personnel of Armed Forces and those serving in Police and on the borders to provide them D.D.A. flat, otherwise the person who are evicted will have no place to live in. He will be literally on road. Housing problem in Delhi is so acute that it is not easy to find accommodation on hire.

One more problem will crop up as a result of this. A person finding difficult to get the house vacated, may finalise a deal with any retiring person on 50 : 50 basis and payment of Rs. 5 lakhs on vacation of the house. There are cases when the people purchase the house two years before the date of retirement and when one year is left for the retirement they file an application demanding vacation of the house. The case is generally decided between six months to one year. Atleast, the Government should make a provision that the houses which are 20 years old, or which have been rented 20 years ago, can only apply for compulsory vacation but not purchased two years ago. I would suggest that an affidavit should be taken from the person, declaring non ownership of house for the last 20 years and that he has not transferred any property in the name

of his wife or children or in any other name. There is no provision in this Bill restricting people from owning two houses. There must be some restriction on persons from getting one house vacated, if they have sold the other or have transferred the second one in the name of their relatives.

I would like to say one more thing. Exemption should be granted to the house where five or more families live in. The Bill mentions about two types of properties "residential or not". What is the meaning of "not". 'Residential' is alright, as the person needs a place to live in. While "not" refers to commercial establishment and shops which are sought to be vacated. This is too much. The owner has fetched commercial rent for a long time and now when he is due to retire he wants his property back. This is unjust. The hon. Minister must see that the tenants are not harassed or ruined.

Further, the Government has given exemption for 10 years in case of new construction. Who will be benefitted by this exemption. A person already owning a house, will misuse the provision in case of new one. Only the people owning one house should be allowed to reap the benefit of this exemption and not the persons owning houses more than one.

I would like to say one thing more. Limit should be fixed for personal use also. Suppose, there is a big three or four storied house of 20 rooms, will the entire house be vacated? Not more than two to four rooms should be vacated for personal use. The hon. Minister is requested to look into this.

Alternative accommodation should be allotted, in case vacation is sought of buildings, housing community centres, schools, nursing homes and dispensaries, because this will have adverse affect on people living in their vicinity.

I would like to request the hon. Minister that the present Bill should not meet the same fate as in the case of Delhi Apartment Act. Poor people should not be deprived of

benefits. There are instances where owners have not spent even single on repair of house for the last 50 or 100 years. Recently, many houses collapsed in old Delhi. Today itself in the morning, I apprised the hon. Minister of the death of people in house collapses. The hon. Minister must take stringent action against the landlords, who do not pay any attention towards the repairs of houses even though they receive the rent from tenants. Efforts should be made to safeguard the interests of poor and protect them from dying in house collapses.

I believe the hon. Minister will look into the suggestions which I have extended and incorporate them in this Bill.

DR. G.S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, this Bill is a very important one in several ways. The residents of Delhi in particular, are very well aware of the housing problems. I have been living in Delhi since past about 20 years. There is a saying and I quote it, "Fools build houses, wise men live in them."

Thousands of Delhites have complained to me about their housing difficulties with the hope that I will convey it to the hon. Minister. People have a notion that only money people build houses. On the contrary the wealthy people do not build their own houses. They grab others' houses. Once these moneyed people take a house on rent, they never leave it. No one is able to evict them. And they also pay very meagre rent say Rs. 2 or Rs. 5.

Please listen to me carefully. In Delhi, an ordinary man sells his agricultural land to buy a small flat and then rents it out. Today the prices of all the commodities are increasing but the same does not apply to rents. The owner of a house is called a landlord. The term 'lord' which is a synonym of God, shows as if he is a man of a very high status. But in fact, he is nothing but a man who belongs to the lower middle class and has bought a flat after selling his land in the village. He borrows some amount from L.I.C. and elsewhere and acquires a small flat and then

[Dr. G.S. Rajhans]

rents it out. But now he neither gets the rent nor gets it vacated.

Jha Committee had fixed a limit of Rs. 1500 after considerable discussion and deliberation. You should go through the whole report carefully and study the entire context. Now the hon. Minister will say that context has changed. I would say that the tenants paying Rs. 1500 are today in such a position that they can settle it themselves. The number of people paying Rs. 3,500 is very less. If this limit is fixed then rent will never increase. There are many people whose only source of income is house rent. Again, it is important to see as to what was the value of rupee at the time of the construction of the house as compared to the current value of rupee. I would say that a realistic picture should be given and I think the hon. Minister will agree on this point that a comprehensive Bill should be brought for which the views of all the organisation in Delhi should be sought. Earlier also Govt. have done that but the bill has not been comprehensive enough. You should take every ones' views as to how the people are exploited. I know such people:-

For example, a man constructed a house in Delhi with immense difficulty and rented out the upper portion of it. He lives on the ground floor. The tenant living in the upper portion of the house created so much trouble for the landlord that he had to sell the house at the throw away prices in sheer desperation. I am seized for another interesting incident. A tenant got a house on rent after much request but later on disputes arose with the landlord as the tenant did not give the rent in time because he did not want to pay. Instead he brought a snake charmer to his house and would release one snake downstairs every day. The landlord was not aware as to wherefrom snakes would come daily. At last when he came to know the truth, he begged the tenant to have mercy on his children and then he disposed off the house at a throw away price. How can the people belonging to the lower-class survive under such circumstances?

There was a colleague of mine. I knew him very well. He earned Rs. 300 per month but he died young. He had a commercial property and a residential one which was rented out. They could not be vacated and his widow was rendered shelterless. Is that the Law? A balanced approach should be adopted and the interests of the lower middle class be kept in view. You go to the Connaught Place. Everyone knows that the 'pagri' of every shop in that area is Rs. 30 to Rs. 50 lakhs but the rent which they are paying for it is only Rs. 50. If the owner wants that they should get their shops vacated, it is protested against on the plea that they are poor and will have to face extreme difficulties. At the time when these shops were constructed, rents were very low and some wise person got such a shop on a rent of Rs. 50. The rent is still Rs. 50 but the tenants changed hands and kept on earning lakhs of rupees by sub-letting the shop. Thus the people taking 'pagnosis' became millionaires and billionaires but the real owner of the shop became a pauper. Is this the balanced approach? Therefore, the limit should be reduced to Rs. 1500.

