

*Clauses 32 to 40 and the Schedule were added to the Bill.*

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

**Pandit G. B. Pant:** I beg to move:

"That the Bill be passed."

**Mr. Chairman:** The question is:

"That the Bill be passed."

*The motion was adopted.*

#### DELHI TENANTS (TEMPORARY PROTECTION) BILL

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** I beg to move:

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union Territory of Delhi from eviction, as passed by Rajya Sabha, be taken into consideration."

**Shri U. M. Trivedi (Chittor):** On a point of clarification, I wish to say that on page 3 of this Bill which has been supplied to us, nothing has been printed. It has been left blank.....

**Shri Nand Lal Sharma (Sikar):** The same is the case with other copies also. There is nothing printed on it. We are not able to see what law is intended to be made.

**Mr. Chairman:** That is the end, I am told.

**Shri U. M. Trivedi:** But Pandit Thakur Das Bhargava tells us that there is something to be printed on page 3.

**Pandit Thakur Das Bhargava (Gurgaon):** The Bill, when it was in the Rajya Sabha, contained the Statement of Objects and Reasons etc. When it has been passed by Rajya Sabha, all those things have been taken away as they are taken away in all the Bills.

**Shri U. M. Trivedi:** How are we to know that there are only five clauses?

**Mr. Chairman:** The original Bill, as it was introduced in the Rajya Sabha, has also been circulated to Members and from that you have to infer. The hon. Minister may continue.

**Sardar Swaran Singh:** Sir, this Bill, as passed by Rajya Sabha, seeks to give temporary protection against eviction to certain categories of tenants and the protection is both against passage of a decree for eviction as also against execution if the decree had already been passed. There are two things to be seen.

**Pandit Thakur Das Bhargava:** There is no provision for pending cases and any decree can be passed.

**Sardar Swaran Singh:** There is no provision with regard to pending cases as such but, obviously, if a decree is passed—the suits will not be stayed—that will not be executed. So it will cover those cases also.

There are two things which I want to mention before I go to the relevant provisions of the Bill; one is that this temporary protection extends over a period of two years and, secondly, there is a limit that this will cover only those tenants who pay a monthly rent up to Rs. 100; that is, it does not afford protection to those tenants who might be paying a rental of more than Rs. 100 per month.

**Shri Velayudhan (Quilon cum Mavelikkara — Reserved — Sch. Castes):** Why?

**Sardar Swaran Singh:** Did I hear Shri Velayudhan to say "Why"? Does he want protection to be afforded to tenants who pay a monthly rent of more than Rs. 100 also?

**Shri Velayudhan:** My contention is that almost all the capitalists are getting more rent.

**Sardar Swaran Singh:** Is he trying to help them or protect them?

**Shri Velayudhan:** The Government is trying to protect them. How can I protect them?

**Mr. Chairman:** Order, order. Let the hon. Minister continue.

**Sardar Swaran Singh:** If the hon. Member is a little patient, at least one-tenth the amount of patience as compared to what I have got, I think he will understand what the Bill is.

**Shri Velayudhan:** I have understood.

**Sardar Swaran Singh:** It seeks to give protection against those tenants against eviction, who are paying rent up to Rs. 100. If he asks me to increase the limit, that means he is bringing within that category the upper-class tenants who are comparatively a richer class of people. I am sure this cannot be the intention of the hon. Member.

Anyhow, the point which I was trying to develop was the two-fold nature of the Bill; its temporary nature, that is, it extends over a period of two years, and that it covers the type of tenants who do not pay rent beyond a certain limit which, it is considered, is a reasonable limit. The protection extends to certain classes under Section 13 of the Rent Control Act.

The relationship between landlord and tenants about salient factors, namely, about the rent payable or about the circumstances under which eviction can be obtained, is governed by the provisions of this Delhi and Ajmer Rent Control Act of 1952. Since 1952, considerable pressure has actually accumulated with regard to accommodation so far as the city of Delhi is concerned. That requires a reassessment of the situation and a detailed examination of the manner in which we should deal with that problem. We had been giving thought to this matter for quite sometime. It was, however, not possible to frame any long-term measure in order to

give relief of a more permanent nature. But a situation had recently developed on account of either a large number of actual evictions, a large number of legal proceedings that had actually been instituted, or a still larger number of cases in which though formal legal proceedings had not been started threats of eviction and the like had been given. Therefore, it was necessary to afford some protection against immediate eviction to these tenants, these poor class of tenants who were on the point of being evicted. It was with this object that we brought forward this legislation, to give some breathing time so that a detailed examination could be had of the problem. It is Government's intention to examine this matter thoroughly with the association of all concerned, namely, the Delhi Administration, maybe the Corporation, the Improvement Trust or the Delhi Development Provisional Authority. An effort will be made to associate non-official opinion also and then to formulate a definite plan of tackling this difficult problem which will, obviously, consist of a two-fold attack upon this vexed problem; one, to think of some appropriate legislative measures and, secondly, to have proper housing plans for the metropolis.

But, that would take some time. A situation had, however arisen which necessitated the grant of this temporary relief. In affording this temporary relief, care has been taken to make an exception with regard to that category of cases where the landlord seeking eviction of the tenant may himself be in a hard position, and there are categories of cases where, notwithstanding this new amending Bill, the landlord will still have the right of eviction; for instance, a landlord requiring the premises for his *bonafide* personal use by way of occupation or the like, or where the tenant does not pay rent, or the other one or two clauses which are contained in the Bill. What I am trying to say is, even while giving this temporary relief, we have taken care to ensure that undue hardship, particularly to the

smaller landlord, is not caused by this staying of eviction and, if it is a genuine case of hardship then he can get his decree for eviction executed or he can succeed in his suit for eviction if his case comes within those categories which are mentioned under Section 13 and with regard to which this Bill does not extend.

Now, I am aware of the two-fold type of criticism that are likely to be made. There will be one set of arguments in favour of making this Bill more stringent in the sense that in the categories of cases where eviction can even now take place we have been liberal so far as the landlords are concerned, and that we could consider even more categories under which we could permit eviction. There will again be criticisms from another quarter where it is likely to be urged that we have been too strict in the matter of staying eviction and that it should be liberalised. We have given considerable thought to these apparently conflicting claims. We had, on the one side, to afford relief to the tenants to whom we thought this relief was overdue. On the other hand, we wanted to protect the cases of genuine landlords who may be in real difficulty and who themselves may be owning small bits of property and therefore we could not postpone their enjoyment of the property if their need was genuine. Therefore, a middle course has been thought of which gives a reasonable measure of protection to deserving cases of tenants and also does not cause undue hardship to the landlords. It is a sort of compromise formula and I am aware of the type of criticisms that can be levelled against it from both sides.

Then again, there is one other aspect which I want to point out. The Bill, if I may submit most respectfully with a certain amount of apology to the House, has been drafted in considerable haste, because we thought that the problem was real, and it was a human problem. It was, if I may say so, partly a law and order problem, and to tackle this problem, it was very necessary that we give this protection

in some measure. All these points can be later on examined and in the administration also, it can be ensured that if there is any particular hardship in any matter, that can be got over. I wanted to say this so that the hon. Members, if they are inclined to agree with me, may cut short some of their criticisms, and may permit the passage of this Bill as it has been passed by the Rajya Sabha, because we are working on a tight schedule. Even if there are any particular phrases which could be improved or any particular thing which, by a little addition or alteration here and there, might either improve the language or may slightly be a little more advantageous, that is normally done and that is how we are benefited by the advice of Parliament.

But in this case, I regret that it will not be possible to do that really, because of the tight schedule, and even if minor changes are made, this Bill will not be placed on the statute-book unless they are approved by the Rajya Sabha, and the Rajya Sabha would not be in session by the time the changes, if any, are made here and the Bill sent back to the Rajya Sabha. Therefore, I would appeal, in the name of those unfortunate and suffering people who belong to the poorer classes, that this House might agree to the passage of this Bill, the object of which is primarily to afford this temporary relief. The matter will be examined in greater detail by the association of all the concerned people and also by the association of non-official opinion. Sir, I move.

**Shri Nand Lal Sharma:** On a point of clarification. The hon. Minister was just now saying that even if certain changes were necessary in certain portions or in certain clauses, he could not accept the amendments because there was no time. Is it also a basis on which amendments will not be permitted?

**Mr. Chairman:** What he says is that it will not be possible to accept them, if you want to pass this Bill in this session. Today is the last day of the session.

**Sardar Swaran Singh:** I am not raising any technical issue. All that I can say is, we have to view this problem against the background which I have pointed out. Of course, the House is sovereign and it can even throw out the Bill. But I am only saying that even if there are any changes which may be made, we may not have sufficient time to pass the Bill. If there were more time, I myself might have accepted some amendments, but now, I am anxious and I am sure the House will share my anxiety to place this protective measure on the statute-book. Therefore, it is not possible really, in order to save time, to accept amendments. Therefore, I only appeal to the House that if we can approve the Bill as it is, that will afford some protection. I am not raising any legal or constitutional issue on that score.

**Mr. Chairman:** Motion moved:

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union Territory of Delhi from eviction, as passed by Rajya Sabha, be taken into consideration."

There are two other amendments, one for circulation for the purpose of eliciting opinion and the other for referring the Bill to a Select Committee. The motion for circulation is out of order. Further, the hon. Member is absent. Does Pandit Thakur Das Bhargava want to move his amendment?

**Pandit Thakur Das Bhargava:** Yes. I want to move it. I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri Tek Chand, Shri Anandchand, Shri B. P. Jhunjhunwala, Shri Mohanlal Saksena, Shri A. M. Thomas, Shri U. M. Trivedi, Shri B. Ramachandra Reddi, Shri H. V. Kamath, Shri Shree Narayan Das, Shri N. C. Chatterjee, Shri Tulsidas Kilachand, Shri Hem Raj, Shri Feroze Gandhi, Sardar Swaran Singh and the Mover,

with instructions to report by the first day of the next session".

**Mr. Chairman:** Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri Tek Chand, Shri Anandchand, Shri B. P. Jhunjhunwala, Shri Mohanlal Saksena, Shri A. M. Thomas, Shri U. M. Trivedi, Shri B. Ramachandra Reddi, Shri H. V. Kamath, Shri Shree Narayan Das, Shri N. C. Chatterjee, Shri Tulsidas Kilachand, Shri Hem Raj, Shri Feroze Gandhi, Sardar Swaran Singh and the Mover, with instructions to report by the first day of the next session".

#### COMMITTEE ON ASSURANCES

##### THIRD REPORT

**Shri Raghavachari (Penukonda):** Sir, I beg to present the Third Report of the Committee on Assurances.

#### RESIGNATION OF A MEMBER

**Mr. Chairman:** I have to inform the House that Shri Amarnath Vidyalankar has resigned his seat in Lok Sabha with effect from today.

