

Sinha, Shri Satya Narayan  
 Sinha, Shrimati Ramdulari  
 Sinha, Shrimati Tarkeshwari  
 Sinhasan Singh, Shri  
 Sonavane, Shri  
 Srinivasan, Dr. P.  
 Subbaraman, Shri C.  
 Subramanian, Shri C.  
 Subramanyam, Shri T.  
 Sumat Prasad, Shri  
 Sunder Lal, Shri  
 Surendra Pal Singh, Shri  
 Swamy, Shri M. N.  
 Swamy, Shri M. P.  
 Swamy, Shri Sivamurthi  
 Swaran Singh, Shri  
 Swell, Shri

Thevar, Shri U. M.  
 Thevar, Shri V.  
 Thomas, Shri A. M.  
 Tiwary, Shri D. N.  
 Tiwary, Shri K. N.  
 Tiwary, Shri R. S.  
 Tombi, Shri  
 Tripathi, Shri Krishna Deo  
 Tuls Ram, Shri  
 Tyagi, Shri  
 Uikey, Shri  
 Ulaka, Shri  
 Upadhyaya, Shri Shiva Dutt  
 Vaishya, Shri M. B.  
 Valvi, Shri  
 Varma, Shri M. L.

Varma, Shri Ravindra  
 Veerabasappa, Shri  
 Veerappa, Shri  
 Venkatasubhaiah, Shri P.  
 Verma, Shri Balgovind  
 Verma, Shri K. K.  
 Vidyalankar, Shri A. N.  
 Vimla Devi, Shrimati  
 Virbhadra Singh, Shri  
 Vyas, Shri Radhelal  
 Wadiwa, Shri  
 Wasnik, Shri Balkrishna  
 Yadav, Shri N. P.  
 Yadav, Shri Ram Harkh  
 Yadava, Shri B. P.  
 Yajnik, Shri

**Mr. Speaker:** The result of the division is: Ayes: 57 plus 3 minus 1, i.e., 59; Noes: 349.

**Ayes: 59; Noes: 349**

*The motion was negatived.*

श्री किशन पटनायक : अध्यक्ष महोदय, इस राय के बारे में

अध्यक्ष महोदय : राय के बारे में मैं अब नहीं सुन सकता ।

स्वामी जी यहां पर खड़े हो कर बात कर रहे हैं ।

श्री रामेश्वरानन्द : अगर आप मुझे नहीं देखना चाहते तो मैं चला जाता हूँ ।

अध्यक्ष महोदय : जाते जाते भी बे बोलते जा रहे हैं ।

13.55 hrs.

#### DELHI RENT CONTROL (AMENDMENT) BILL

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): On behalf of Shri Lal Bahadur Shastri, I beg to move:

"That the Bill to amend the Delhi Rent Control Act, 1958, as passed by Rajya Sabha, be taken into consideration."

Mr. Deputy-Speaker, Sir....

**Mr. Speaker:** I am no longer the Deputy-Speaker.

**Shrimati Chandrasekhar:** I am sorry.

Mr. Speaker, Sir, Rent Control was first introduced in New Delhi by the New Delhi House Rent Control Order, 1939. This was applicable only to the New Delhi area. Then the Delhi Rent Control Order, 1944 was passed which made Rent Control applicable to the whole of Old Delhi area also and this was superseded by the Delhi, Ajmer, Marwar Rent Control Act of 1947. This was later replaced by the Delhi Ajmer Rent Control Act, 1952.

The Delhi Rent Control Act, 1958 which now governs the landlord tenant relationship is a comprehensive one and supersedes all the previous orders and enactments. This Act applies to all private premises but does not apply to premises belonging to Government vide section 3. This is in accordance with the provisions contained in the previous enactments.

13.56 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

A very large number of buildings in the urban area of Delhi are built on Government leasehold lands. The provisions of the enactments of Rent Control, right from 1939 in the case of New Delhi and from 1944 in the case of other areas were applicable to these premises built on Government leasehold lands, thereby giving

\*Noes—the names of three members could not be recorded.