Secondly, it has been stated that the standard rent will be fixed at the rate of 10 per cent of the cost of the construction of the house. I want that it should be raised to 20 per cent. I have stated earlier also as to why should people construct houses. One of my friends is a businessman and he says that to invest money for building a house is foolishness and that there investments should be made in business instead. There are attractive monetary returns in it. If you want to encourage people to build houses you should make the standard rent more realistic. Then you say that there will be a 10 per cent increase in the standard rent whereas in view of the present inflation rate which is 20 per cent per annum, it should be raised to 20 per cent. Again, it has been provided that the Army personnel or the employees of the Delhi Administration can get their houses vacated after their retirement. Why should not this provision be made applicable to all? Should not a person working in a company or say, an M.P. who lived in Delhi for his two

terms and bought a small flat with immense difficulties and could not get elected for the third term, have the right to get his house vacated? Should not a person working in a limited company have the right to get his house vacated after his retirement? For instance, a person works at Ghaziabad or Faridabad and fortunately he is able to get a D.D.A. flat through the system of lottery. Should he not have the right to get his house vacated at the time of his retirement? Similarly, if a person dies a natural death, his widow should have the right to get her house vacated. You have also provided that if it is let out after getting it vacated, then it will be punishable under law. You should look to the circumstances of the individual. Suppose a house is vacated and thereafter the landlord dies. Should not his widow in the absence of the breadwinner have the right to rent out the house? What is the justification of putting her behind the harsh under such circumstances? Our society is a welfare society. such laws should be enacted which may benefit every section of society. It should not be that someone occupies the house by force, and it may not be possible to evict him. As regards commercial property, people proudly say that it fetches an attractive amount of rent. But such properties are never vacated. You have stated that the provisions will apply to both residential and commercial properties. I rise to support this Bill. But I want that the hon. Minister should bring a comprehensive Bill in the next session in which the interests of the middle class should be taken care of.

[English]

SHRI HAROOBHAI MEHTA (Ahmedabad): Sir, I have most profound respect for the hon. Minister who moved the Bill and I am sanguine that being open-minded as she is, she will certainly take into consideration the point that I seek to raise.

Sir, I can understand the anxiety of the Government to ensure that the activity of house-building is not stifled on account of any constraints that may flow from such a legislation. But there are other means in

order to encourage house building. Mainly it should be the responsibility of the State. Forty years have passed since we attained Independence, we have also enacted the Urban Ceiling legislation. In Delhi we had the general culture that land must belong to the State. Land cannot be a matter of property of private ownership so that it can be in turn a source of exploitation. So, the steps that we should have taken (i) are more rigorous enforcement of urban ceiling legislation, (ii) better encouragement for housing activities to public sector like the Housing Board, and (iii) total removal of dependence on private agencies for housing construction so that there should be no difficulty in the matter of housing. Shelterless people have been increasing year after years on account perhaps of our sluggishness in the matter of housing activity and lack of concentration on the public sector activity of housing.

Sir, I thought the Urban Development Ministry under the dynamic leadership of Mohsinaji would more concentrate on monitoring the better enforcement of urban ceiling legislation. Instead, the concentration is on the legislation to control tenants. This Delhi Rent Control (Amendment) Act could have better been designated as Delhi Tenants' Control Act. But whatever it is, Sir, in fact I also would have expected some Bill like the one based on principle of "land to the Tiller" as extended to the housing also, i.e. who stays for 20 years as a tenant in a particular house must be entitled to become the owner. This concept of owner of the house and somebody depending on him in his capacity as a tenant should have been dealt with suitably and accordingly the relationship should have been rationalised. So, rightly to rationalise the situation we have to make the tenancy right, develop into ownership rights. My good friend, Dr. Rajhans, cited several examples. But there are extreme examples and they do not reflect the general situation. One Swallow does not make the summer. But and large, taking clauses as a whole, it is the tenants class which deserves protection against exploitation by landlords. After all, landlords give some premises on rent, because they do not need it. He has bought the

[Sh. Harobhai Mehta]

house; he has constructed the house. But some portion is not required for his purpose. Therefore, he utilises that as a source of income. I should have welcomed a measure for taxing the rent income. According to one estimate, only the rent, being uncleaned income, perhaps will bring revenue to the Centre to the tune of Rs. 5000 crores per year. It would be a good way of raising money for developmental and anti-poverty programmes, by taxing the rental income, namely that of rent, by the Urban Development Ministry, in consultation with the Finance Ministry.

I am afraid that this would affect not only Delhi city but other cities also. Delhi situation has been dealt with by my good friend, Mr. Aggarwal. But this will be emulated by other States also. If this is the leadership given by the Central Government for inspiration to the State Governments, Tenants in all the States also will come to face similar situation that might arise on account of the present Bill. In my respectful submission, these aspects should have been borne in mind before placing this Bill.

First of all, there is an exemption from this Bill, when the rent exceeds Rs 3500. In my submission, it should have been connected with some past date. Otherwise, they will simply go on increasing the rent and then they will say, it is Rs. 3500. Therefore, as on 1st January, 1988, if the rent was actually Rs. 3500 or more, the exemption should have been granted. Similarly, exemption in future also should be limited to those new houses whose standard rent would be Rs. 3500 or more. Then 10% return by way of rent is too much. Rs. 1,000 will be a monthly rent chargeable as standard rent and that will have to be paid by a tenant, if the total cost is Rs. 1,20,000. That means, only one bed room-flat perhaps. Even that will be not be there. In Delhi price, it may be even less than 55 sq. metres. For a space of less than 55 sq. metres, the tenant will be required to pay a rent of Rs. 1,000 and that would be glorified as standard rent. So, 8% return per year should have been sufficient, instead of

10%.