#### DELHI TENANTS (TEMPORARY PROTECTION) BILL—*Concl'd.*

**Shri Raghavachari (Penukonda):** I rise to speak about this Bill both as a Member of Parliament and also as a lawyer who knows the real experience of people. I perfectly appreciate the hon. Minister's point of view that they have been considering very sympathetically the problem relating to overcrowding and the difficulty of tenants and all that.

This is an affair concerned with Delhi and that I have nothing to do with it. But I happened to be a member of the committee regarding eviction of Government premises, that is, I was a Member on the Committee

appointed to consider the Government Premises (Eviction) Bill. Then, I went round all those areas and obtained a very realistic view of the conditions in which the people are living in those areas. It is not that I have not seen the conditions. We have had a very graphic view and a sympathetic view of the whole matter. Nevertheless, the point that is now for consideration is this. I do not wish to question the *bona fides* of the Government, but, all the same, I want to place on record what I feel about it. Is the Government really anxious to relieve this problem? It is not that this problem has presented itself before the Government recently or all of a sudden. For years the evil of overcrowding has been there in Delhi. In 1952 they passed a legislation, which is sought to be nullified by the present Bill. This pressure on the condition of the tenants in Delhi has not developed overnight. It has always been there. The Minister now asks for more time to solve the problem. If they had applied their minds to this problem early enough with the same sympathy that they now profess, this problem could have been solved. They wasted crores of rupees in building hotels and big buildings to show off as the best things in Delhi. If those crores of rupees were spent for relieving this congestion, they could have housed thousands of families. I do not mean to say that the sympathy that the Minister expresses at present is not genuine. But they should have done first things first and other things later.

What is sought to be done by this Bill is that the decrees that have been obtained should not be executable for two years. The Minister explains that he has taken a middle-course or a compromise path as it were and therefore, he has exempted decrees on grounds specified in clauses (a), (b), (c) and (e) of the proviso to sub-section (1) of section 13 of the Rent Control Act. As a lawyer, I know how long it takes for a person to obtain a decree from the court. After a suit has been instituted, it takes years for the suit to mature into a decree; and,

the law has provided 12 years for the execution of the decree. The struggles and the troubles of the decree-holder start only after the decree is obtained, because the defendant resorts to so many tactics to see that the decree is not executed. That is the situation. But now the Government wants to add two more years, so that the period of limitation now becomes 14 years.

**Mr. Chairman:** Is it in addition to the 12 years?

**Shri Raghavachari:** Yes; it is said here that in computing the period of limitation, the time during which the Act remains in force shall be excluded. Therefore, the effect of it will be that the poor people will suffer. After all, every owner is not necessarily rich.

**An Hon. Member:** Most of them are rich.

**Shri Raghavachari:** They have omitted the cases of non-payment of rent and sub-letting. If their intention is genuine, I would like to ask, "Why have you excluded (d)?" In the name of the poor, we have come here.

**Shri C. K. Nair (Outer Delhi):** The lawyers class always represent the rich.

**Shri Raghavachari:** I emphatically protest against Mr. Nair's remark against the whole class of lawyers.

**Sardar Swaran Singh:** Do not misunderstand him; I am also a lawyer.

**Shri Kamath (Hoshangabad):** The Chairman is also a lawyer.

**Shri Raghavachari:** To accuse the whole class is not proper. When the communists were making propaganda for the elections, they said, "We will take away the property of the capitalists and distribute it amongst all of you; give your votes to us." We said, "Look at this propaganda. Is it possible? They are just deceiving the poor people." Now, what is it that you are saying? In the name of the poor, you say you will do this and that. Is it feasible or practicable? Is

[Shri Raghavachari]

it necessary in the interests of the society? You must realise what is the smaller danger and what is the greater danger; what is the lesser inconvenience and what is the greater inconvenience. These are the things you must examine. Simply in the name of the poor you bring a piece of legislation. I cannot appreciate that kind of argument, except that it has a sentimental value in appealing to the world.

The Minister wanted to say about his sympathy to the genuine difficulties of the landlords. If your point is not to evict the tenant, what does it matter if he has sublet the premises to any other man? If your point is that the man who is living there should not be evicted out of the House, it matters not if some other poor man has occupied it as sub-tenant. Why do you exclude this? There is no common principle by which you are guided. If your idea is that any man who is in the possession of the premises should not be disturbed for two years to come, what does it matter if he has sublet it? Why do you exclude that portion of it?

**Sardar Swaran Singh:** He makes money out of subletting by charging a higher rent.

**Shri Raghavachari:** You want the owner to get money now.

**Sardar Swaran Singh:** No.

**Shri Raghavachari:** If the sub-tenant is evicted, the owner can let it to some other man and charge higher rent.

**Sardar Swaran Singh:** But rent is controlled under the Act.

**Shri Raghavachari:** Every one of your clauses here are surreptitiously overcome. This surreptitious overcoming of law is a business in which lawyers and other intelligent people indulge. So, you cannot say that this overcoming is a new thing. It is there always.

The hon. Minister has given some reasons. There is a saying that when people want to give reasons, they give ever so many reasons, but the real reason is always lurking somewhere else; it will not come. I may be pardoned for saying it, but what I gather from the newspapers is this. After all, this problem has been there confronting us all these years, and the sympathetic solution comes a few weeks before the election. The House is to end today.....

**Sardar Swaran Singh:** This is the opportune moment for doing good things.

**Shri Raghavachari:** Whether it is opportune or inopportune, certainly what you are doing is good. But the only question is that the Government have chosen to do all these good things at a time when it is liable to be construed wrongly. There is no unsuitable time for doing a good thing.

**Sardar Swaran Singh:** I am not standing for the elections; I am a Member of the Rajya Sabha.

**Shri Raghavachari:** It is not you, but the whole party you represent. I do not want to be disturbed, because I know it is inconvenient to you. I have read in the papers that the position of the Congress in Delhi area is not safe and the opposition from the Jan Sangh and other contestants are very stiff.

**An Hon. Member:** And your party?

**Shri Raghavachari:** I am not concerned with my party. I am not going to contest on behalf of any party. I say what I feel about the thing. Under these circumstances a few weeks before the elections you want to earn a good name from the people; certainly the owners are less than the tenants. I suspect this is one of the reasons which has urged you to bring this piece of legislation just now.

**Sardar Swaran Singh:** You can eliminate this.

**Shri Raghavachari:** Apart from this you must act on certain principles. Last time I remember we helped you to get a piece of legislation passed which enabled you to get certain unauthorised persons evicted from government premises. If a man had sublet his house and you cancelled the allotment to him he became an unauthorised occupier and he was liable to be evicted. It was your property; therefore, you wanted to evict him and have him physically thrown out. In the case of this Bill the same principle is not applied.

I may be the owner of a house and may have rented a room to my employee. Either he resigns or I dismiss him. Under this law, I cannot evict him. Suppose all your Government servants are dismissed or resign from service tomorrow and they continue to occupy their houses and you cannot evict them? Is this justice? You have one rule for yourself and another for others. Government is a big institution. It will not exercise its powers arbitrarily and whimsically and therefore there should be some difference in the standards between government exercising it and private individual exercising it.

There may be some good people, honest people, more sympathetic than Government. They may like to exercise their powers properly. Why do you prevent such people also by this legislation? I have given my house, for instance, to somebody. He does not live there and locks it up. The old law provided that I could evict him. Now you say I cannot evict him. You say that your idea is that the house should not lie vacant. If it is un-occupied somebody can live there. If any man has sublet it he can be evicted; if it is locked he cannot be evicted. If the man or any member of his family does not occupy it for six months he could not be evicted now. He cannot sub-let. A vacant house he must lock and keep the key in his pocket. Therefore, to me it looks that there is no rhyme or reason in your methods; it is inconsistent with your professions.

Now, Sir, supposing there is a house which is likely to be unfit for human habitation; the tenant has gone to court; the court has held that it is unfit for human habitation; and has granted a decree to that effect. Now you say for two years it will not be repaired. Does it mean that the court's findings cease to be valueless? In the recent rains many houses fell down; but they cannot be repaired. You have not provided anything here. What will happen to such houses? The legislation that you have brought forward is something of a hotch-potch, wanting in consistency.

Supposing a man to whom I have given my house has built a house of his own. Normally I could evict him. Now under this law I cannot evict him. You encourage another man who has built a house of his own to continue in my house and rent out his house. There must be some justification for the law we make.

Supposing a man is a nuisance to his neighbours or causes nuisance to his neighbourhood. That may be a reason of which the court was satisfied. But you want the people who live in the neighbourhood now to suffer that annoyance. A court has found that he is a nuisance or creates annoyance to his neighbours and that he should be allowed to be evicted. You do not want that to be executed now. That means the nuisance must be suffered by the neighbours. I am coming from an area where prohibition has been introduced and it is a complete failure. Prohibition is being introduced here. I may let out one room to somebody who return late at night and make *jalsa* or *gala*; he may become a nuisance. I cannot even go to a court of law and establish that this is a nuisance; in other words, you are licensing nuisance. All these things go to show that there is absolutely no consistent reason behind your proposals. All that you want to do is to give a moratorium to the tenants, in view of the coming elections. There must be some consistent reason behind your actions. This is simply a hotch-potch. To me it looks that some

[Shri Raghavachari]

of these provisions have been put into this Bill under pressure, probably for some election purpose. I, therefore, leave it to the House to decide as to whether this Bill should be passed.

One of the arguments used by the hon. Minister,—not only in the case of this Bill, but also of the previous one—is that there is not much time before him. Surely, that kind of an argument which is urged in consideration of a piece of legislation before Parliament, is not right and it does not appeal to me. Though I know that a realistic view should be taken and we must do something, if you say “This is the problem, allow me to do it, I will have my purpose served, and later on we shall see”, that is not a proper argument to my mind. Therefore, I wish to point out these facts to the Government. The hon. Minister said that we can hope that in the matter of execution or administering this law they will be sympathetic and keep these things in view. But unfortunately you prevent the courts from executing decrees. And in administering these things you cannot do anything once you pass the law; the courts are bound, and therefore your sympathetically administering the law is not possible. And even when, in respect of a slum area some rule or regulation or order is issued to an owner, and in respect which he has obtained the decree, he cannot now execute it, and therefore he must now disobey the order. And thereby you prevent him from obeying it.

**Mr. Chairman:** The hon. Member's time is up. I am calling Shri Trivedi.

**Shri U. M. Trivedi:** I will not take a long time, because most of the points have been covered, very ably covered, by my hon. friend Shri Raghavachari. Even as an election stunt—if it is an election stunt at all,—it is a failure, and an utter failure, inasmuch as those persons who will be benefited by this will—I am not going to mince matter—be those recalcitrant tenants whom it will be desirable to drive out. It will be the goonda element who will remain in possession. The other gen-

tlemanly people who have failed to pay the rent will have to go away.