[Shrimati Chandresekhar]

protection to the tenants living in these premises against exploitation and eviction by landlords. However, the Rent Control Tribunal, Delhi, gave a decision in certain Rent Control appeals relating to private premises built on Government leasehold land in New Delhi, that the premises built on Government leasehold lands are "premises belonging to Government" and as such by virtue of the provisions contained in section 3, the Act is not applicable to such premises.

In the urban area of Delhi, a large number of tenants reside in about 60,000 private residential premises and 10,000 non-residential business premises. The decision of the Rent Control Tribunal, Delhi, would have the effect of depriving this large number of tenants of the benefits of the Delhi Rent Control Act, regarding the fixation of standard rent and protection against eviction.

Therefore, it has been proposed to amend section 3 of Delhi Rent Control Act of 1958 by adding a proviso to the effect that where such premises have been or are lawfully let by any person by virtue of an agreement with Government or otherwise, then the provisions of the Act shall also apply to such tenancy.

To ensure that this amendment has retrospective effect, the word "shall be deemed always to have been added" have been inserted in clause 2 of the Bill. This amendment should have the effect, notwithstanding any decree or order of any court or other authority, and the proviso sought to be added to section 3 of the Act has accordingly been drafted.

This Bill is a very simple one and has the very limited object of ensuring the tenants who were enjoying a protection under the Rent Control legislation since 1939 from being adversely affected by the decision of the Rent Control Tribunal.

This being a simple and non-controversial Bill, I would expect the

House to pass it without any hesitation. Thank you.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to amend the Delhi Rent Control Act, 1958, as passed by Rajya Sabha, be taken into consideration."

14 hrs.

**Dr. L. M. Singhvi (Jodhpur):** Sir, I want a clarification. I wish to know whether any specific time has been allotted for this particular Bill and whether it is the intention of the Government to rush through this Bill in half an hour. It is hardly fair to this House and to Members who have to contribute something and give the benefit of their views to the Government.

**Mr. Deputy-Speaker:** We will continue the debate next day. Shri Daji.

**Shri Daji (Indore):** Sir, the amending Bill as explained by the hon. Minister is simple and plain and is welcome in the sense that it seeks to fill a lacuna left in the Bill as pointed out by the court concerned. But there are still many lacunae in the Act none-the-less glaring than the one being sought to be corrected. Government should initiate immediate steps to revise the Rent Control Act as applicable to Delhi because there are so many incongruous and fantastic provisions. This opportunity should have been taken by the Government not to restrict the amending Bill only to one particular point brought to their notice, but for the general revision of the Act.

There is one particular provision, for instance, causing havoc to the parties concerned—clause 6 and clause 12. The latter says that application for fixing a fair rent should be filed within two years of the passing of the Act, while the former provides that for buildings built after 1957, about 5·7 years should elapse before

the rent could be revised. I will show how these two provisions are contradictory and had led to fantastic results. There is for instance the decision in the *Chunilal versus Krishanchand* case. If the application is not filed within two years, it becomes barred by time. But in respect of these new buildings, one cannot file a petition for 5-7 years. The decision has been given by the tribunal that the proper course is to file an application within two years but wait for five or six years before giving effect to it. It is a fantastic interpretation. So many *bona fide* tenants feel that they could not go to the court as they are told that their applications are time barred. Hundreds of them waited under section 6 and they are completely without any relief whatsoever because of this interpretation. We can say here that we do not agree with this interpretation but it is neither here nor there. I think the Government is in duty bound to amend these provisions to bring into effect the real and original intention of the legislation when it was passed. In any case, the intention is not that the parties should file an application within two years but wait for seven years for relief.

There are so many other contradictions also. There is an omnibus provision about the *bona fide* use of the landlord. We know of cases where a man actually claims 16 rooms for his *bona fide* use! He was asked in the court and he could not say why he wants these rooms. He will say that he wants eight rooms for guests. That was not the intention or the *raison d'être* of this provision. If he really wants the house for his use, he will get precedence over the tenant. That is understandable. But it has become the stock argument advanced by every landlord to evict his tenant. Certainly the courts are not arbitrators about the *bona fide* use or necessities. So, the tenant has to go obviously.