Similarly, take the example of increasing the rent. My good friend Mr. Aggarwal has made a very good point. I have also suggested in my amendments, which I have placed them today. Unfortunately, my notices for amendments have not been accepted as I have given them today. But I would like the Minister to consider that 10% increase or whatever number, should be granted, only upon the conditions that during the preceding three years, landlord has complied with all the requirements of law; he has fulfilled his obligations of law and he has kept the tenements in good condition, and has carried out service repairs. That should have been the condition at which this escalation should be granted periodically. That means, it is the duty of the landlord to keep the premises in reasonable state of upkeep and to show to the rent controller that the other obligations have been fulfilled to the rent controller. Then only, 10% increase should be granted.

Similarly, so far as non-payment of arrears is concerned, to ask the tenant to vacate on the ground of non-payment of arrears is to impose penalty for incapacity to pay. It is not in all cases that the tenants do not pay because they do not want to pay. Non-payment is also on account of unavoidable circumstances. I would also like to have an amendment in the Bill on the lines of English law. The English law prescribes that even when the arrears of rent together with the awarded cost are paid, at any time, before the execution, the tenant is saved from eviction. Relief against forfeiture should have been extended to them. But instead of that, it is sought to be truncated. If the awarded cost and arrears of rent are paid in time, before the execution, there should be no eviction.

There should be no eviction on the ground of non-payment except when the failure to pay is deliberate and vexatious. By and large, the tenant likes to pay. Let it be clearly understood that the tenants are not tenants by choice but by compulsion. In our

social system only some people can become landowners and the rest remain tenants. So, to penalise the tenant on account of incapacity to pay will be really not consistent with the objectives for which such legislations are normally enacted.

Similarly, requirement of retiring Government servant or army personnel should be shown to be bonafide. Otherwise, the requirement is likely to be interpreted as just wish of the landlord. That is not the spirit of such legislation and that should not be the provision of this legislation.

MR. DEPUTY SPEAKER: Please conclude.

SHRI HAROOBHAI MEHTA: I may be allowed to speak two or three minutes more because this Bill has far-reaching effect on the State Legislatures also.

MR. DEPUTY SPEAKER: They will move amendments at that time.

SHRI HAROOBHAI MEHTA: I may point out that forfeiture the non-payment also should be on account of circumstances which are not beyond the control of the tenant and should be deliberate and vexatious. Otherwise, it will be tantamount to penalising the tenants for incapacity to pay even when the same is due to circumstances beyond this control. The Bill provides for 15% interest on arrears of rent. Thousands of lakhs of tenants are poor. They are not able to make both ends meet. They will have to pay 15% interest merely because of the incapacity to pay. We should move towards debt abolitions. Instead, we are setting up a new army of debtors by such a provision. I also submit that there should be no penalty by way of interest for non-payment of loan. Similarly, it is good if appeals are minimised but we should make a beginning in such matters in other branches of law. In the case of landlord-tenant cases, early disposal of cases means early eviction of the poor tenant and throwing him on the footpath. The appeals should lie not only on the question of law but also when it involves the question of

eviction.

Similarly, Clause 17 is not commendable for acceptance. Clause 17 provides for deletion of second appeals. Early disposal means early eviction of the tenant. By this Bill only the landlords lobby will be very happy. Tenants will be put to discount by this Bill and they will be put to great agony and hardship. I hope the hon. Minister, open-minded as she is, may reconsider this. Instead of pushing this Bill through with this thin attendance in the House, the hon. Minister may kindly wait for better attendance in the House for pursuing this Bill after reconsidering the same. There is no hurry about this Bill because the attendance is very thin.

With these words, I appeal to the Government to reconsider the Bill.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Deputy Speaker, Sir, I like to support the Bill, the Delhi Rent Control Bill, 1988 but, at the same time, I have some suggestions to make.

In our country, housing poses a problem. It is in fact an acute problem in the urban centres, the big cities like Madras, and Delhi being the capital, it is further more acute.

There is also growth in construction of residential houses. But that is not commensurate with the growth of population. There was a demand for this sort of amendment from different quarters. I need not elaborate. It is there in the Statement of Objects and Reasons and the Government have reacted to them in the affirmative.

Those small landlords who are constructing some houses and who spend their entire life's earnings, definitely need to be helped. When there is a tenant, arrogant enough, not obliging the land-lord to vacate as and when demanded or required by the land-lord himself, naturally the State has a role and some responsibility to help and to fulfil that, as I understand, this Bill is here before us. But, at the same time, enough caution should be taken to see that this

[Sh. Sriballv Panigrahi]

provision is not misused. I was telling you one thing. The Government employees, who, out of their own savings construct some house for their own use and when they require it on retirement etc., they should get the possession will in time. In this connection, I pose a question to the Government. It agitates my mind. We are in a democracy where our declared policy is to treat all at par. But that does not mean that in a society like ours, with full of inequalities, we are just equals. Therefore, when a society is full of inequalities, there has to be some discretion to be exercised judiciously. Now, the Government employees get Housing loan from Government with very marginal rate of interest to construct houses. My question is this: Do, they construct it for their own stay? Should they be given Government accommodation and allowed to rent out their constructed building that too with a Government loan? Further, the rate of interest is minimal. So, this is a question which agitates my mind. Should they be allowed to do so? Of course, one may say that thereby, the employees are helping to minimise the acute housing problem to some extent. But I don't agree. Suppose, if an employee stays in his own house and he does not occupy in Government Quarters, then another employee may be allotted that accommodation. Already, there is a long queue among the Government employees to get Government quarters. Therefore, it should be considered carefully. There should be two types of house-owners or land-lords. Admittedly it is a common knowledge that the area of housing is a paradise of the blackmarketeers. Precisely speaking, this is a very vital field for the investment of such blackmoney. Palatial buildings are constructed where lakhs and lakhs of rupees are spent. But those who construct such palatial buildings show juggler of accounts that only Rs. one lakh or something like one was spent. But, in fact, they spend a lot by way of investing in beautiful furnishings. It is also true of our Government employees and officers. For some corrupt officers, this is a paradise. I can categorically prove this. They take the loan amount of Rs. 70,000 or one lakh. But

just send somebody to assess the valuation of the house with all the furnishings. They might have spent much more than the amount. The other aspect is that they will be giving the house on rent. Sir, there is a ceiling also like Rs. 1500/- or something. I will come to it later on. This is my observation. I request that those who are genuinely poor employees or small land-lords without much of income and who have invested their savings in house-buildings, they should be helped. I agree with this idea. There should be some liberal approach. But, about the others, we should adopt a stiff attitude. I would like to say that at present we have a ceiling on the amount like Rs. 3500/- etc. I would like to ask as to why we should go by this ceiling. This ceiling of Rs. 1500, Rs.3500 or Rs. 5000 goes on fluctuating, with the rate of inflation going up. So, why should we not accept the recommendations of the National Commission in this regard and accept the plinth area instead of such an amount? As you know, the plinth area remains the same, 80 square metre or something like that. I would request the Hon. Minister to give a serious thought to it. At the same time, I have a suggestion that this benefit should also be extended to widows.