“Using the premises for a purpose other than the one for which it was rented”—it is such an ambiguous thing that if the tenant is soft, the landlord can say, “You occupied it for this purpose, now you are having a business there, so you go out”.

Then there is the question of sub-letting. If I have occupied the house and I allow my brother to be there, the landlord can say, “It was to U. M. Trivedi the house was given, what is this U. M. Trivedi for? Therefore you go”.

And then, “causing substantial damage to the premises”, I do not know—of course, as a lawyer I know what is substantial damage and the type of substantial damage and so on. These are all bogus things.

And then, “the premises being required by the owner for his own *bonafide* personal use”—a man may be having hundred tenements, and he will require one more tenements for his own use! All these excuses will be there, by virtue of which the premises can be taken away. These are all excuses which ought not to be allowed.

And then “unsafe premises”. If the court has declared certain premises to be unsafe, which is the tenant who is going to occupy it, unless there is something mischievous behind the occupation of such premises? Who is going to occupy it? Why do you want to provide for the occupation of unsafe premises? Allowing occupation by a person of unsafe premises is not safe. After all, what useful purpose can be served by allowing him to occupy unsafe premises?  
16:54 hrs.

[SHRI RAGHAVACHARI *in the Chair*]

Then, for the purpose of “re-building the premises”—suppose a man wants to re-build the premises. He has fought out the case, and the court has ordered. He has made out the plans and collected the materials. Then it goes in the thin air.

Although the provision is made here that it is for a period of two years, yet we do not know what is in the offing and what will come. We know that when the Preventive Detention Act was put on the anvil, a big proviso was made by Government that it was only for one year. But what has happened is that one year, second year, third year, fourth year, fifth year, sixth and seventh year passed.

**Shri Chattopadhyaya (Vijayavada):** Chewing gum!

**Shri U. M. Trivedi:** .....we have come to 1957 and we are not getting out of it.

If he is an unsuitable tenant and if you want to drive him out, I cannot understand why an unsuitable tenant should be allowed to continue. If a decree has been passed by the court and if he is found to be an unsuitable tenant, why should he be kept? If he is an unsuitable tenant, he must be something of a nuisance. And if a nuisance is to be allowed to be continued for two years further, it is the height of doing something to which I do not agree, and to which as legislators we should not agree.

All these things which are enumerated here generally try to protect the people who do not deserve the protection that is being afforded to them. Mr. Chairman, you were completely right in your analysis of this thing.

Another thing which strikes me as being very strange is this. It is provided here that "nothing in this Act shall apply to any premises the standard rent of which or where there is no standard rent, the rent payable by the tenant in respect of which, exceeds rupees one hundred per month". Why have you provided this limit of one hundred rupees? It is quite true, and you may justifiably plead here "we are trying to give protection only to the poorer people".

But we have to take stock of the situation that Delhi today is not a place where you can easily get houses on cheap rents like thirty or forty rupees. Even these small flats which are supplied to us, Members of Parliament,—they are living holes I should say.

**The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar):** Holes?

**Shri U. M. Trivedi:** Yes, holes they are, the so-called flats with one small room, and in that room some ingenious engineer has shoved in a table, a dining table! What does a Member of Parliament want a dining table for? I am an Indian; I can sit on the ground. I do not want a dining table. The whole space is occupied by that table.

**Mr. Chairman:** You can surrender it.

**Shri P. S. Naskar:** What about his guests?

**Shri U. M. Trivedi:** Even for that small space you are charging as much as one hundred rupees. The ordinary middle-class man is the man who is going to be affected by this. This rent which the Government is charging is ordinarily less than what is charged by the private landlord outside. So, in such premises where the middle-class people, clerks and other drawing a salary of Rs. 250 or 300 are living, with two friends or there are two families or two brothers together, paying a rent of a hundred rupees, such people are going to be driven out.

**Sardar Swaran Singh:** What is your suggestion?

**Shri U. M. Trivedi:** My suggestion is, if you want to keep a figure like this, then please keep it at least at Rs. 150 or about Rs. 175. I would not like you to stick to this one hundred rupees limit, on account of the fact that in Delhi the rents are already very high, and the people who are mostly to be affected by this will be the middle class people, clerks and others working in banks or offices.

**Pandit Thakur Das Bhargava:** You want that the middle-class people also should be protected?

**Shri U. M. Trivedi:** Yes, I want the middle classes to be protected. Therefore, my suggestion is that you are not going to serve any useful purpose by the application of this law.

Then, another thing which is there is this. Government always takes into its head to have a provision like this, and this thing is growing now: Government has got a distrust, a mistrust of the courts. After all, the courts are manned by people selected from amongst us, from amongst all of us. They are also citizens, and somehow they have so grown and the growth has been such that the people have somehow or other developed this mentality of having faith in the courts. And Government, on the other hand, has developed this mentality of driving out that faith by their actions. Let the people have at least this solace that here is a third party before whom we can go and complain. Why have this power absolutely in the hands of the Government? And that is why Government always say, "No standard rent for us, we can always drive out, no rent control or Rent Control Act for us, nothing we do not go to courts, you go to courts."

What the Government is doing is this: for two years, give complete moratorium. The poor fellow might have spent money, paid the court fees, paid some lawyer like me.....  
17 hrs.

**Shri Chattopadhyaya:** Unfortunate man.

**Shri U. M. Trivedi:**...fought out the case, produced witnesses. All to no effect. That is why I submit that even my poet friend will support me that this Bill should not be brought on the statute-book.

**Pandit Thakur Das Bhargava:** Sir, in this Bill, I am at a loss to see what line of argument I should adopt. As a matter of fact, I am rather cornered in one way. The hon. Minister

says, if you oppose this Bill, it will not be possible to go back to the Rajya Sabha to make any amendments. The only course left to us is to accept the Bill. In another Bill, which was placed before the House this morning, we adopted this course. I was anxious that so far as the Faridabad Corporation was concerned, it should come into existence as soon as possible and therefore accepted a compromise. The hon. Minister says that if there is anything wrong here, after detailed consideration, he may come with another Bill. If he had made a specific proposal, I would have adopted the same course. He has not made a specific proposal on that point. Still, he has given us an assurance that if there is anything wrong, he will see that so far as the wrong things are concerned, they are set right. So far so good.

At the same time, I do not see any force in the argument that it has come at such a late stage. The stage is late. If it had come earlier, at the beginning of the session, we would have been able to send it to a Select Committee and they would have gone into the provisions. But, to say that it has come at a late stage and that the Congress Party is to blame, I do not accept. Otherwise, it may mean that in a last session of two or three months, all the good laws that are brought forward by any Government will be open to the objection that they should not have been brought at that time. This is not correct. If any Bill is brought, we must look at it dispassionately without going into the question how the Bill was brought, why the Bill was brought. There may be many reasons. One person may assign one reason, another person may assign another reason. My submission is, let us look at the question dispassionately.

I would have liked the hon. Minister to kindly give us some figures. We should be informed as to how many cases have been decreed, how many execution petitions are pending in

the courts in respect of sub-clauses (d), (f), (g) and (h), etc. Unless these figures are there, I am not in a position to know whether any good will be served by taking away these provisions.

**Sardar Swaran Singh:** We attempted to collect figures. I regret to inform that we could not collect them.

**Pandit Thakur Das Bhargava:** In the absence of these figures, I am not confirmed in my view that there is a great demand for this Bill.

**Mr. Chairman:** In the Statement of Objects and Reasons, you have given figures, I think.

**Sardar Swaran Singh:** Not exact figures.

**Pandit Thakur Das Bhargava:** The hon. Minister says that there is need for this Bill. He feels that, as a matter of fact, the tenants will be affected favourably and there will be some satisfaction to the tenants. I will accept it as a good argument. But, at the same time, I cannot affirm in the absence of figures that it has got substance in it. In the absence of figures, it is impossible to say that there is need for such a Bill and we have to fall back upon the statement or opinion of the Minister. As the hon. Minister feels that the tenants will be satisfied by these exceptions, I would like to examine this Bill and come to my own conclusions whether there is any need or not.

If you look at the parent Act, you will be pleased to find that this was exactly the argument which was given to us when we enacted this measure. In 1952, a Select Committee appointed and I happened to be the Chairman. At that time, we felt that so far as these tenants are concerned, something must be done. When we enacted section 13 of that Act, we had a provision like this:

“Notwithstanding anything to the contrary contained in any other law or any contract, no decree or order for the recovery of

possession of any premises shall be passed by any court in favour of the landlord against any tenant (including a tenant whose tenancy is terminated):”

We went so far as that. We were not in favour of any decree being passed against any tenant in spite of a contract or anything else.

With these premises, we came to see how we can protect our fundamental right under article 19 as well as the landlords also, whether big or small, who had rights in property. We made no distinction between rich and small landlords so far as these provisions are concerned. At the same time, we have seen that the right in property as conferred by article 19 of the Constitution is safeguarded. That is a fundamental right. We went into the question rather deeply and found the exceptions were good.

I shall now examine whether all these exceptions, which the hon. Minister now wants to take away, will affect the tenant favourably or not. Since you have been pleased to refer to these sections and as we are short of time, I will not go deep into the matter. I shall only say a word or two in respect of each exception. For instance, you were pleased to call attention to sub-clause (d). Under this sub-clause, it is so ridiculous to say that a person should be allowed to lock his house for six months; there is nobody in the house, and yet, he should not be evicted. You keep it locked. We have to find a solution for the housing problem. You are making the housing problem more difficult. That is not justifiable. This will not benefit any tenant. Similarly, in regard to clause (e); I will come to it later on.

**Mr. Chairman:** Sub-clause (e) is **excepted.**

**Pandit Thakur Das Bhargava:** There is something to be said about sub-clause (e) also. I shall say that

[Pandit Thakur Das Bhargava]

even now with your permission. We have recognised the right of the landowner. If he wants the premises for his own *bona fide* purposes, he can evict the tenant. At the same time we have placed restrictions in his way so that the tenant may not be put to difficulty. He will not be able to take possession for months. Some people have come to me and complained that landlords are taking undue advantage of this provision in this way. Suppose a person is the owner of a big house and four or five families live there, he sells all the four parts to different persons. Ultimately these four persons bring suits against the tenant for their own purposes under this sub-clause (e). It may be there; I cannot vouch whether this is correct. I would have liked to get the figures from the Government. Supposing it is true, my submission is, here is a case in which the hon. Minister is right in saying that you should find the remedy. To that purpose, I have sent an amendment which will come before the House later on. I say, after this Act is passed, if there is really an emergency—the hon. Minister says that there is a real emergency—we should find a solution for this emergency. The solution is, in the future you do not recognise such acquisition of property. For two years, if there is any acquisition of property and by virtue of that acquisition, a person wants to see that another is ousted, I will go to the extent of saying, for the purpose of meeting this emergency, you do not allow the acquisition to take effect so far as the right of eviction is concerned. This is one way out of the difficulty. There is no provision in the Bill. If the problem is there, I have submitted a solution and I offer it to the hon. Minister for what it is worth. This also goes against the right of property. For two years a person cannot get his own property. If there is an emergency, an emergency knows no restrictions an emergency knows no law. I have got sympathy for my

fellow citizens who are tenants. I shall see that they are not put to any difficulty. They are poor people. I want to see that their difficulties are solved. If I can find out some other provisions which will benefit them, I will go to that extent. I feel here is a way in which we can help them.