There is an old saying that justice delayed is justice denied. That is meaningless because in our country justice is never anything but delayed. What you call speedy justice is something unheard of. It will be a fantastically expeditious and quick disposal if an application under the Rent Control Act is disposed of within one year. I would request the hon. Minister to get a report of the pending cases before the tribunals in Delhi and find out how many have been pending for many years. The rent control proceedings are meant to be summary, quick and short and what not.

This Bill was meant to give relief to the tenants and to stop rackrenting. But it has become an instrument for fleecing tenants in various ways. There are incompatible and abnormal contradictions in the Act and I have got a handful of them but I do not want to burden the time of the House by going into it. I feel that it is the intention of the Government to do justice to the tenants. I thank them that they have been alive to this one particular lacuna and particularly the last clause in the Bill which says that it shall always be deemed to have been so. It is all good. In the same spirit I request them to view the absurd abnormalities that I have pointed out. In this Emergency, we have got ample powers and that is all the more reason why a tenant should be able to seek and get protection, if necessary, even by extraordinary measures. With this Act on the statute-book, if the purpose is not fulfilled, we have not done our duty to the people who are our masters. The policy is not different. We accept the policy. But if we are unable to implement that policy effectively we are not worth the salt for which we have been returned to the Parliament. In Delhi the whole business of rent racket has become a sordid racket. To get a shop in Connaught Place, one has to give a *pugree* of one lakh of rupees. I know a particular shop which paid only the other day a *pugree* of Rs. 2

[Shri Daji]

lakhs. There is no receipt for that. But every one knows it; they know this shop got a *pujree* of one lakh and that shop, two lakhs and so on. We are sorry and helpless spectators, with this Act on the statute-book. Implementing it in a half-hearted manner would not do. What about the question of receipts? No landlord gives the receipt when he claims excessive rent. Why have we not made that a penal offence. So many States have done so. Why not such an ordinary provision be made in the Delhi Rent Control Act so that at least a fair deal is given? We do not say to the landlord that he should charge very cheap rates. But I want to say, "Please give a fair deal to the tenant; please give a receipt for the amount you charge as rent; do not have blackmarketing rent". Why should we not make such a provision immediately and introduce it in the Act so that the Act is able to serve the purpose for which it is intended? I do not understand. Today, it is becoming only an eye-wash, a paradise for the lawyers and rich men to start their multifarious, interlocking litigation procedure which goes on.

There is another feature. There was a provision prior to this amending Bill. In the old Act there was a provision. It has somehow been changed now. Supposing, if the rent charged was excessive, it could be brought out in the arrears of rent proceedings. The tenant cannot do so now, because limitation is over and the court cannot take cognizance *sub motu* of the violation of any provisions; the person is now debarred from all time, to come from seeking a remedy. What is meant by minimum excessive rent? Excessive rent is blackmarketing. It is nothing less than that. It is an anti-social practice; it is a criminal practice. It is a blackmarket practice. It must be dealt with harshly. Otherwise, why should you say, "you shall not charge such and such a rent"? If you charge

excessive rent, you would be punishable. Why this hunting with the hound and running with the hare? Let us come down heavily on the men who charge heavy and excessive rents and lay down a fair amount which will be fair to the landlord, and which will give a fair possibility for repairs, and at the same time, do fair play and justice to the tenant. Enforce a fair rent strictly within the letter of the law so that the tenants are not deprived of the protection by any back-door, blind alley or trap-door which are left deliberately or which are left open for litigation by intelligent parties.

**Shri Narasimha Reddy (Rajampet):** Mr. Deputy-Speaker, Sir, I entirely agree with my hon. friend Shri Daji that the tenants' hands should be protected, and I think that the whole Act should be revised and it should be seen that proper protection is given to the tenants, considering the harassment of the landlords.