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): It is already there.

SHRI SRIBALLAV PANIGRAHI: It is a good provision. It is there in case of accidental death and also the natural death. I welcome the provision relating to personnel of armed services. It is very good provision because they fight against heavy odds in borders and when they come back and if they are not given the possession, it will be a discouragement for the people to join army.

About the ten per cent increase in course of every three years, I support the Government's stand because that is also the bank rate. In case of three years fixed deposit scheme, they also allow ten per cent interest and it is also in turn with that.

As regards the ten years exemption to new construction, here also, we may have it under two categories. When a poor Government servant has constructed a house and if he requires to have a new construction for his own purpose, why has he to wait for ten years. It is too much. There should be reconsideration on this aspect.

With this, I support the Bill. But at the same time, the suggestions, points which have been made by me, I would request the Government to kindly give its thought to it and also improve the Bill. Of course, there was a need for such a Bill. But it should be further improved. Keeping the above point in view. Thank you.

[Translation]

SHRI SHANTI DHARIWAL (Kota): Mr. Deputy Speaker, Sir, I rise to support the Rent Control Bill which has been brought here. There are certain points which I would like to discuss but the persons who have spoken before me, have already covered them.

The special welcome point in this bill is the provision relating to the landlords and tenants. As regards the standard Rent, Government has stated that it could be increased by 10 per cent every three years, but I agree with Dr. Rajhans that it should be increased to 15 per cent.

As hon. Shri Panigrahi has stated that it should be the responsibility of the owner of the house to look after its maintenance, but it has often been observed that tenants want a different kind of repair work than what the landlords want. This gives rise to litigations. Therefore, it is upto you whether you keep the limit at 10 per cent but the tenant should be made responsible for the maintenance and the landlord should not be asked to undertake it. If the landlord is made responsible for it then it is but natural that disputes will arise between them. The proposed 10 per cent increase after every three years is all right but in view of the current inflation, 15 per cent hike will be justified.

14.00 hrs.

My second submission is that the ceiling of Rs. 3500/- should be reduced to Rs. 1500/-. I think it will be quite reasonable. Previously, two appeals were allowed there for the settlement of Rent Control cases but now it will be decided with one appeal only. This is a welcome point. Therefore, I support this Bill. As regards the various concessions, we are afraid of their misuse. Hence, certain preventive measures should be taken in this regard.

The Govt. had allotted plots of land to the war widows in different colonies. But it has been observed that these widows have further sold away their plots at higher prices subsequently. I want to give an illustration in this connection. There is a colony called Uday Bagh in Neeti Bagh. The war widows had been allotted plots over here but 70 per cent of them have sold their plots at higher prices. If you really want to give benefit to the people.... (Interruptions)

So far as concessions to the war widows are concerned, I am in favour of their houses to be vacated at the earliest. But the provision of such concessions may be misused even in this case. It should also be kept in view.

I agree with what hon. Shri Panigrahi has stated about Government servants. As per my information, more than 50 per cent of the Government officers own two or three houses at some place or the other. You should definitely pay attention to all these matters.

With these words, I support the Bill.

SHRIMATI SUNDERWATI NAWAL PRABHAKAR (Karol Bagh): Mr. Deputy Speaker, Sir, I welcome the Rent Control (Amendment) Bill which has been introduced today. All its provision will prove useful. Now I want to make certain points.

Just now old houses, tenants and shops were mentioned. There are many old

[Shrimati Sunderwati Nawal Prabhakar]

houses where people have been living for 20-25 years paying a meagre amount of rents ranging from Rs. 5/- to Rs. 15/- only. The owners of those houses want to increase the rent. When it comes to repairing the houses, the house-owners are unwilling. All hon. Members said that a house-owner should get his house repaired at periodic intervals. I am also in agreement with them on this point. The house-owner should certainly get his house repaired. But he can do so only when he gets full and timely payment of rent from the tenants. How is he to undertake repairs if he receives a meagre amount of Rs. 15/- as rent and the expenditure involved on repairs is Rs. 5000/-? This problem exists throughout the country and not in Delhi alone. On the one hand house-owners have some problem and the other tenants also have some problems. There are house-owners who suffer from a number of problems. Suppose a person constructs a house with four rooms. He keeps two of its rooms with himself and lets out remaining two rooms. If the house-owners has two children, who on growing up would certainly need more rooms for their use. So I am of the opinion that there should be some provisions to get the house vacated if he needs it for his own use. But he can do this only if he needs the house for personal use, not to let it out to another person on more profitable rent. Then action would be taken against him. I support this provision of taking action against a house-owner who asks his tenant to move out in order that other can move in.

There are many people who have been staying in rental accommodation for 5-7 years. The house-owner stays on the top floor and the tenant on the ground floor which is a very useful arrangement as far as tenant is concerned. I am not criticising the tenant community but the way a tenant uses his ground floor accommodation is most improper. The tenant installs machines, uses the area for commercial purposes and earns much more than the house-owner. Then, instead of paying proportionate rent, he gives a paltry sum of Rs. 50/-, Rs. 100/- or Rs. 150/- as rental. The tenant cannot claim

to have become the owners of a house just because he has been staying there for 10-15 years. I shall give an example from my constituency. An extremely poor widow had a two-room house. She rented out one of the rooms. The tenant paid rent for one year and in the next year he stopped the payments. All the imploring and cajoling by the poor woman was in vain. The plight of the widow, who has no children, can be well imagined. So there are many such tenants who refuse to pay rent to the house-owner. Both the house-owner and the tenant should enjoy certain benefits. The Bill was provisions to this effect.