If you will kindly refer to sub-clause (f), I am one with you. You have given a very good reason. If the house is unsafe, if some other authority gives notice that you must repair, can any court, can any reasonable man, say that this man should be allowed to live in an unsafe house. The house may fall and apart from the injury to the landlord, the tenants may all be buried when the house collapses. So, so far as (f) is concerned, I am perfectly clear in my mind that it should in no case be excepted. Let 15 days be given for the repairs and the tenant come back after the repairs.

**Mr. Chairman:** Clause 15 of the old Act gives that.

**Pandit Thakur Das Bhargava:** I am coming to that. Again, kindly see (g):

“that the premises are *bona fide* required by the landlord for the purpose of re-building the premises or for the replacement of the premises by any building or for the erection of other buildings and that such building or re-building cannot be carried out without the building being vacated”

So, the first condition is that the building or re-building cannot be carried out unless it is vacated. How do you propose to solve the housing problem unless you allow the persons to build houses for the tenants? There are provisions which come later that such rebuilt houses should be given to the tenants for occupation unless they disagree. So, this

rebuilding is in the interests of the solution of the housing problem

Similarly, the removal of (h) makes the Bill more ridiculous. I know of many people in Delhi who are tenants and paying very little rent and at the same time they are big landlords. They have built houses in many places. They are the owners and they are getting fat rents, but they live as tenants. So, they are both landlords and tenants. You are out to help the poor tenants, and I admire you for it, but at the same time, are you going to help the richer people who have their own houses rented to others but live as tenants? The provision in (b) reads:

"that the tenant has, whether before or after the commencement of this Act, built acquired vacant possession of, or been allotted, a suitable residence;"

If any person has a suitable residence of his own and yet says he will not leave the house given to him, this is absolutely unfair. I have got no sympathy for a tenant like this. Supposing a person, renting out his own house, lives as a tenant elsewhere, he will not be affected by this measure.

I support what you have been pleased to say regarding servants. Suppose I have a *munim* who is occupying a room. I dismiss him and he still continues to occupy it. Where will the new servant be accommodated? The accommodation is given to the servant only because he is in service and when he gets out of that service how can he still continue to occupy the premises? I think this is not right. If you allow such persons to continue, you are making your own problems more acute. Where will you house those persons who ought to be housed there as servants? I do not think this is a good case in which eviction cannot take place.

So far as nuisance etc., are concerned, you were pleased to speak

about prohibition. May I remind the House that we passed a law about ten or fifteen days ago for the suppression of immoral traffic where we have stated that if there is nuisance and things like that the place will be regarded as a brothel. Do you want to cut at the root of the good legislation that you have passed? If in a part of a house prostitution is going on, you do not want that those tenants should be evicted. Why should they not be evicted? Similarly about prohibition. After very great deliberations we made these exceptions in which the tenants should not be troubled. Every care was taken to see that they were troubled as little as possible.

As regards (k), the Minister himself has made an exception so far as substantial damage is concerned. I agree with him and ask him to keep it. But supposing the Municipality or the Improvement Trust or the Government sends a notice to the landlord saying: "Since you are not behaving rightly and you do not observe the other provisions of the law according to the conditions of lease etc., we give you notice that the lease will be terminated and the land will be re-entered." The landlord goes to the tenant and says: "I have received a notice. You kindly vacate. You are doing the wrong thing and I have to bear the consequences." I will ask him to see that this latter part of the original (k) be retained because your own action must be compatible with what you are doing. The Government or the Improvement Trust or any other local authority should not proceed against the landlord if he evicts the tenant in such circumstances. Let him not be cornered both ways. The tenant does not vacate and you go on with your proceedings against the landlord, which really means he is between the devil and the deep sea. What can he do? He must observe your orders and evict the tenant, but you do not allow him to do so. So, if you want to keep this, kindly keep it in the original form and see that you do not proceed against him.

[Pandit Thakur Das Bhargava]

Similarly the omission of (1) is very curious, which reads:

"that the landlord requires the premises in order to carry out any building work at the instance of the Government or the Delhi Improvement Trust in pursuance of any improvement scheme or development scheme"

I know of a gentleman who is building property at the instance of the Delhi Improvement Trust, and yet you take this provision away and do not allow them to build. You are doing a wrong thing. You have passed an order. In pursuance of that order, he has got all materials ready and he wants to build. You do not want to let it be done. I can understand it in proper cases if the person has not behaved rightly has not built for years together and wants to do so now. You may if you ask him not to rebuild if it is occupied by tenants.

Similarly in regard to (g) I can understand your adopting this attitude that an emergency being there, the building programme etc., may be stopped by you, because, after all, if they are vacated, all those persons are a problem for you, you must find accommodation for them.

Having dealt with these things. I will bring to your notice sections 16 and 17 so far as premises are unoccupied by the landlord for specific periods, in respect of which I have given an amendment. There is absolutely no reason why a hospital or a library or an educational institution or a charitable dispensary should be deprived of the rights that we gave them for particular purposes. Their own servants live there. You want to say that even those servants, if they are dismissed, should not leave that place. This is wrong.

Coming to section 16, suppose somebody a friend, comes to me and says that only for a limited period he

wants the premises, because his *barat* has come etc. This was a specific provision we made for particular purposes. Why should sections 16 and 17 be affected at all. It is outside the scope. They should not be affected at all.

I ask him to kindly look at the matter in a different manner. I feel his difficulty. As a matter of fact he is an efficient Minister only as long as he discharges the duties which are expected of him. I know the standard set by our friend Shri Lal Bahadur Shastri. I wish that he should rise to such a standard. He is certainly capable of rising to that standard. I am glad he is really feeling for the poorer classes of tenants. If you feel for them, why not make these exceptions in your Bill as regards Government property? Are tenants not living in Government houses? Are only Government servants living there? Thousands of people are living in your property. Do not turn them out. Do not make section 3 applicable to them. I think only logic requires that you make no difference between property and property. For the purpose of occupation by tenants, properties are not different. They are made of the same brick and mortar. Why should you differentiate between them? If you want Government and Improvement Trust properties should be protected, the tenants should not be evicted at your sweet will. Why do you apply it to those people? In India we have made like other countries governed by the rule of Law as expounded by Dicey that whatever is applicable to private property is applicable to public property.

**Shri Velayudhan:** Is it the hon. Members contention that Government houses that are rented out should be included in this class?

**Pandit Thakur Das Bhargava:** I have not understood the hon. Member.

**Shri Velayudhan:** Is he speaking about the houses taken by Government officials in Delhi or elsewhere which belong to the Government of India?

**Pandit Thakur Das Bhargava:** So far as Government servants are concerned, I do not want that a single person should be evicted. That is not the point. If private tenants are living with them, apply this rule to them. My hon. friend raised the objection but this applies to him also. He is not paying more than Rs. 100, supposing my friend has got two tenants with him, not tenants in the sense that they pay—some persons have got tenants also I make bold to say—I want they may not be evicted by Government, because the rule actually applies to everyone. If it is scarcity of accommodation, then it is scarcity of accommodation for everybody. The rule is that if there is scarcity of accommodation a way out should be found, and those persons should not be turned out until.....

**Sardar Swaran Singh:** I did not follow this last argument of the hon. Member. It was not quite clear to me. My hon. friend referred to a Government servant subletting his premises to somebody else. What was his point with regard to that? Does the hon. Member not want him to be evicted?

**Pandit Thakur Das Bhargava:** My point is this, that so far as Government-built properties are concerned, and governmental properties are concerned, no tenant should be turned out if he fulfils the conditions that are mentioned here, whether he is a Government servant or otherwise, because there is scarcity of accommodation, and scarcity knows no law.

**Sardar Swaran Singh:** But after his Government service comes to an end, he has got to leave Delhi and go to his home-town.

**Pandit Thakur Das Bhargava:** If his service comes to an end, he is

bound to leave Delhi. Even a *munim* in my factory or in my office is bound to leave if his service comes to an end.

**Sardar Swaran Singh:** After retirement, pension and all that?

**Pandit Thakur Das Bhargava:** After retirement the man goes away; after dismissal, the man goes away. After all, what is the difference between the two? There is no difference. I would only like that the rule should equally apply to all properties.

**Sardar Swaran Singh:** Should Members of Parliament, when they cease to be Members of Parliament, continue to occupy the houses?

**Pandit Thakur Das Bhargava:** That is exactly my point. If you want that a man employed in a private firm should continue to be in occupation of the upper storey, even while business is carried on in the shop below, and he is dismissed, then why should not those people who have got no business in Government properties also continue? If the other thing is absurd, this is equally absurd. Otherwise, it is not absurd.

**Mr. Chairman:** What he means is that a man who was an employee at a particular time, even though he ceases to be an employee later, he cannot be evicted now. He is stretching the same argument to Government employees also.

**Pandit Thakur Das Bhargava:** Apart from that, there are thousands of refugees living in Government quarters. Thousands of them were turned out and are being turned out. Even now, such people are living in Government quarters. Do not turn them out.

**Shri Heda (Nizamabad):** Are they legal or illegal tenants?

**Pandit Thakur Das Bhargava:** Whether these persons who are fighting against the provisions of this Bill are legal or illegal tenants, the same thing applies to them, because emergency knows no law.

**Shri Nand Lal Sharma:** If a person has no jurisdiction, where is the question of his being a legal or an illegal tenant?

**Pandit Thakur Das Bhargava:** I accept the proposition that in an emergency no person should be turned out, and there should be protection. If you accept this principle, accept it logically.

My hon. friend Shri U. M. Trivedi—he is not here at the moment—was talking of middle class people. Does he want to abolish all rights in property? Now, I have given two amendments in this connection. In my first amendment, I have said that the amount of one hundred rupees may be reduced to thirty-five rupees or fifty rupees. My idea in suggesting the figure of thirty-five was that a person who pays thirty-five rupees may be called poorer as compared to a person who pays fifty rupees. If that figure is accepted, that is entirely welcome.

But those persons who pay Rs. 100 as rent really get something like Rs. 1,000, because ordinarily, ten per cent. is regarded as the amount of rent which an ordinary person pays. Are you going to help persons who are getting Rs. 1,000 a month as salary? I do not want to see them helped, because these provisions were enacted by this legislature after a great deal of deliberation, and, therefore, there is absolutely no question why those persons should be protected.

