13.37 hrs.

DELHI RENT CONTROL (AMEND-MENT) BILL-contd

Mr. Speaker: We shall now take up further consideration of the following motion moved by Shrimati Chandrasekhar on the 25th January, 1963, namely:-

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

श्री नवल प्रभाकर (दिल्ली-करौल बाग): माननीय ग्रध्यक्ष महोदय, जहां तक इस दिल्ली किराया नियंत्रण (संशोधन) बिल का संबंध है, इसकी शब्दावली में मुझे कुछ खामी नजर आती है। मूल ग्रघिनियम के सेक्शन ३ में जो संशोधन किया जा रहा है, उसमें सेक्शन ३ के सब सेक्शन (ए) का कोई उल्लेख नहीं किया गया है ।

13.38 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

ग्रगर उसका उल्लेख कर दिया जाता, तो ग्रच्छा होता । इस विषय को स्पष्ट करने के लिये मैंने एक संशोघन भी प्रस्तूत किया था। पहले यह सोच कर यह शब्दावली रखी गई थी कि जो गवर्नमेंट के प्रिमिसिज हैं, वे इस विधेयक से प्रभाव-शुन्य रहेंगे । गवर्नमेट प्रिमि-सिज तो प्रभाव शून्य रहे, किन्तु दूसरे मकान अरीर सम्पत्तियां भी इसमें ले लिये गये । मझे ऐसा लगता है कि वर्तमान शब्दावली के कारण कहीं उन वातों की पुनरावृत्ति न हो जाये ग्रौर बजाये इसके कि कुछ लाभ हो, सरकार को फिर कोई संशोधन न लाना पडे ।

इन शब्दों के साथ में चाहता हूं कि इस शब्दावली को पुनः देख लिया जाये ग्रौर उसके अनुसार ही इस विघेयक में ग्रावश्यक संशो-धन किया जाये ।

(Amendment) Bill

Narendra Singh Shri Mahida (Anand): It is rather strange that whenever there are restrictions placed by rent control tribunals, such Bills come before the House. There should have been some overall improvement brought about in the Delhi Rent Control (Amendment) Bill whereby those owners who have built houses of their own should get an opportunity to occupy those houses if they have no other residential accommodation. It is surprising that the example of Bombay or Madras States have not been followed by the Delhi Union Territory.

spoken previously and I had brought to the notice of the Home Ministry Ministry and, the Defence also, the fact that there are certain military officials, who have, by their hard-earned moneys built houses in Delhi. As they were stationed outside Delhi during service, they had rented their premises. Now on their retirement they could not occupy their own premises and had to make other arrangements. I would request the Home Minister to bring in a suitable amendment to cover this requirement. At least in the case of defence personnel, if not in case of others. Those army officials who have built premises for their own use with their own pensions or savings from salaries should be provided of their houses. The occupation tenants should be asked to vacate such premises. I fail to understand why the Home Minister has not followed the example of Bombay Rent Control Act[•]or Madras Rent Act. I consider the denial of this right of occupancy as rather a tyranny. Such people as have built houses for their own use. and who have no other premises to reside in must have this benefit ി occupying their own residence. I regret, in this amending Bill this has not been taken note of.

The Home Minister had previously stated that owing to paucity of accommodation, when so many government officials and servants were in I77

[Shri Narendra Singh Mahida] need of accommodation, this could not be done. I earnestly request that, in this emergency the requirements of army officials should be considered. The Home Minister should consider suitable amendment of the Bill in the light of the Bombay Rent Control Act or the Madras Rent Act.

