

श्री श्रीताराम केसरी) : उपाध्यक्ष महोदय, मैं विधेयक को पेश ** करता हूँ ।

14.22 hrs.

MATTERS UNDER RULE 377

(i) NEED FOR AMENDMENT TO EXISTING RENT ACT

SHRI KAMAL NATH (Chhindwara): I rise to mention under Rule 377 the present chaotic state of the Rent Acts applicable to various States and the ordeal faced by small house-owners and small tenants as a result of it. In all the metropolitan cities the prevailing Rent Acts are heavily weighted either this way or that way and make no distinction whatever between the big landlord and the small houseowner. But it is a fact that houses and property have emerged as the only reliable investment for the middle class there are a good number of honest professionals who spend most of their lives' savings to build houses and live off the rent. Many of these middle class house-owners are being subjected to unnecessary harassment by unscrupulous tenants and the existing laws given them no protection indeed.

I feel concerned to see that the Rent Act makes no distinction between property tycoons and the common man. A case in point is that of the war widows. Sir, the war widows complained to the press only a few days ago that on many occasions they cannot even realise rents from houses built with their meagre means. There are instances when tenants try to frame them in false cases and subject them to economic blackmail. Since they cannot hold out before such threats for long they often are compelled to sell their property much below market rates and tenants take full advantage of such a situation.

The same thing applies to retired Government employees and ex-servicemen, people whose only source of livelihood is a modest house somewhere in the outskirts of the city. Many of them retire from service before their house-building loans are fully met. Naturally, they depend heavily on rent, and a month's defaulting sends their family budget haywire.

Sir, I am firmly of the view that this situation can be remedied by suitable legislation enacted by this House. For instance, there has to be an entirely different set of rules applicable to small house-owners, who may be defined as people whose annual taxable income never exceeded more than 50,000. This would automatically bring within its purview the entire body of professional people including teachers, bureaucrats, other government and non-government employees, ex-servicemen and war widows. They should not own any other property anywhere in the country and the courts must be satisfied that they have no major sources of income other than their jobs, if they are still in service, and the house.

In that case, certain relaxation in the Rent Act must be allowed to them. For example, the court can exempt them from the tedious eviction procedures and empower them to have summary ejection of tenants who refuse to pay rent without any valid reason. At present even when there are no disputes regarding tenancy and the tenant still defaults in his payments the landlord needs at least one year to secure an ejection notice. This is an extremely costly proposition for the middle class houseowners and it must be remedied without delay.

I have often noticed that the fear of possible tenancy disputes often acts as a disincentive for the middle class pensioner or job-holder against building houses. The proposed new

[Shri Kamal Nath]

legislation should allay this fear and encourage them to build more and more houses which again is consistent with the basic stipulations of our 20-point programme. So, it is one of the sacred duties of the society to ensure that an average man can build an average house and live safely off its income. The Rent Act should not be used in such a way that it punishes the common man for having saved money throughout his life and invested it in property. I am afraid that if the present trend is allowed to continue some day, very few people will come forward to build houses and the government will have no means to supplement such massive shortfalls in the private building sector.

However, I make no plea to make laws that are oppressive to honest tenants. Even though the present law is weighted in favour of the tenants there are still loopholes and unscrupulous landlords often take advantage of them. Tenants are often denied rights to appeal as 48 hour notice of ejection are served on them over week-ends. This practice must be abolished once for all, and ejection notices of at least 30 days must be served on the premises of the court. The tenant must in each case reserve the right to go in appeal.

As in the case of the house-owner, the financial standing of each tenant must be examined before the court decides this way or the other. What is needed right now is a more flexible legislation regarding tenancy, a legislation that takes into account the changing needs of the society. All tenants are not alike, like all landlords are not alike. Some tenants are infinitely more resourceful than their landlords; similarly, in certain cases, the landlords have more power and resources than the tenants. In each case, attempts should be made to find out the weaker party, and law should always side with the weaker of the two. We have seen that in a city like Bombay mechanistic application of the Bombay Rent Act

has scared away all middle class investors from the property market. The same thing is going to happen in Delhi. Urgent thinking is needed on the part of this House to put the tenant-landlord relation on an even keel.

(ii) NEED TO RECONSIDER DECISION TO MECHANISE COIR MATS SECTOR

SHRI K. A. RAJAN (Trichur):
Under Rule 377 I am making the following statement.

The traditional coir industry of Kerala is still one of the major source of employment to lakhs of workers and any move to mechanise any sector of the industry has to be taken with due caution and after assessing its impact on the overall employment potential. It is learnt that the Government of India has already taken a decision to mechanise the coir mats sector. Any move to mechanise by introducing powerlooms in the place of handlooms will lead to displacement of a large number of workers engaged in the handloom sector leading to large-scale unemployment, misery and poverty. If at all any unit is engaged in the production of coir matson powerlooms it should not be allowed to produce coir mats but be advised to convert the existing matlooms into coir mating looms and for this purpose necessary facilities should be provided if necessary. The policy decision taken with regard to mechanising of mating sector might be suitably altered by the coir board/the government and for converting the existing mat looms into matting looms spare parts and other equipments which are necessary to be imported may be recommended for import by the Board.

Therefore, I urge upon the Government to reconsider its decision on mechanisation of coir mats on powerlooms.

(iii) ALLEGED INADDITION OF ADJOURNING AREAS OF KHERI—LAKHIMPUR DUE TO SHARDA PROJECT.