My hon. friend speaks in the name of the poor people of the country. He has said that he wants to protect the poorer sections. Now, who are these poorer sections in India? What is the average income of an ordinary Indian? Is it something like Rs. 1,000 a month? So, it means that these provisions are not being utilised for the purpose for which it is alleged that they are being utilised.

**Sardar Swaran Singh:** Is it the hon. Member's suggestion that the amount should be reduced?

**Pandit Thakur Das Bhargava:** I say, you make it Rs. 35 or Rs. 50, so that, as a matter of fact, the poorer sections may be helped. At the same time, I am not out to see that those persons who get Rs. 1,000 or something like that a month should be helped in this manner at the cost of persons who may be much poorer than they. Where is the guarantee that a tenant is, certainly, in every case, poorer than a landlord? He may take it as a general provision; I can understand that he has something to go back upon. But, at the same time, so far as this aspect is concerned, I think there are many tenants, thousands of them, who are certainly much better than their landlords.

Now, I come to the period for which this Bill should be in force. Shri U. M. Trivedi complained, and I also join in his complaint that Government measures come only for a short period in the beginning, but later on, they are extended for short periods, and ultimately they become permanent. The Minister knows better than I do that some Bills which came from his Ministry came only for a short period, to begin with—this was before he became the Minister in charge—and later on they were extended for two years more, and ultimately, they became permanent. I do not like this sort of thing. Therefore, I have submitted an amendment wherein I have sought to reduce the period to one year.

I want that during this one year, these poorer sections may be provided with proper housing. At present, Government are building high palatial buildings, and spending a lot of money. Let them spend a crore of rupees for these poorer sections of Delhi and give them proper housing, or let them do something else to help them. For the last seven years, we have been seeing that Government have not

tackled properly the housing problem. It is true that Government have done something in this regard, and they have built very many houses for refugees, but, at the same time, for this class of people, for whom Government have a specially soft corner, I do not know what Government have done. I fail to see what Government have done for the housing of these people. It is very necessary that they must do something immediately to ease the housing problem.

Now, they have two problems before them. As my hon. friend stated in his opening speech, there are two problems before him; the first is to protect the poor landlord, and the second is to protect the poor tenant. I accept his good intentions. His good intentions are certainly such as we would all like to admire, but, at the same time, logic demands that he should build houses for these poorer sections. May I know how many houses have been built, which have been given to the poor tenants of Delhi, apart from the refugee tenements? Certainly, the refugee tenants are very thankful for what has been done for them. It is true that houses have been built for them, but at the same time I am in a complaining mood because houses built by refugees have been demolished by Government. Is this easing of the situation? Assurances were given here in the past, but in spite of those assurances, houses were demolished by the order of Government, and people were put to great trouble.

So far as housing is concerned, I know how much the High Courts are anxious to protect the rights of the persons concerned; even a house worth one thousand rupees comes under this protection; it has been held by the Punjab High Court that substantial buildings should not be pulled down. But, here, we see that houses worth forty thousand rupees have been pulled down by our Government.

I want to ask: If you are really serious about solving this problem, if you really want to help these people,

should you not adopt a positive policy of housing? I am very sorry that my hon. friend has not announced any such policy today. I wish that under this stress he could have announced that policy also, though we quite understand that Government are certainly very serious about this matter.

As regards Government property, I have already said that the same provision should apply to tenants in those properties also. But, if, as a matter of fact, we are in such a position that we want to see these poor people helped, and the emergency is so great that the Minister would ask us to pass this Bill without going minutely into its merits, I would certainly agree with him, and I shall certainly see that the Bill is passed if he thinks that the situation is so serious.

But I would respectfully ask him that considering the fact that the situation is very bad, during the next four months he should do something to ease the situation, so that when we come back after four months, we shall see that so far as the housing problem is concerned, the Minister has devoted a good deal of money for the purpose of building houses. Today, we had the Bill relating to the slum clearance also. Now, we have come to a stage, when, so far as Delhi is concerned, unless Government take it into their head to build houses, it will be impossible to tackle this problem or to tackle this situation.

I know that Government are in a dilemma. I know this Act was passed at the instance of Government, and this Bill has come at the instance of Government. Now, I want them to be consistent. If the situation is so bad, as the Minister has said, there is no doubt about it, and so far as he is concerned, he believes like this; then, I think, there is room for a Bill of this nature, and this Bill has been brought forward rightly, and it has been actuated by such considerations as the serious problem of persons being turned out. I do not know how

[Pandit Thakur Das Bhargava]

many persons have been turned out. Supposing there were four thousand decrees, and two thousand have been turned out, I do not think that is a very serious problem. At the same time, if the number is very large, if there are twenty thousand persons who are sought to be evicted, then I shall say that we should lose no time, and we should pass this Bill at once, and pass it in the form in which it is. But in that case, I would only request the Minister to kindly come back to this House as soon as possible and see and examine the matter again and behave correctly towards landlords and tenants.

In regard to these exceptions, there are two or three matters on which I agree with him, though even there I feel that the housing problem will be better solved by keeping these exceptions rather than by taking them away. If he agrees to get this Bill passed and ease the present situation which he thinks is very serious, I should say that after he has done that, he should come back to this House with a detailed provision after having considered all the pros and cons of the question and then enact the right measure.

श्री नंदलाल शर्मा :

घमेंण शासिते राष्ट्र-न च बाधा प्रवर्तते ।

नाऽ व्याघ्रदक्षैव रामे राज्यं प्रशासति ॥

Mr. Chairman: He need cover only new points.

Shri Nand Lal Sharma: Yes.

This Bill is based on an axiom that practically all the poor people are bad people and all the people possessing some money are good. When I look at the Bill, I am simply surprised that this Bill protects the rich more than it is presumed to be protecting the poor.

Sub-clause (a) of clause 3 says:

"Nothing in this Act shall apply, to any premises the standard

rent of which, or, where there is no standard rent, the rent payable by the tenant in respect of which, exceeds rupees one hundred per month".

This does not apply to a tenant who is able to pay Rs. 100 rent. But this provision does not take into account the landlord who is getting above Rs. 100. Suppose a landlord having big palatial buildings is able to collect thousands of rupees. Your law does not apply to his case. This means that you are protecting the big landlord.

Sardar Swaran Singh: How?

Shri Nand Lal Sharma: This Bill of yours will not apply to his case. Therefore, he can get his tenants evicted and the premises vacated. This Bill will not be a hindrance to that.

Sardar Swaran Singh: Is it his suggestion, that there should be no limit? Is it his suggestion that people paying even upto Rs. 1,000 should be protected?

Shri Nand Lal Sharma: I will give my suggestions in the end.

Take the case of a poor landlord who has purchased property from the Rehabilitation Department, or take the case of a displaced widow with her minor sons. She has got property worth Rs. 5,000 from the Government or from evacuee property. She is occupying half of the house and the other half is rented by her in order to be able to maintain herself. After the tenant becomes a nuisance, she would want to get that tenant evicted. But she cannot do it under the provisions of this Bill. She cannot also live along with him in the same house for two years.

This means that a poor landlord, who is unable to pull on with a tenant who is causing nuisance, is not able to evict him on account of the provisions of this Bill. Somehow or other, he is pushed out of the house himself and he has to say goodbye to his own

house. In this manner, the poor landlord is to be pressed hard and the big landlords are to be protected. I think that the process should have been reversed and the bigger landlords should not have been protected, protection being given to the poor people who have got a house of their own and in which they are living.

I do not want to speak against the Bill as a whole. I do not condemn the Bill as a whole. I do not condemn even the purpose of the Bill. But what I want to stress is that the richer people who have got palatial buildings, which bring in thousands of rupees by way of rent, should not have been protected in the sense that they can get their tenants evicted because they are getting rents of more than Rs. 100, while the poor people who have got only one house and cannot adjust themselves with the tenant, cannot get him evicted.

**Shri Feroze Gandhi** (Pratapgarh—Distt.—West cum Rae Bareilly Distt.—East): Which is the poor man who is able to pay more than Rs. 100 as rent per month?

अगर ऐसा हो तो इसका मतलब यह है कि भारतवर्ष बहुत तरक्की कर गया है ।

**Shri Nand Lal Sharma**: The hon. Member has not listened to me. What I was saying was that a poor widow who had got a house for Rs. 5,000 and had sublet a portion of it to another man for Rs. 100 per month as rent in order to maintain herself, could not get that man evicted if he proved a nuisance to her. This is on account of the provisions of this Bill. So this Bill acts very harshly upon her. Similarly, there may other poor people who are getting Rs. 40 or Rs. 50 or even lesser amounts. They have sublet a portion of their house to some tenant, but they cannot evict him in case he proves to be a nuisance. Some provision should have been made in this House to the effect that if a landlord has got only one house, a portion of which he has sublet to some tenant

and if that tenant becomes a nuisance to him and he cannot pull on with him, then the landlord could get him evicted.

This Bill has put in a few exceptions, as in clause 3 or as elaborated in the Statement of Objects and Reasons. But I do not see the reason why there should be temporary protection given to the tenants in these cases. Suppose a tenant is paying regular rent. Suppose the tenant is not a nuisance. Suppose the tenant does not come under any of the exceptions here. Then why should this Bill be only for two years? Why not make it a permanent measure? I do not—excuse me—accept your reason of some election campaign etc. But I do not think there was any reason for giving only temporary protection to the tenants of the category I just mentioned.

Whereas I agree with the object of the Bill, I think it still needs clarification and amendment on many points, which, of course, it will not be opportune to put before the House just now. Yet I wish that as soon as possible, the hon. Minister should come with his own suggestions for improving the Bill as much as possible.

**Mr. Chairman**: According to the programme we have, this Bill will have to go on till about 19.17 hours. Then there are two more items on the agenda and they will take one hour each. That means, we will have to sit till about 21.15 or 21.30 hours. I am not saying that we should not sit till that time. It is open to the House to determine what we should do. I wish to find out if the Delivery of Books (Public Libraries) Amendment Bill can be put off. If the Minister of Parliamentary Affairs co-operates, we can have it done.

**Shri Feroze Gandhi**: He is sitting on the wrong side (referring to Shri Satya Narayan Sinha sitting on the Opposition side).

**Mr. Chairman:** That does not matter.

**Shri Velayudhan:** He is in the right place.

**Mr. Chairman:** He will be everywhere.

Apart from that, I want to make a request to hon. Members. They have heard the Minister's plea that, willy-nilly, he must get this Bill through as it is, in the same form without the alteration of a comma or sentence. That is one thing. So, Members who want to speak may confine themselves to offering any suggestions for improvement or administrative convenience. I think there are only two hon. Members who want to speak. I see, there are three; I hope each will take as short a time as possible. I have made a suggestion to the Minister for Parliamentary affairs.