Government quarters are given to Government employees in service. When they retire the Government asks them to vacate the quarters. I want the Government to provide alternative accommodation to its retired employees when they vacate the quarters. Not that the Government gets the quarter vacated without caring if the employee is shelterless from then on. The employees also have a family to support. So they should be asked to vacate the quarter only when they get alternative accommodation.

My hon. colleague was saying that widows sell their houses. Why is this said only in the case of widows? Even people staying in 'jhuggi'jhonpri colonies sell the 25 yard plots given to them by the Government and construct 'jhuggis' elsewhere. This Bill is beneficial for widows as it provides for shelter to herself and her children. Provisions for personnel of the Defence Services are also welcome. But the Bill should also have some provisions for freedom fighters as they fought for the country's Independence.

Mr. Deputy Speaker, Sir, I am not against the tenant community. In fact, I feel that both the house-owner and the tenant should be treated at par. If the house-owner needs the house for his personal use, the tenant should vacate it. Otherwise the tenant cannot be pressurised into vacating the premises. With these words, I express my support for this Bill.

[English]

SHRI VIJAY N. PATIL (Erandol): Mr. Deputy Speaker, Sir, I rise to support this amendment Bill. I would not like to repeat the points which have already been made by my friends. I would like to mention something different. It is well known that Delhi is a city in India which has grown at the fastest rate as compared to other cities. Fifty years ago, its population was less than 5 lakhs. Now it is more than 60 lakhs. By the turn of the century, it will be more than one crore when the population of India will be more than 100 crore. At least one individual out of every 100 people in India will be staying in Delhi.

We are planning for the development of national capital region, trying to have all the facilities in different zones or regions of Delhi. It is a very good thing. But at the same time, if you give these facilities to Central Government employees or Defence personnel on retirement in Delhi alone, then there will be a tendency of increasing the population of Delhi still further. We should try to include in that fold even Chandigarh and other Union Territories. The State Governments should also be made to adopt such measures as far as the Rent Control Act is concerned.

Among the Central Government employees, we find some people more privileged and other less privileged. There are Central Government employees in Delhi who stayed throughout their life in Delhi alone. There are others who are not able to see the face of Delhi. So, we should make some difference in this relief as far as the Rent Control Act and the landlord-tenant relationship are concerned. The Central Government employees, who have stayed in Delhi for more than 25 years and enjoyed the Government accommodation, built up a house, rented it out and on retirement, on the pretext of their being thrown out of the Government accommodation, want vacation of the rented out house which they built 20 years earlier. This should not happen. There should be some concession for the Central Government officers who worked outside

Delhi for a long period of time.

We are adopting good laws and taking good measures for the persons who have got their houses constructed already or who will be constructing them shortly. But what about the lakhs and lakhs of people who are waiting in the queue after becoming Members of the cooperative societies since 1983. In 1983, hundreds of societies were registered. But they have not been allotted land uptill now. Five years have passed. Another five years will be required for the construction of the houses and thus getting accommodation for the people who have enrolled themselves as members of the housing societies in 1983. What are we doing for that? What is the Central Government doing for that? We understand that the rates per square metre have increased manifold. It was Rs. 135 per square metre. Now it is speculated to be more than Rs. 435 per sq. metre for the persons who will be getting land through the new housing societies. This is also a measure for accommodating the Central Government employees, Defence personnel and the DDA employees. There will be a number of them in these cooperative societies. By Enacting this amendment is going to help the persons who are having houses earlier. But what about those who are in the queue? That is why I request the hon. Minister to look into the matter.

Sir, 10 per cent increase is allowed in rent after three years which is also a good measure. I have seen specially in Nariman Point area in Bombay that people earning Rs. 5 lakhs per month and more are staying in the flats and paying a rent of Rs. 250 per month. Rent Control Act is meant for middle class people, poor people, people who are earning less than Rs. 2000 per month. That is the idea and moral behind it. If these people belonging to the affluent category are vacated, there will be more rent to the landlord and more revenue to the Corporation. So, measures are required to look into such cases also. Of course, Rent Control Act is being amended for Delhi. I would like to thank the Government for this because Delhi which was a municipal town has now be-

[Sh. Vijay N. patil]

come a Corporation, a metropolis and by the turn of the century is going to be a megapolis and that is why measures are necessary to improve the situation.

With these words, I thank you, Sir, for giving me an opportunity to speak and I support the Bill.

SHRI AJAY MUSHRAN (Jabalpur): Mr. Deputy Speaker, I rise to support the Delhi Rent Control (Amendment) Bill, 1988 which has been brought by the Government and also congratulate the hon. Minister for having brought this Bill because it will definitely give the much wanted relief to the defence personnel in particular so far as vacating the premises, the rented accommodation and the accommodation in which retired or going to retire is going to live is concerned. As I see in the Bill, the personnel who are going to retire or who have retired from Delhi Administration are at par so far as this concession is concerned with the defence personnel. I have no objection to the Delhi Administration officers also enjoying the same facility through this Bill when enacted but I will certainly demand from the hon. Minister to give something more to the defence personnel so that the people who lay their lives for the country and the people who sit on the chair all the time and enjoying the privileges living in Delhi all the time are not put at par. So, I would suggest that the hon. Minister may consider that certain amendments be made in the various provisions which are going to be inserted after Section 14(a) which says that such persons can apply to the Controller for recovery of minimum rent of such premises within one year. It is not the date of the application which is so necessary for providing relief as the date by which the Controller or whoever is the appellate authority should enforce the vacation of the premises. As we all know, defence personnel invest their hard-earned money to get loans from the Army Welfare Housing Schemes. They take loans from the other nationalised banks and they make their houses on loans. Generally it can be seen that the Army personnel make houses as

two units. One they give on rent and the other they like to keep for themselves. So far as the recovery of the loan is concerned, some of them even rent out both the units. In that case, if the officer or the person of the defence forces is going to apply within one year of his retirement and if the actual vacation of that place takes two or three or ten years, then the whole purpose is lost.