Delhi

श्वी बेरवा कोटा (कोटा) : यह जो एमेंडमेंट लाया गया है, इसका में स्वागत करता हूं । ग्रकसर देखा गया है कि लीज पर या टैनेंसी पर जो मकान बनाये जाते हैं, उन से बनाने वाले लोग बहुत नाजायज फायदा उठाते हैं । सरकार ने जो कानून जमीनों को ग्रपने हाथ में लेने का बनाया है ग्रीर जो यह कहा है कि उन पर बनने वाले सभी मकान गवर्नमेंट के हो जायेंगे, वह सही कदम है ।

लेकिन इसके साथ ही साथ यह बात भी सही है कि दिल्ली में ग्रौर दिल्ली के बाहर भी जो मकान मालिक हैं, उनमें सब से बड़ी मालिक सरकार है ग्रौर वह मकान ग्रौर दुकानें दोनों ही किराये पर देती है। सरकार को इस विधेयक की जद में नहीं रखा गया है, इसके अन्तर्गत नहीं बांधा गया है । मैं चाहता हूं कि सरकार को सब से पहले एक आदर्श मालिक वनना चाहिये ग्रौर उसके ग्रनुरूप व्यवहार करके दूसरों के सामने एक मिसाल रखनी चाहिये । लेकिन ऐसा वह नहीं कर पाई है। सरकार खुद नफा कमा रही है। सरकार जमीन को चार आते गज में लेकर के तीन तीन ग्रौर चार चार सौ रुपये गज के भाव से बेचती है। यह नितांत अनुचित है। ऐसा भी देखा गया है कि मकान मालिकों से सरकार ने जो मकान ले रखे हैं, उनका उनको तो दस ग्यारह रुपये ही दिया जाता है जबकि उन्हीं मकानों का सौ सौ ग्रौर डेढ़ डेढ़ सौ रुपया वसूल किया जाता है। यह भी अनुचित है। आप समाजवादी समाज की स्थापना के ग्रादर्श का दम भरते हैं। तब फिर क्या वह चीज उचित कही जासकती ह?