**श्री नवल प्रभाकर (बाह्य दिल १ रक्षित अनुसूचित जातियाँ) :** सभापति महोदय, यह जो विषयक हाउस के समक्ष उपस्थित किया गया है, मैं उसकी जो भावना है, उसका स्वागत करना चाहता हूँ क्योंकि दिल्ली की जनता मकान मालिकों के हथकड़ों से बहुत परेशान है। मकान मालिकों द्वारा जो हथकड़े और चालें किरायेदारों को निकालने के लिए इस्तेमाल किये जाते हैं उनसे मैं समझता हूँ कि इस बिल के कारण कुछ राहत मिल सकेगी। लेकिन मेरा ऐसा विश्वास है कि इससे पूर्ण उनको राहत नहीं मिलेगी और उनको पूर्ण संतोष नहीं होगा फिर भी मैं समझता हूँ कि इस बिल के कानून बन जाने से किसी हद तक किरायेदारों की परेशानियों और दिक्कतों में कमी हो सकेगी।

मैं आपको कुछ इस तरीके के वाक्यात बतलाना चाहता हूँ कि जिसमें वह हथकड़े काम में लाये जाते हैं। कुछ इस तरह की एजेंसियां बनी हुई हैं जो कि मकान खरीदने का काम करती हैं और उन मकानों में जो किरायेदार रहते हैं उन पर मक़दमा करके उन किरायेदारों

को निकाल देते हैं और आप जानते हैं कि जिस मकान में एक किरायेदार बसा हुआ होता है वह मकान सस्ता मिल जाता है। थोड़ी देर के लिए मान लीजिये कि एक २६ हजार रुपये का मकान है, उसके बाद मक़दमा लड़ कर दो चार हजार रुपया और लग जाता है और उस मकान की कीमत ३० हजार रुपये हो जाती है और उसी मकान को वह खाली करा कर ५२, ५३ और ६० हजार रुपये तक में बेच डालते हैं और इस तरह दुगना और तिगुना मुनाफ़ा कमा लेते हैं। मैं समझता हूँ कि इस तरह के जो व्यक्ति होंगे, उनसे तो कम से कम इस बिल के पास हो जाने से किरायेदारों को राहत मिलेगी लेकिन मैं एक बात यह जरूर कहना चाहता हूँ और वह यह है कि इसमें कुछ गरीब आदमी ऐसे हैं जो कि किराया नहीं दे पाते हैं और ऐसी अवस्था में उनको इतनी छूट होनी चाहिए कि जब उन पर डिग्री करी जाय तो आगे के लिए चेतावनी दे दी जाय कि वह किराया दें क्योंकि कई बार ऐसा होता है और कई केसेज मेरे पास इस क्रिस्म के आये हैं और उनमें ऐसा हुआ है कि मान लीजिये कि वह १२ रुपये किराया देता है, तो उस हालत में उससे किराया नहीं लिया जाता और जब वह दो, या तीन महीने का किराया देने के लिए जाता है, मान लीजिये कि उसने २४ रुपये दिये तो उसको एक महीने की रसीद बना कर दे दी जाती है और २४ रुपये की एक महीने की वसूली की रसीद बना कर दे दी जाती है, गरज़ यह कि इस तरह के बहुत सारे हथकड़े हैं जो कि मकान मालिक लोग किरायेदारों के लिए इस्तेमाल करते हैं और उनको इस तरह तंग करते हैं।

मैं अधिक न कहते हुए, माननीय मंत्री जो यह बिल लाये हैं उसका स्वागत करता हूँ। मैं समझता हूँ कि इसमें जो खामियां हैं उन पर बे आगे चल कर जब वे उनके सामने आयेंगी तो वे उन पर गौर करेंगे और उनको दूर करने के वास्ते एक नया बिल नई पार्लियामेंट के अन्दर लायेंगे और बाक़ई वह बिल ऐसा होगा

जो कि वास्तव में किरायेदारों को राहत और संतोष प्रदान करेगा ।

**श्री बाबा रमण (दिल्ली नगर) :** सभापति महोदय, मैं इस विधेयक का जो सदन के सामने उपस्थित है समर्थन करता हूँ । इस सदन के सामने कई मित्रों ने यह बात रखी है कि यह विधेयक हमारी कांग्रेस पार्टी की तरफ से इतनी जल्दी में इस समय इसलिए लाया जा रहा है कि - मका एलेक्शन से सम्बन्ध है और हम उससे कायदा उठाना चाहते हैं । मैं अपने उन सब मित्रों को यह बतलाना चाहता हूँ कि वह विधेयक पिछले ६ या १० महीनों से सरकार के सामने चलता आया है और अगर वे रोजाना के अखबार पढ़ते होंगे और दिल्ली के किरायेदारों की जो रोजाना मभाएं होती हैं और जलसे होते हैं और उनमें जो उनके विचार रखे जाते हैं उनको अगर वे पढ़ते होंगे तो उनको मालूम होगा कि यह आवाज बहुत पुरानी है कि दिल्ली के अन्दर किरायेदारों पर मकान मालिक तरह तरह के जुल्म डालते हैं और उनको बेदखल करने के लिए या निकालने के लिए कचहरियों में धुमते फिरते हैं ।

आजकल अदालत में जितने भी मुकद्दमे चलते हैं, उनमें ८० फीसदी की बात में दावे के साथ यह कह सकता हूँ कि वे मकानों में से किरायेदारों की बेदखली और उनको निकाले जाने के मुकद्दमे होते हैं और एक एक मुकद्दमा २, २ और ३, ३ साल तक चलता है और किरायेदार और मकान मालिक दोनों अदालतों में चक्कर मारते फिरते हैं और समय की बर्बादी के साथ वे इन मुकद्दमे बाजी के चक्कर में कंगाल हो जाते हैं या दीवालिया हो जाते हैं ।

मैं इस बिल के मकसद से बिलकुल इतिफाक रखता हूँ लेकिन इतना समझता हूँ कि वह बिल काफ़ी ग़ौर खोज का मुहताज है इस पर काफ़ी ग़ौर होना चाहिए और इसकी जितनी भी धाराएं हैं उन धाराओं पर भी काफ़ी ग़ौर किया जाना चाहिए और यह देखना चाहिए कि इसके जो असरात हैं इसके जो नतीजे हैं

वे मकानदारों के लिए और किरायेदारों दोनों के लिए बेहतर होते हैं । मैं इस बिल से बिलकुल सहमत हूँ और मैं यह समझता हूँ कि बदकिस्मती से चूँकि यह आखिरी वक्त है और मैं यह नहीं चाहता कि यह बिल लटक जाय, इसलिए इसके हक में हूँ कि इसे पास कर दिया जाय लेकिन मैं इस बात की मंत्री महोदय से ज़रूर प्रार्थना करूंगा कि वे फ़ौरन ही कोई एक ऐसी कमेटी बँठाएँ जो अगले तीन चार महीनों के अन्दर बैठे और मकानदारों और किरायेदारों दोनों की बातें पूरी तरह से सुन कर, समझ कर, जो इस बिल के प्राविजंस की खामियां हैं उनको दूर कर के एक कम्प्रोमिसेबल नई पार्लियामेंट के सामने लायें । मैं चाहता हूँ कि अगर मंत्री महोदय आज यह बिल पास कराते समय इस प्रकार की एक कमेटी बँधाने की घोषणा कर दें तो यह एक बहुत उचित चीज़ होगी और लोगों को इतमोदान होगा कि वाकई किरायेदारों को जो दिक्कतें हैं वे इसके ज़रिए रफ़ा हो जायेंगी और इस बिल को लाने से आज जो मकान मालिक डरे हुए हैं या उनको भय है वह दूर हो जायगा ।

दूसरी बात यह है कि इस बिल के अन्दर जो कई एक धाराएं हैं उन धाराओं के सम्बन्ध में मैंने १, २ संशोधन रखे हैं । मैं उन संशोधनों को अब इस वजह से कि वह बिल पास होना है प्रैस नहीं करूंगा लेकिन मेरी यह स्वाहिसा है कि वह मंत्री महोदय के सामने रहें । उदाहरणार्थ मैं यह कहना चाहता हूँ कि मान लीजिये कि एक विडो औरत या एक माइनर के पास एक मकान है और वह उस मकान के अन्दर रहना चाहते हैं और उसके अलावा उनके पास और कोई मकान नहीं है और अपने रहने के वास्ते वह उस मकान को खाली कराना चाहते हैं, इस तरह के कोई हार्ड केस हों तो ज़रूर उनको खाली कराने का हक होना चाहिए ताकि वह अपने बोनाफ़ाइड यूज के लिए मकान को खाली करा सकें हालांकि बोनाफ़ाइड लफ़्ज़ का बहुत जगह ठीक इस्तेमाल नहीं होता है और खाली कराते वक्त इस बात का बिलकुल

## [श्री राधा रमण]

इतमीनान हो जाना चाहिए कि बाकई वह अपने बोनाफाइड यूज के लिए खाली करा रहा है। इसलिए यह जो बहुत सारी धाराएं हैं इन पर काफ़ी विचार करने की जरूरत है और इसीलिए मैं चाहता हूँ कि मंत्री महोदय इस प्रकार की घोषणा कर दें कि वह इसके लिए एक कमेटी बैठायेंगे जो इन सारी बातों पर विचार करके बिल में आवश्यक सुधार की सिफारिश करेगी और अपनी सिफारिश करने से पहले दोनों फरीकैन मकान मालिक और किरायेदार की बात सुन कर जो नतीजा निकले उसकी रोशनी में बाद में एक तरमीमी बिल आ जाय तो मैं समझता हूँ कि बहुत सारी दिक्कतें दूर हो जायेंगी।

हालांकि यह बिल दो साल के लिए है लेकिन हम देखते हैं कि यहां दो साल के नाम से जो बिल लाया जाता है वह बहुत दिनों तक चलता है और उसकी धाराओं में तरमीम करने में भी बहुत काफ़ी सर्मा लग जाता है। इसलिए इन विचारों को सामने रखते हुए मैं यह प्रार्थना करूंगा कि इसमें जो खामियां रह गई हैं उनको दूर करने की कोशिश करनी चाहिए और उसके लिए यह जरूरी है कि इस तरह की कमेटी बैठाने की घोषणा करनी चाहिए। इन शब्दों के साथ मैं उस बिल का स्वागत और समर्थन करता हूँ।