We should also consider the position that even amongst the landlords there might be some honest ones, and we must protect the interest of those honest and *bona fide* landlords. If a landlord has got a number of houses in Delhi, and if his activity takes him to some other places like Calcutta or Bombay, he has necessarily to rent out all his buildings. Supposing he finishes his work and comes back, he must be allowed to occupy anyone of the numerous buildings which he possesses in one place. Provision has to be made in such cases to see that a landlord is allowed to occupy anyone of the buildings he has got for his own purposes or for the purposes of his family. That is my recommendation to the Minister; and I have also given an amendment to that effect. I hope the Minister will give due consideration to it.

**Shri A. N. Vidyalankar (Hoshiarpur):** Mr. Deputy-Speaker, Sir, the whole Act was passed, I think, in a

hurry. I agree with Shri Daji that there are many loopholes and they require removal; it requires a lot of reconstruction. The Act was passed with a view to encourage the construction of houses on the one hand, and to discourage exploitation of the tenants on the other. It was also thought at that time that the interests of both the tenants and the owners should be protected. I feel that we lay more emphasis on passing of laws, but in the matter of implementation our administration is very weak. Naturally, most of the difficulties arise out of this situation. Why is there blackmarketing? Why is there *pagree* system, as was pointed out by Shri Daji? The reason is that the tenants fail to get justice that is their due. Sometimes the owners are also troubled. So, they compromise; they come together, and they go against the Act. Therefore, our approach should be that our laws should be free from loopholes. They should be strictly enforced and our machinery for administering the law should properly function, and it should take upon itself that the interest of the tenants and the owners, both should be protected.

I know many instances of delay in the decision of cases. It is really extraordinary. I know of cases where out of sheer disgust the parties withdrew their case and came to a compromise. The weaker party—whether it is the tenant or the owner—always suffers. Therefore, I think the machinery should be properly streamlined and it should be strengthened so that the law may be properly implemented.

With regard to Government premises, I quite agree that Government premises that are used by the government employees and are given to them for the duration of their employment; should be kept free and should be exempted. But such premises are rented out and used by private parties or used for commercial purposes should not be exempted. The

law should apply to those houses in the same manner as it applies to the private premises. I think it is necessary, because I know of cases where private persons living in Government houses or commercial people who somehow or other secure Government premises misuse that position. These premises belonged either to the Government or to certain agencies like the LIC. Certain agencies own houses, and those houses are rented out in the commercial way. They are rented out from one person to the other, and the misuse goes on. When such a misuse goes on in the case of premises owned by the Government or by semi-government agencies, it creates disgust and demoralisation. These examples have been quoted by private owners. Therefore, in the case of Government premises, as in the case of premises owned by Government or semi-government agencies such as corporations, we should examine those cases, and in those cases also we should rationally apply this Act.

I strongly feel that this whole Act needs a thorough review. We should improve this legislation, we should bring in a comprehensive legislation free from all the loopholes on the basis of the experience that we have gained in all these years.

श्री नवल प्रभाकर (दिल्ली करोल बाग) : उपाध्यक्ष महोदय, यह जो किराया नियंत्रण अधिनियम (संशोधन) विधेयक लाया गया है उसमें जो उस के कारण और उद्देश्य दिये गये हैं, मैं उन में सहमत हूँ। किन्तु मुझे ऐसा लगता है कि इस विधेयक में जो संशोधन की शब्दावली दी गई है वह अब भी डिफिकल्ट है और उस का बही परिणाम होगा जो कि इस से पहले वाले विधेयक में दी हुई पंक्ति का हुआ था।

जहां तक किरायेदार और मालिक मकान के सम्बन्ध की बात है, यह सही बात है कि हमारे न्यायकर्ता जो इस सदन