Secondly, keeping in view the present defence environment, our casualties in Sino-china and IPKF operations are immense. I am not going to give the figures because they are non-official and official figures are not known to me. Since the hon. Minister is a lady, so far as the widows are concerned, particularly involved in these two operations which are going on, I would like to make a submission. I would submit that immediate vacation on receipt of application should be enforced. How it is done will depend on the Ministry of Urban Development, Ministry of Law and the Delhi Administration. I would suggest that in the case of a widow whose husband has been killed in action, or a person himself who has been incapacitated in war, who wants to get the premises given on rent or not on rent but occupied illegally vacated, that must be got vacated within three months of his or her applying. So far as other defence personnel are concerned, there should be some limit on the appeal stages, up to which one can go. I believe there are certain States where beyond the Controller, there is only one appellate court which is permitted. There are certain States which have enacted rent control legislation, not this Bill, but they have their own legislation, and they have done amendment also, particularly in Haryana, although Haryana has not given as much as Punjab. I would submit to the hon. Minister to have a look at the Punjab Rent Control Amendment Act and ensure that the appellate Stages are reduced to one appellate court and the decision must be enforced.

This Bill is a very laudable so far as the spirit is concerned, but so far as the Delhi Administration is concerned, I do not know how the hon. Minister will be able to coordi-

nate, but there is a dire necessity to have it, because there are hundreds of war widows who are not able to live in their own houses as they cannot get the same vacated. The cases go up to the Supreme Court. There are cases where the house owners, particularly if she happens to be a widow, have been living in the *barsati*, and both the first and the second floors are being occupied by the people who are bringing political pressure or have advantage of illegal wrangle and keep the house for ten years or more.

I once again congratulate the hon. Minister for bringing this Bill not a day earlier and I support it. I also submit that the hon. Minister may kindly look into what I have stated so that the spirit of the Bill when it is enacted is actually implemented more for the benefit of the defence personnel and other categories should also take advantage of the fallout of this Bill.

I thank you, Sir, for giving me this opportunity to participate on this Bill.

[Translation]

SHRIMATI MOHSINA KIDWAI: Hon. Mr. Deputy-Speaker, Sir, I am grateful to all those hon. Members who expressed their views on the Delhi Rent Control (Amendment) Bill. From the hon. Members' speeches it would have become clear how difficult it was for the Government to bring this Bill as it involved striking a balance between landlords and tenants. Interests of both the parties have been kept in mind while framing this Bill. I want to assure the hon. Members that the Government has made honest efforts to see that tenants are not put at loss. The so-called landlords used to be called 'Lords' during the British rule. I feel that 'house-owner' would be a more appropriate term than 'landlord' because conditions existing in the era when the Act was first made were much different from those existing today. As before, efforts have been directed towards safeguarding the rights of poor tenants. Today the situation has changed. Previously people constructed houses by investing their own money and

were landlords in the real sense. Later they rented out their houses. Today people construct houses with money borrowed from banks and other sources. It is in such a situation that the Government thought of bringing an amendment in this Act. Recommendations of both the Jha Committee and the Petition Committee have been considered. An interim report of the Urban Art Commission was received by the Government in the last Session.

Mr. Deputy-Speaker, Sir, we are all aware of the rapid urbanisation in the country. House-building activities are posing a problem for the Government. There was a long-standing demand for an amendment to the Rent Control Act. This Bill has not been introduced merely on the recommendations of the Jha Committee but many other people have also been consulted.

Sir, I would like to give you an example. India is an agricultural country. On one side our farmers want the best possible price for their produce and this price to be increased every year. On the other hand consumers want foodgrains and other commodities at the lowest possible price. Now it is the duty of the Government to strike a compromise between the two. A compromise which protects the interests of both sides and does not result in any loss to either.

Hon. Shri Agarwal said that this Bill does not impose any restrictions on the house owners who do not properly maintain their houses. One of the main objectives of this Bill is to cut down the litigation process. Another objective is to increase house-building activities and ensure better and more regular maintenance of houses. With increase in amount of rent, repairs of houses are bound to be undertaken.

SHRI JAI PRAKASH AGARWAL: This Bill provides for a 10% increase in rents but it does not provide for incurring expenditure on repairs. There is no compulsion on the landlord in this regard.

SHRIMATI MOHSINA KIDWAI: The rights of a landlord are restricted because if he does not bother about the maintenance of the house, it would collapse. It is in the interest of the landlord to pay attention to the maintenance of the house. He can get good rent if he maintains his house properly.

SHRI AJAY MUSHRAN: These days, the landlords adopt various techniques and prefer even to suffer some loss in order to get their house vacated from the tenants.

SHRIMATI MOHSINA KIDWAI: These are the weaknesses of human nature. The Government cannot prevent these things to happen.

We, on our part, have made efforts to give protection to the poor tenants. It is for this reason that the limit has been fixed at Rs. 3500. Shri Haroobhai has said that this limit of Rs. 3500 is too much.

[*English*]

SHRI HAROOBHAI MEHTA: I have not said so. What I said was that Rs. 3,500 should be the rent as on 1.1.88 so that some people may not take mis-advantage of such a provision by raising the rent. The Jha Commission cannot be the last word on landlord-tenant relationship.

SHRIMATI MOHSINA KIDWAI: The Jha Commission recommended only Rs. 1500.

[*Translation*]

Perhaps Shri Rajhans had said this.

Sir, I was saying that the Jha Committee had submitted its report very early. It had recommended the limit of Rs. 1500. As the Government intended to include the rich tenants, so the upper limit was raised to Rs. 3500. We take it for granted that the tenant who pays Rs. 3500 as a monthly rent would be quite rich. The Government wants to provide protection to the poor tenants so the limit has been raised from Rs. 1500 to Rs. 3500.