**श्रीमती शिवराजवती नेहरू** (ज़िला लखनऊ मध्य) : सभापति महोदय, यह जो बिल आया है इसमें तस्वीर का एक रूख दिया गया है और जितने साहब इसके सम्बन्ध में बोले सबने यही कहा कि बेचारे गरीब किरायेदारों के फ़ायदे के वास्ते यह बिल लाया गया है परन्तु किसी ने यह नहीं कहा कि किरायेदारों में सारे ही सज्जन नहीं होते बल्कि उनके कहने के मुताबिक सारे किरायेदार दूध के धुले होते हैं और मालिक मकान सारे के सारे दुष्ट होते हैं। मेरा यह कहना है कि दोनों में ही अच्छे और बुरे हो सकते हैं और हैं। मैंने बहुत से ऐसे मकान मालिक देखे हैं जो कि साधारण

आदमी होते हैं और कोई पूंजोपति या कैपिटलिस्ट नहीं होते, पति पत्नी होत ह और जो सारी उम्र भर में जो बचाते ह उस रुपये से वे एक मकान बना कर अपनी विधवा पत्नी या अनाथ बच्चों के लिए छोड़ गये हैं। जो उनकी स्त्री के पालन पोषण का जरिया है, एक मकान आदमी ने खरीदा, वह उस ने अपनी बीवी के निर्वाह के लिए दिया, इस सम्बन्ध में भी जब किरायेदार की उस ने आ कर बसाया है, और किरायेदार मालिक मकान को तंग करता है, तो उस को उस में से निकालना इतना मुश्किल है जिस को मैं आप से बता नहीं सकती। मुझे नहीं मालूम कि दिल्ली में क्या कायदा है, लेकिन हमारे राज्य में तो तीन महीने का कायदा है कि तीन महीने तक अगर किरायेदार किराया न दे तो उस के ऊपर कार्रवाई नहीं की जा सकती है, हां, अगर तीन महीने से ज्यादा हो जाएं तब कहीं जा कर उस पर कचहरी में मुकदमा चलाया जा सकता है। बहुत से किरायेदार जो किराया देना नहीं चाहते, तंग करना चाहते हैं, वह तीन महीने तक किराया नहीं देते हैं। जब तीन महीने गुजर जाते हैं और चौथे महीने किराया देते हैं तो कभी एक महीने, कभी डेढ़ महीने और कभी दो महीने का किराया देते हैं। नतीजा यह होता है कि मालिक मकान हट्ट दर्ज परेशान होता है, आखिर वह अपना जीवन यापन किस तरीके से करे? जब किरायेदार इस तरह से तंग करते हैं और उन में से बहुत से लोग ऐसे होते हैं जिन का मकान खाली करने का हुकम भी हो जाता है, तो भी यह होता है कि वह मकान में ताला लगा कर गायब हो जाते हैं और छः छः महीने तक बाहर रहते हैं। मालिक मकान परेशान हो जाता है और हार कर जब पुलिस को बुला कर ताला तोड़ देता है तो उस पर हज़ार इल्जाम लगाये जाते हैं कि उस ने यह यह माल चुरा लिया। कभी कभी हम लोग देखते हैं कि किरायेदार शीशा तोड़ देता है, बल्व निकाल लेता है, बिजली का तार निकाल कर ले जाता है, इस तरह

और परेशानियां हो जाती हैं। सब तरह के किरायेदार होते हैं, बाजे मालिक मकान भी खराब होते हैं, बाजे किरायेदार खराब होते हैं, लेकिन आम तौर से मालिक मकान को तकलीफ होती है। यह हालत आज कल किरायेदारों की है।

आप ने कहा कि यह बिल तो गरीबों के लिए है, यह बड़ा हार्मनिटेरियन है, इस लिहाज से इसको पास कर देना चाहिए, माना कि आप इस को बिल्कुल हार्मनिटेरियन लिहाज से लाये हैं, लेकिन आप ने जो इस के अन्दर १०० रु० किराया रक्खा है, तो १०० रु० किराया कोई गरीब आदमी नहीं देता है। अगर सरकारी आदमी है और वह १० परसेन्ट किराया देते हैं तो उन की तन्ख्वाह भी १,००० रु० हो गई। १०० रु० मुमकिन है कि दिल्ली के लिए कम हों, लेकिन राज्यों के लिए बहुत ज्यादा हैं। वहां पर कौन १०० रु० महीने का मकान लेता है ?

इस समस्या का हल इस तरीके से हो सकता है कि ज्यादा मकान बनाए जाएं। और यह मकान मिडल क्लास के लोगों के लिए बनाए जाएं, जिस की हालत सब से ज्यादा खराब है। अगर मिडल क्लास वालों के लिए मकान बनाए जाते हैं तो इस से किरायेदारों और मालिक मकानों की सारी समस्याएँ हल हो सकती हैं। जब मकान ज्यादा होंगे तो किराये कम होंगे, मकान ज्यादा होने पर मालिक मकान लाचार होंगे किराया कम करने के लिए। चूंकि आज मकान ज्यादा नहीं मिलते हैं, इसलिए किराया बढ़ता चला जा रहा है। दिल्ली में एक अजीब हालत है, जो पुराने मकानदार हैं, उन के ऊपर तो कंट्रोल है, जो नए मकान बन रहे हैं उन के किराये पर कोई कंट्रोल नहीं है, वह कितना किराया चाहें ले सकते हैं। यह बिल्कुल गलत चीज है, अगर कंट्रोल हो तो सब पर हो, पुराने मालिक हों या नए हों। जो पुराने मकानदार हों उन का किराया कम हो और नए तिगुना और चौगुना

किराया लें। इस तरह से जो पुराने मालिक हैं वह अपने किरायेदारों को निकालने के लिए और भी ज्यादा उत्सुक हैं क्योंकि वह भी चाहते हैं कि नए मालिकों की तरह से ज्यादा किराया लें।

**पंडित ठाकुर दास भार्गव :** हाउस ने ही दफा ३६ पास की थी।

**श्री राधा रमण :** पुराने मकान मालिकों का किराया बढ़वा दीजिए।

**श्रीमती शिवराजवती नेहरू :** अगर बढ़वाना है तो दोनों ही तरफ बढ़ना चाहिए। लेकिन इस के लिए दोनों तरफ से बहुत सी बातें कही जा सकती हैं। इसलिए जो यह संशोधन था कि इसको सेलेक्ट कमेटी भेजा जाए, अगर उस को मान लिया गया होता तो ज्यादा अच्छा होता। लेकिन जैसा राधा रमण जी ने कहा है कि एक कमेटी बनाई जाए जो इस पर सोच विचार करे और तब नियम बनाए जाएं, ताकि न तो किरायेदारों को कोई शिकायत हो और न मालिक मकान को तकलीफ हो, इन दोनों की बातों को सोच कर नियम बनाये जाएं, अगर ऐसा होता है तो उस में भी मुझे कोई आपत्ति नहीं है।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करती हूँ।

**श्री च० कृ० नायर :** सभापति महोदय, मैं ज्यादा टाइम नहीं लेना चाहता क्योंकि आज पार्लियामेंट का आखिरी दिन है और यह आखिरी मेजर है।

**सभापति महोदय :** एक और मेजर है

**श्री च० कृ० नायर :** मेरे लिए तो आखिरी ही है। इस में कोई सन्देह नहीं कि इस विधेयक के ऊपर तीन या चार लोग मालिकों के पक्ष में बोलें और तीन या चार ही श्रद्धा किरायेदारों के

[श्री च० क० नायर]

पक्ष में बोले। यह इन बात का सबूत है कि यह एक जबर्दस्त कंटावर्सियल मेजर है, इसलिए इस को जल्दी पास करने में जरूर कुछ दिक्कतें हैं, लेकिन चूंकि हमारे मंत्री महोदय ने कहा कि यह क्यों जरूरी समझा गया, खास कर जब कि राज्य सभा में यह पास हो गया और अब यहां पर आया है और उस में एक कामा भी बदलना बहुत मुश्किल है, इसलिए मैं यह नहीं चाहता कि इस तरह की कंटावर्सि यहाँ उठाई जाए। लेकिन मैं एक चीज जरूर कहूंगा क्योंकि यह बिल किरायेदारों की रक्षा के लिए है, उन के प्रोटेक्शन के लिए बनाया गया है। मेरे क्वाल में रुपये में दो आने से ज्यादा प्रोटेक्शन इस से लोगों को नहीं मिलता है। १२ और १४ आने प्रोटेक्शन वाली जो चीज है उस को इस में से छोड़ दिया गया है। हमारी अदालतों में जितने भी केसेज चलते हैं वह सब बोनाफाइडी प्रोवैसिप के हक को लेने के लिए चलते हैं। इसलिए इस से टेनेंट्स को ज्यादा प्रोटेक्शन नहीं मिलता। मैं कहता हू कि इस से १५ या २० परसेन्ट से ज्यादा टेनेंट्स को फायदा नहीं मिलता है। तो भी मैं इस का स्वागत करता हू। क्योंकि यह टेम्पोरैरी है, दो साल के लिए, मैं उम्मीद करता हू कि उसके बाद इस से ज्यादा रैडिकल मेजर इस हाउस में पेश किए जाएंगे और यह भी उम्मीद है कि इस बिल तो इस के विपक्ष में तीन चार आदमी बोले भी, अगली पार्लियामेंट में इतने भी नहीं बोलेंगे क्योंकि सरमायेदारों के नुमाइन्दे कम होंगे। इस बिल सरमायेदारों की रक्षा करने वाले लोग काफी हैं, लायर लोग भी ज्यादा हैं, जो सरमायेदार दालतवाले हैं उन की रक्षा करना तो बकीलों का काम है क्योंकि उहीं से तो उन की रक्षा होती है। दोनों दृष्टियों से उन्होंने इस विधेयक का समर्थन किया। Because they have to protect the propertied people and they have to amass property also; for these two reasons and in a general way, lawyers do really support the propertied and the monied classes. That is what I mean when I intervened there.

इसलिए मैं उम्मीद करता हू कि दो साल के बाद इस से ज्यादा अच्छे मेजर्स आएंगे।

मैं मंत्री महोदय को धन्यवाद देता हू कि कम से कम यह चीज बहुत जल्दी तैयार कर के हमारे सामने पेश की गई।

**Sardar Swaran Singh:** There have been two types of comments with regard to the salient features of this Bill. In the very opening remarks that I made, I anticipated that and tried to meet some of the points that I thought would be urged in the course of the debate. If I have sensed the general feeling, there is a feeling of sympathy for the tenant, and there is also a feeling that a measure of this type is called for.

Observations have been made which will be very useful when the matter is examined in detail, and all those points will be kept in view when a detailed examination is made by a committee about which I made a reference at the very beginning. When that committee is constituted, the observations which have been made by hon. Members here will be of great help and guidance in formulating the ultimate proposals to solve this rather difficult subject matter.