## [श्री नवल प्रभाकर]

की भावनायें हैं उन पर इतना विचार नहीं करते जितना कि शब्दावली पर। इस सदन की मंशा यह थी कि सरकारी भवन जो हैं, इमारतें जो हैं या सरकार की सम्पत्ति जो है उस पर यह किराया नियंत्रण लागू नहीं होगा। उन के अतिरिक्त सब पर वह लागू होगा। बिल्कुल सीधी सादी सी बात थी। किन्तु हुआ यह कि जो जमीनों सरकार ने लीज पर ली हुई हैं उन का निर्णय देते समय यह कहा गया कि चूंकि वह जमीनों सरकारी हैं और उन जमीनों पर बने हुए जो मकान हैं वह भी सरकारी हैं, इसलिए उन के ऊपर यह जो अधिनियम है वह लागू नहीं होगा। मैं आप को यह बतलाना चाहता हूँ कि मेरे ही निर्वाचन क्षेत्र में एक भाई ने मकान किराये पर लिया और ऐसी जगह पर ही लिया। जब वह अदालत में गया तो उन्होंने ने कहा कि इस पर किराया नियंत्रण किया जाय। उस से पृच्छा गया कि वहां जमीन का क्या भाव है। उस ने कहा कि सरकार ने २६ ६० गज में जमीन ली है, उस के ऊपर २ ६० महीने लीज का लिया जाता है। उस के हिसाब ने आप लगा लीजिए, जो स्ट्रक्चर उस के ऊपर खड़ा है उस के ऊपर जो कीमत आये उस के हिसाब से लगा लीजिये, और ७॥ या ८ परसेन्ट जो बढ़ा कर लगाते हैं, उस के अनुसार फैसला कर दीजिये। उस के बाद उस से यह कहा गया कि जो जमीन आप ने ली है वह तो ठीक है कि मकान मालिक ने उसे सरकार से २६ ६० में ली है, लेकिन सरकार ने उस पर मेहरबानी कर के नामिनल रेट पर दिया है, इस लिये वह मार्केट रेट नहीं है। अगर ब्लैक मार्केट में कोई चीज बिकती है और उसी को मार्केट रेट कहा जाये तो फिर आप कैसा भी कानून बना लीजिये, उस का वही अर्थ निकलेगा। अब दिल्ली प्रशासन जो है वह २५ ६० गज जमीन देता है, यह खुली हुई बात है, लेकिन अगर उसी इलाके में ५० ६० गज जमीन बिकती है या ७० ६० गज बिकती है तो वह

उस की कीमत नहीं है। कीमत तो असल में वह है जो कि सरकार ने निर्धारित की। अगर यह कहा जाय कि उसी इलाके में अगर कोई जमीन ७० ६० या १०० ६० गज बिकती है तो उस के हिसाब से लगाया जायगा तब फिर आप यह किराया नियंत्रण करें या न करें, सब बराबर है। मैं चाहूंगा कि माननीय मंत्री जो अपने भाषण में इस बात को बिल्कुल स्पष्ट करें कि जो जमीन सरकार से ली जाती है और उस का पैसा दिया जाता है, क्या वह मार्केट वैल्यू नहीं है। अगर वह मार्केट वैल्यू है तो फिर ब्लैक मार्केट क्या है? इस चीज का फैसला होना चाहिये और उस फैसल के अनुसार किराया कानून लागू होना चाहिये।

हमारे पुनर्वास विभाग ने बने बनावे मकान दिये। कहीं वह २,००० ६० में दिये और कहीं ५,००० ६० में दिये। वही उस की कीमत है। पांच साल पूरे हो जाने पर इस अधिनियम के अनुसार उस की कीमत के ऊपर किराया लागू होना चाहिये क्योंकि वह आदमी उसी दिन से बैठा है। अगर यह कहा जाये कि इस जमीन का भाव यह हो गया है और उस के स्ट्रक्चर का भाव यह हो गया है और जो पहले ५,०० ६० का था वह आज ५०,००० ६० का हो गया है, इस लिये ५०,००० ६० के ऊपर किराया देना पड़ेगा, तो मैं समझता हूँ कि दिल्ली में कोई किरायदार रहने वाला नहीं है।