Besides, exemption has been granted for ten years to the new construction. A provision to this effect has been made in the Bill. The tenants already living in the houses have also been benefited. Till now, the tenants had to vacate the house after constructing their own houses. But this Bill provides exemption to them for ten years' under new construction. Because people have to repay the loan which they have taken from banks for constructing houses. Keeping all these matters in view the Government has made this provision to encourage housing activity. Earlier no tenant was enthusiastic to construct his own house, because he knew that he would have to vacate the house as soon as he builds his own house. But now the Government has made the provision that the tenant will not be forced to vacate the house for ten years even if he constructs his own house.

Another provision is that the rent can be revised upto 10% after every three years. This has been done because people used to involve themselves in litigation and as a result there were cases which remained pending for over 10 years. In order to check the incidence of litigation the Government has made the provision to revise the rent upto 10% after three years for the purpose of maintenance of the house. I feel the tenants shouldn't have any objection in this regard.

Shri Panigrahi, Shri Rajhans and Shri Agarwal raised the matter of Government servants. So far as the personnel of armed forces are concerned, there is no doubt, that this section of people sacrifice their lives to guard the borders of the country and therefore I think that the minimum facility which we can provide them is to vacate their houses whenever they require it. I would like to inform Mushran Sahib that the Government have introduced the summary procedure to enable them to get their houses vacated by merely one appeal. They can appeal to vacate their houses through law and not merely on the basis of facts. Moreover, the number of appeals have been reduced from two to one. Widows who own house have also been covered under this Bill. They can get their houses vacated. Summary process

has been introduced for the war-widows. This procedure has been formulated for armed forces, military personnel, widows and Government servants in order to get their houses vacated at the earliest without any delay or litigation.

**SHRI AJAY MUSHRAN:** The same facility has been provided to the Police personnel also. I would like to know the definition of the word 'immediate' used in the context of war-widows. I would like to suggest that 'immediate' should mean not more than three months.

**SHRIMATI MOHSINA KIDWAI:** I would look into the suggestion.

So far as the Central Government servants are concerned, they live in Government accommodation and the list of applications is quite long. In some departments 40% requirements are fulfilled while in other 60% are fulfilled. So this facility has been provided to them also. I agree that the duty of police personnel is not as hard as that of the army personnel yet in the prevailing conditions their job has also become tough. Besides, there is no harm in covering the employees of Delhi administration under the Rent Control Act. If the Central Government employees, and Delhi Administration employees residing in Government quarters shift to their own houses, it would encourage housing activity. I do not claim that the Bill would have an immediate reformatary effect, but something would definitely be achieved. *(Interruptions)*

**SHRI JAI PRAKASH AGARWAL:** DDA flats should be allotted to those who are asked to vacate the houses.

**SHRIMATI MOHSINA KIDWAI:** As present I cannot assure you that DDA accommodation would be provided to those who vacate the houses. *(Interruptions)*

Even those who have registered their names, with the DDA have not been able to get accommodation, inspite of our best efforts. Everybody knows that there are three

basic needs of man which includes the requirement of housing. We have attained self-sufficiency in food and clothing but in housing we have yet to achieve this. The Hon. Prime Minister himself has emphasised upon the need for the National Housing Bank. Many other facilities are also being provided in order to encourage housing activity and to enable the people to live in their own houses. A provision has been made that the owner would be permitted to get the house vacated only if he chose to live there, otherwise not. In this way, the tenants have also been safeguarded. In case the house is re-rented, the former tenant will have full right to live in the house. The owner would be penalised if he forcibly gets the house vacated. The aim of the Bill is limited. Some new additions have been made in order to fulfil the long term demands of the residents of Delhi. Old demands are already in the Bill I think the people would enjoy many benefits when the Bill is enforced. It would not harm anyone. I think all the doubts of Shri Agarwal may have been clarified.

*[English]*

**MR. DEPUTY SPEAKER:** The question is:

"That the Bill further to amend the Delhi Rent Control Act, 1956, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted*

**MR. DEPUTY SPEAKER:** The House will now take up Clause by Clause consideration of the Bill.

Shri Hafiz Mohammed Siddiq.

**Clause 2 (Amendment of Section 3)**

**SHRI HAFIZ MOHAMMAD SIDDIQ:** I beg to move:

Page 1, —

after line 17, insert — " (e) to Wakf property". (1)

MR. DEPUTY SPEAKER: Shri G.M. Banatwalla:

SHRI G.M. BANATWALLA: I beg to move:

Page 1, —

after line 17, insert —

" (e) to any premises, whether residential or not, held under trust for charitable or religious purposes, including, all wakf premises and premises hold by institutions declared by the Central Government by notification in the Official Gazette to be an institution of national importance." (2)

MR. DEPUTY SPEAKER: Shri Ramashray Prasad Singh. No, Not here.

[*Translation*]

SHRI HAFIZ MOHD. SIDDIQ (Moradabad): Mr. Deputy Speaker, Sir, I am pleased that Delhi Rent Control Amendment Bill, 1988 has been introduced in the House. The exemption to the army officers is worth appreciating. Similarly, many provisions have been made to reduce the disputes between the land lords and the tenants and to solve the problem of accommodation. The amendment I had moved, was regarding wakf property which in critical condition. The tenants residing there for more than 50 years have been paying rent of only Rs. 2 or Rs. 5 per month. The Government cannot afford to compensate the loss of wakf property. I propose to make amendment and hope it would be adopted. It should be exempted from the Rent Control Act so that the property worth crores of rupees in Delhi can be saved. I hope that the hon. Minister would pay attention towards this. The wakf Board was formed to help those poor children who had no source of income. But that property is being misused these days. The tenants cannot afford to spend money on poor children. I would urge the Government to accept my amendment in view of the intentions of

the founders of the Wakf Board and to help the poor.

[*English*]

SHRI G.M. BANATWALLA: Sir, my amendment is very clear. It seeks to exempt trusts and Wakf premises, as also premises which belong to institutions of national importance from the Rent Control Act. It has already been explained to the House that the rigours of the Rent Control Act are destructive of the trusts and Wakf properties. These properties are not there in order to derive any personal income. These properties are for charitable purposes, for religious purposes; and as I have said in my amendment, for the purposes of an institution which has been declared in the Official Gazette to be an institution of national importance. The premises of such types of institutions trusts and Wakfs should not be subject to the rigours of the Rent Control Act. Otherwise, the religious and the charitable purposes of these institutions will suffer.