The other suggestion that there should be a positive approach is most welcome, and obviously, merely by restrictions of this type or by relaxations this problem cannot be solved on a long-term basis. A positive policy and a programme will have to be formulated for solving this problem. Obviously, all the housing in a big city like Delhi cannot be undertaken at Governmental level and a co-ordinated effort between the private enterprise with Government help and assistance and the Government will have to be formulated to solve this problem. I only want to remind the House that Government had been fully alive to this situation. For

instance, for the refugees and also for the Government servants, particularly, low paid Government servants, a large number of houses had been constructed in the course of the last 3-4 years in Delhi. Any new unit added, particularly in the low income group, definitely eases the housing situation because that person who was already working here or occupying some houses, when he shifts to this new tenement that is put up—whether it is Government tenement for occupation by a Government servant or a refugee tenement to be occupied by a refugee—to that extent, something is released and it is available to the released public. Therefore, indirectly, this process of construction, whether it is for the refugee or Government servants, does result in the overall easing of the housing situation also.

18 hrs.

Now, coming to the various clauses with regard to which this two years' period of stay is proposed to be made in the matter of execution of decrees, it is no doubt correct that this section 13 had been formulated by Parliament after careful consideration. My hon. friend, Pandit Thakur Das Bhargava, who presided over the Select Committee which ultimately produced the Bill, deserves congratulations for so carefully drafting the various provisions contained in section 13. Actually the basic principles contained in Section 13 have been adopted by other legislatures also, and if I may add with a certain amount of pride, by some of the foreign legislatures too. So far as the rationale behind section 13 is concerned, it is well thought out. Parliament in its wisdom thought that the landlord should be permitted to have a decree for eviction under these various clauses.

I do not want to argue about the temporary stay. I am now convinced about the wisdom which was behind the formulation of those clauses. I do not say that the circumstances have completely changed and that a time

has come for a complete repeal of those various clauses. Some of the arguments advanced proceed indirectly or unwittingly on this presumption that I am asking for repeal. Certainly not. All these arguments—hardship and the like—which have been advanced proceed from that assumption. We have to balance the hardship or the particular inconvenience that might be caused to the land lord or the decree-holder on the one side and the extreme hardship and the difficulty caused to the poor tenant on the other side. Apart from this question of purely a local character, it is to be borne in mind that the pitiable condition of these tenants has also to be kept in view. It is a matter for decision as to whether the landlord of this particular class cannot wait either for the improvement of his property or for re-building so that the poor tenant who is there may continue to stay there and in the meantime, one could think of something of a more permanent character. Therefore, I do not really propose to meet all the arguments that have been advanced when these various clauses (d), (f), (g), (h), (i), (j), (k) and (l) were discussed, either by you, when you made a very valuable and impressive speech, or by some of the other hon. Members who participated in the discussion. It is not the Government's view that a case for the repeal of these clauses has been made out. It is for this reason that I do not really propose to meet the argument point by point so far as these various clauses are concerned.

There are, however, one or two salient ones which I want to mention in relation to (k). It was pointed out that on the one hand, the Delhi Improvement Trust or the Government might be insisting on something to be done with regard to that tenement or premises and then, the landlord on the other hand was debarred from executing the decrees. So, the landlord may incur some liability or responsibility on account of his failure to comply with the requirements or directions: he may not be able to fulfil the conditions

[Sardar Swaran Singh]

which he owes to the Government or the Trust. That is no doubt a case of hardship and some complication may arise. Therefore, it should be assured that administrative instructions on this point should be issued to ensure that the failure to carry out any of those instructions would not entail the incurring of any additional responsibility or of any penalty. That can be ensured.

**Mr. Chairman:** Extend the time for doing that also.

**Sardar Swaran Singh:** That is one of the methods, as rightly pointed out by you, by which that thing can be got over. But, without being specific, I wanted to cover these cases in a general way by saying that suitable methods can be devised by which the responsibility or penalty that might flow from the non-compliance of that direction may be got over. One method has been suggested by you; there may be some other methods also.

So far as clause (f) is concerned, it was argued that it would create a great hardship to the tenant himself who is in the tenement. The place may be absolutely unsafe. From a practical examination, I submit that such a situation cannot arise. After all, so far as the land lord is concerned, his decree for eviction in a case like this only entitles him to get back the premises for the purpose of repair and thus make the place safe. But, it has to be remembered that the person who is actually living there has also to look round for his safety. I am sure no tenant will stay even for a day longer if the buliding is unsafe and entails the slightest danger to him. Whatever small repairs may be there, he can definitely undertake those repairs. In the general scheme of the Act, there are provisions that for that type of ordinary repairs, he can even hold the land lord responsible. What I mean to say is, on the one hand it is the land-lord's decree for eviction to repair

the house for the purpose of improving or making it more safe and, on the other, the tenant is there. I am sure that he will not stay even for a day longer if the house is unsafe to stay and some sort of arrangement can definitely be made which does not make the place unsafe from the point of view of living conditions and the like.

So far as clause (g) is concerned, I think this could easily wait; this 'rebuilding the premises' is a very good thing. But that rebuilding will produce tenements the rentals of which, on account of the new protection and the like, will be very much on the high side and the particular type of tenant who is occupying it will not really be able to pay the high rental which will necessarily work out if it is rebuilt. I am not entirely ruling this out, but I take this stand that this can definitely wait, unless the tenant can also look round and can, either by taking advantage of some scheme of building houses or by some other method, find some accommodation.

There is one other point, which was prominently mentioned by more than one hon. Member, that the Government premises and the private property should be at par. Government does not claim any special exception, but it has to be remembered that so far as the relationship between Government and its own employees with regard to these various tenements is concerned, it is of a peculiar character. The underlying object of undertaking this building programme for Government servants is to ensure that they have good living conditions and they are able to contribute their best in the discharge of their official duties. If Government has to function as a pure landlord and the normal criteria ought to apply to Government in the matter of administration of its estate, I think it will be very much against the public interest because public work will very greatly suffer. Government charges very low rates. Most

of the Government rates are subsidised. Government construction is not with the object of making any profit and it is primarily for enabling the Government machinery to run smoothly, efficiently and effectively that this housing project has been undertaken in the public sector. There may be a case when Government undertakes housing projects for private sector that some sort of different considerations may have to be thought of. Other States have given some thought to it because some of the States have undertaken construction for private sector. When any large-scale construction for the use and accommodation of non-Government servants is undertaken, then different considerations will apply and, I am sure, that that matter can be gone into by a separate legislative measure. But I do not see any justification for that argument so far as the present Bill is concerned, because the relationship between Government and Government servants as tenants is entirely of a different character.

Then again, normally, Government should be given this credit of not acting capriciously. So far as evicting tenants from premises which are Government property and which are given to Government servants are concerned, every care is taken. People have got the right to make representations, petitions and the like and it is only in cases where the premises have been occupied contumaciously that ultimately a person is evicted.

So far as this limit of Rs. 100 is concerned, there has been suggestions either for raising it or for lowering it. That, perhaps, is some justification that some line has to be drawn somewhere and, I submit, the line that we have drawn is the line which appears to be such as meets the emergency with which we are faced at the moment.

A suggestion has been made that clause (e) should also be included suggesting thereby that even if a landlord requires any house or premises for his own *bona fide* use even

then he should not be permitted to evict. On the other hand, suggestions have been made that these clauses with regard to which stay is being granted should be taken out. On that score also, I submit that it is neither a good case for making it more stringent nor a good case for making it more elastic. Therefore, the formula that is now before the House is the best under the circumstances. It will give some relief immediately to a fairly large number of people and, in the meantime, this matter can be given greater thought, and in the light of the other detailed investigations that are proposed to be undertaken it should be possible to solve this both by positive methods as well as by making suitable legislative changes.

Cases of hardships have been pointed out; for instance, a widow or a minor owning property. Those are cases which do require sympathy, but I am not quite clear in my mind as to whether real hardship will be caused merely because a minor or a widow is unable to get the tenant evicted for this period. After all, rent is being charged and it is not that the widow or the minor is being deprived of the property; only this right of getting a tenant evicted is temporarily taken away from the owner for a temporary period. I submit, if we weigh both the sides, there is no great inconvenience or any great injustice caused even to a widow or a minor.

Sir, so far as the Bill is concerned, I have attempted within this short period to cover some of the salient features. I would still urge that the measure, as has been approved by Rajya Sabha, may be taken into consideration.

**Mr. Chairman:** Does Pandit Thakur Das Bhargava want to press his amendment?

**Pandit Thakur Das Bhargava:** I do not want to press my amendment and beg leave to withdraw it.

*The amendment was, by leave, withdrawn.*

**Mr. Chairman:** Now I shall put the motion to the vote of the House.

The question is:

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union Territory of Delhi from eviction as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** Does any hon. Member want to move his amendment to any of the clauses?

**Pandit Thakur Das Bhargava:** I have given notice of about 15 amendments. In view of what has fallen from the hon. Minister that he proposes to appoint a committee, to fully go out with the question and without accepting any of his arguments and insisting that my own arguments are much better, I do not propose to move my amendments. When he has promised us another Bill—it is not for the reason that Rajya Sabha has passed it that I am not moving my amendments—and because he feels that there is a necessity for it, and if we make any amendments now the Bill will not be passed in this Session. In view of the urgent necessity which has been stated by the hon. Minister and in view of the fact that he has promised a better Bill after a short time, I do not feel justified in adopting an attitude which will practically mutilate against passing the bill. I am not, therefore, moving any of my amendments.

**Shri Radha Raman:** I am also not moving my amendments.

**Mr. Chairman:** I take it that other Members also do not want to move their amendments. Then I shall put all the clauses of the Bill together.

The question is:

"That clauses 2 to 5, clause 1, the Enacting Formula and the Title stand part of the Bill".

*The motion was adopted.*

Clauses 2 to 5, clause 1, the Enacting Formula and the Title were added to the Bill.

**Sardar Swaran Singh:** I beg to move:

"That the Bill be passed".

**Shri M. K. Moitra** (Calcutta North-West): There is no quorum.

**Mr. Chairman:** The bell may be rung.

It appears that the bells also do not co-operate. Therefore, the Whips will please bring in the Members now. Now, there is quorum. I shall put the question:

The question is:

"That the Bill be passed".

*The motion was adopted.*

#### DELIVERY OF BOOKS (PUBLIC LIBRARIES) AMENDMENT BILL

**The Deputy Minister of Education** (Dr. M. M. Das): This is perhaps the last legislation that has been placed before the House in this session, for the blessings of the hon. Members. As it is a very small and innocuous measure, I think the House will give its blessings to this measure in no time.

**Shri Feroze Gandhi** (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East): But without speech.

**Dr. M. M. Das:** I would say only three sentences. In the year 1954, a Bill was passed—the Delivery of Books (Public Libraries) Act—which imposed a statutory responsibility upon the publishers of this country to supply free of all charges and free of cost one copy each of their publications to each of the four public libraries. Now, that legislation did not impose any statutory obligation upon the newspaper publishers to send copies of the newspapers to the