आप को यह देखना होगा कि आप ने इस में जो शब्दावली दी है अगर उस में यह बातें नहीं आती हैं तो उन को आप पूर्णतया दें, और उस को देने से ही सब कुछ सही हो जायेगा। आज किरायदारों और मकान मालिकों के बीच में जो आये दिन झगड़ा होता है उस का सब से बड़ा कारण यह है। मैं एक और मिसाल देना चाहता हूँ। हमारे पुनर्वास विभाग ने बहुत से मकान दिये हैं

और उनकी कीमत उन्होंने तय कर दी है और उस में नोज का भी हिसाब नहीं है। परन्तु मकान मालिक बहुत चतुर हैं। जो उस को सेज डोड है वह उसे नहीं लेते। पैसा सब दे देते हैं लेकिन सेल डोड नहीं लेते, यह इस लिये कि चूँकि उस के नाम वह नहीं होती है इस लिये उस पर किराया नियंत्रण लागू नहीं होता है। अब आज जो किरायेदार है, जो कि बारह बर्ष से बैठा हुआ है, वह यह सोच रहा है कोई बात नहीं है, पांच बर्ष पूरे हो जायेंगे वो वह जो ५० रु० देता है वह २५ भी हो जायेंगे। इसी आशा में वह पांच साल से बैठा था, किन्तु जब वह किराया कंट्रोल करने वालों के पास गया तो वह कहते हैं कि यह कानून तो उस पर लागू नहीं होता। इस लिये नहीं लागू होता कि वह सरकारी है। उसके कारण आज एक नहीं, दो नहीं, हजारों किरायेदार उसके अन्दर पड़े जा रहे हैं और हालत यह हो रही है जब वे किराया नहीं दे पाते हैं तो उन को वहाँ से निकाल दिया जाता है। मैं माननीय मंत्री जी से कहूँगा कि वह इस को देखें, सोचें और समझें। जहाँ तक इस की गन्दावली का सवाल है, वह बिल्कुल साफ नहीं है। आप ने कहा है, जैसा कि असली मंत्रिनियम है, उस में लिखा है:

"to any premises belonging to the Government."

उस के अगें आप नें यह जोड़ने के लिय कहा है :

"Provided that where any premises belonging to Government have been or are lawfully let by any person by virtue of an agreement with the Government or otherwise, then, notwithstanding any judgment, decree or order of any court or other authority, the provisions of this Act shall apply to such tenancy."

किन्तु मैं ने जो अमेंडमेंट दिया है उस में मैंने यह और भी स्पष्ट कर दिया है, और स्पष्ट कर के मैं नें यह कहा है :

"The expression 'premises belonging to the Government' in."

**Mr. Deputy-Speaker:** Is he going to finish or does he want some more time.

**Shri Naval Prabhakar:** I have just started.

**Mr. Deputy-Speaker:** He may continue next day. We will now take up the other business.

14.30 hr .

MOTION RE MAINTAINING PRICES OF ESSENTIAL COMMODITIES AT REASONABLE LEVELS

**Mr. Deputy-Speaker:** Further consideration of the motion moved by Shri Indrajit Gupta on the 11th December, 1962.

"That this House takes note of the statement laid on the Table of the House on the 10th November, 1962 by the Minister of Planning and Labour and Employment on measures for maintaining prices of essential commodities at reasonable levels."

We have taken one hour and fifteen minutes.

**Shri P. Venkatasubbalah (Adoni):** What about the Agricultural Refinance Corporation Bill?

**Mr. Deputy-Speaker:** Next session. The Speaker has allotted the remaining 2½ hours for the discussion of this Motion.

**Shri V. B. Gandhi (Bombay Central South):** Mr. Deputy-Speaker, it is a good thing that India is conscious and wants to be watchful of the consequences of inflation. One thing that a country which is at war, as India is today at war with China, should not neglect is to watch its price line. It is very important that due importance should be given to this aspect. A stable price line is worth all the