I have, therefore, requested that these premises be exempted. This is also one of the demands that have always been voiced in different States. Whenever we have approached the Central Government with this particular demand, we have been told that the various States have to be approached, as far as their Rent Control Act is concerned. But here we have the Delhi Rent Control Act; and the Central Government can set a trend, can set a model for all these States also, that they too, in their respective States, may exempt the premises belonging to the trusts, Wakfs and institutions of national importance from the rigorous of the Rent Control Act.

I hope my amendment will be accepted.

[*Translation*]

SHRIMATI MOHSINA KIDWAI: Mr. Deputy Speaker, Sir, I think the amendments of Shri Siddiq and Shri Banatwalla regarding Wakf Board and similar charitable institutions, can be considered. But at pres-

ent, I am unable to accept them. These amendments will have to be studied thoroughly. We will have to see how many people will be affected or benefited if Wakf Board is exempted.

SHRI G.M. BANATWALLA: The matter should be considered sympathetically.

[English]

MR. DEPUTY SPEAKER: Mr. Siddiq, are you withdrawing your amendment, or shall I put it to vote?

[Translation]

SHRI HAFIZ MOHAMMAD SADDIQ: I am withdrawing it.

[English]

MR. DEPUTY SPEAKER: Has Mr. Siddiq the leave of the House to withdraw his amendment?

SOME HON. MEMBERS: Yes.

*Amendment No. 1 was, by leave,  
withdrawn*

MR. DEPUTY SPEAKER: Mr. Banatwalla, do you want your amendment to be put to vote?

SHRI G.M. BANATWALLA: Yes.

*Amendment No. 2 was put and  
negatived*

MR. DEPUTY SPEAKER: There is no amendment to Clause 3. So, I put Clause 2 and 3 together to the vote of the House. The question is:

"That Clauses 2 and 3 stand part of the Bill".

*The motion was adopted*

*Clauses 2 and 3 were added to the  
Bill*

MR. DEPUTY SPEAKER: Mr. Ramashray Prasad Singh is not present. There are no amendments to Clauses 5 to 7. So, I put Clauses 4 to 7 together to the vote of the House. The question is:

"That Clauses 4 to 7 stand part of the Bill."

*The Motion was adopted*

*Clauses 4 to 7 were added to the Bill*

MR. DEPUTY SPEAKER: Mr. Ramashray Prasad Singh is not present. There are no amendments to Clauses 9 to 12. So, I put together Clauses 8 to 12 to the vote of the House. The question is:

"That Clauses 8 to 12 stand part of the Bill."

*The motion was adopted*

*Clause 8 to 12 were added to the Bill*

MR. DEPUTY SPEAKER: Clause 13. Mr. Ramashray Prasad Singh is not present. There are no amendments to Clauses 14 to 20. So, I put Clauses 13 to 20 together to the vote of the House. The question is:

"That Clauses 13 to 20 stand part of the Bill."

*The motion was adopted*

*Clauses 13 to 20 were added to the Bill*

MR. DEPUTY SPEAKER: The question is:

"That Clause 1, Enacting Formula and Title stand part of the Bill."

*The motion was adopted*

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

MR. DEPUTY SPEAKER: Now the Minister.

SHRIMATI MOHSINA KIDWAI: I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

*"That the Bill be passed".*

*The motion was adopted*

14.46 hrs.

MERCHANT SHIPPING (AMENDMENT)  
BILL

[*English*]

MR. DEPUTY SPEAKER: We now take up the next item. Mr. Rajesh Pilot.

THE MINISTER OF STATE OF THE  
MINISTRY OF SURFACE TRANSPORT  
(SHRI RAJESH PILOT): Sir, I beg to move:

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by Rajya Sabha, be taken into consideration."

Sir: With your permission, I would like to say a few words while moving the Merchant Shipping (Amendment) Bill, 1988 for the consideration of the House.

At international level, civil law for damage caused by oil pollution resulting from escape or discharge of oil from ships is determined by the International Convention on Civil Liability for Oil Pollution Damage 1969. The provisions of the above Convention have been incorporated in Part XB of the Merchants Shipping Act, 1959 by the Merchant Shipping (Amendment) Act, 1988. The liability under the above Convention is fixed in terms of 'Franc' which is a unit consisting of 65.5 milligrams of gold of millesimal fineness nine hundred. By adopting the 1976 Protocol to the above Convention, the 'France' has been replaced by the

Special Drawing Rights for the purpose of determining the limits of liability for oil pollution damage. The Special Drawing Rights is defined by the International Monetary Fund and the amounts of liability are converted into national currency of the country which is a part to the Convention on the basis of the value of that country's currency with reference to the Special Drawing Rights.

India acceded to the International Convention on Civil Liability for Oil Pollution Damage, 1969 and 1975 Protocol on 1st May 1987; and these instruments have come into force for India from the 1st August 1987 as per the Convention provisions. As such, it has become necessary to amend the provisions of Part XB of the Merchant Shipping Act, 1958 to replace 'franc' by special Drawing Rights. But by replacement the 'franc' by SDRs, the amounts of the limits of liability have not undergone change, but the liability in terms of the national currency will henceforth be converted on the basis of the relation of such national currency with SDRs.

This Bill seeks to revise the provisions of the Merchant Shipping Act on the above lines, and this is necessary because India has accepted the 1976 Protocol to the 1969 Convention.

I now move the Motion for the House to adopt the amendments suggested in the Bill.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Merchant Shipping Act, 1958, as passed by Rajya Sabha, be taken into consideration."

Now Mr. Shantaram Naik.

SHRI SHANTARAM NAIK (Panaji): I stand to support this Merchant Shipping (Amendment) Bill, 1988.

Whenever any Bill on this topic of merchant shipping has been introduced in this House in the past, the convention has been