Rent Control I (Amendment) Bill

जो कानुन मकान मालिकों पर लागु किया जाता है, वह सरकार पर भी लाग् किया जाना चाहिये । मैसूर में हाउसिंग मिनि-स्टर्ज कांफ्रेंस हई थी। उसमें जमीनों के बारे में यह तय किया गया था कि उनको फीज कर देना चाहिये। मैं चाहता हं कि जहां गरीब **ग्रादमियों के लिये क्वार्टर बनाये जाने** हैं, उनको फीज किया जाये ग्रौर जहां पर दो दो ग्रौर तीन तीन मंजिला मकान बनाये जाने हैं. उनको फीज किया जाय। जहां पर गरीब मजदूर रह सकते हैं। गरीब कर्मचारी रह सकते हैं, फीज उनको करना चाहिये । ग्रगर ऐसा नहीं किया जाता है तो जिनकी बंधी बंधाई तनख्वाह है, वे किस तरह से रह सकते हैं। **दो दो ग्रौर तीन तीन मंजिले मकानों का** किराया दो सौ या डेढ सौ रुपये होता है ग्रौर जो गरीब मजदूर हैं, जो गरीब कर्मचारी हैं, वह उनमें नहीं रह सकता है । इस वास्ते गरीब मजदूरों के लिये जहां मकान बनने हैं, उन जगहों के लिये छुट रहनी चाहिये। सर-कार चाहे तो म्युनिसिपैल्टीज ग्रौर कारपो-रेशंज को कुछ मदद दे कर ग्रच्छे मकान बनवा सकती है। इसके साथ ही साथ यह भी देखा गया है कि रैंट कंट्रोल एक्ट में जो जो टैक्स <mark>ग्रदा करने की व्यवस्था रहती है,</mark> ग्रौर जिनको कारपोरेशन या म्यनिसिपैलिटी को ग्रदा करना होता है, वह सरकार उनको नहीं देती **है** ग्रौर इस कारण से वहां पर सफाई की, रोशनी की तथा नलों प्रादि की व्यवस्था नहीं होती है। इस वास्ते प्यह जो कहनून है, यह उन पर भी लागु किया जाना चाहिये । सरकार जब कोई कानुन दूसरों के लिये वनाती है तो खद पर भी उसे इसको लाग करना चाहिये। सरकार जब तक कानन का स्वयं पालन नहीं करेगी तब तक मकान मालिकों ग्रौर किरायेदारों में संघर्ष होता रहेगा । ग्राज मकान मालिकों को ग्रंट शंट किराया लेने को छट है । सरकार उन पर कोई पावन्दी नहीं लगाता है । मकान मालिक किरायेदारों <mark>से</mark> किराया तो। ले लेते हैं लेकिन उनको रर्ताद नहीं देते हैं। अगर केस कोर्ट में जाता है तो वहां पर रतीद के ग्रभाव में वह खारिज कर दिया जाता है। सरकार को चाहिरे कि जितने भी मकान खाली हों, उनको ग्रपने ग्रंडर ले ले । ग्रर्भा उत्तर प्रदेश में एक कानुन बना हम्रा है। जितने भी मकान खाली होते हैं, उनकी रिपोर्ट तहसीलदार को करनी होती है तहसोलदार उस मकान की व्यवस्था करता है ग्रौर एर्स्ट/मेट के ग्रनुसार उसका किराया तय करता है । उन मकानों का वह नम्बर के श्रनुसार वितरण करता है । जहां तक कानुनी व्यवस्था का संबंध है वह तो यह है। लेकिन ऐसा किय। नहीं जता है। मकान मालिक **ग्रो**र किरायेदार ग्रापस में ही पगर्ड; ले दे कर उस मकान को किमी दूसरे को दे देते हैं। ऐसा भी देखा गया है कि मकान मालिक एडीशन ग्रौर ग्राल्टरेशन के नाम पर मकान को खाली करवा लेता है । वह म्युनिसिपैलिटी या कारपोरेजन को दरख्वास्त देकर कहता है कि मुझे मकान बनवाना है ग्रौर इसर्क: मंजूरी ी जाये। वह किरायेदार का नल, बिजर्ल। ग्रादि कटवा कर तथा उसको कई ग्रन्य तरीकों से तंग करके निकाल देता है । दरवा<mark>जे</mark> को फोड़ कर मकान मालिक कहता है कि एडं शंज ग्रांर ग्राल्टरेशंज करानं, हैं, इस वास्ते मकान खालं। करो । वह दरवाजे को टीक करवा देता है, व्हाइट वाशिग करा देता है ग्रौर किरायेदार को निकाल देता है ग्रौर मैजिस्ट्रेट को लिख देता है कि नया मकान बना है, न्य कंस्ट्रकज्ञन है । जब तक कागजों पर वजन नहीं पडता है तब तक मामला आगे नहीं सरकता है । मेरा निवेदन यह है कि इस तरह के मामलों को कारपोरेशन या मैजि-स्ट्रेट को ौके पर जाकर जांच करनी चाहिये, साइट पर जाकर कस्टक्शन को देखना चाहिये. मकान नया बना है या नहीं बना है, कुछ एडी शंज एंड. ग्राल्टरेशंज हई हैं या नहीं, इसका वहीं जाकर फैसला करना चाहिये । इस प्रकार की व्यवस्था कानुन में ग्रवश्य होनी चाहिये। मौके पर जाकर किरायेदारों की

मुसोबतों को हल किया जाना चाहिये और

बिना देखे मकान को खाली नहीं करवाया जाना चाहिये ।

जितने भं। कानून वने हैं, जितने भो विल धाये हैं, उन सभं। में किरायेदारों के हक में एक भी क्लाज नहीं रखी जाती है, सार्र: की सारी व्यवस्थायें किरायेदारों के हितों के विपरीत होती है। जितनी भी फैसिलिटीज दी जाती हैं, वे मकान मालिकों को ही दी जाती हैं। किरायेदारों के बारे में कुछ नहीं किया गया है। गवर्नमेंट को किरायेदारों का भी अवस्य ख्याल रखना चाहिये।

दिल्ली में म्राजकल जितनी समस्या चल रही है, मकानों की जो समस्या चल रही है उसको देखें तो पता चलता है कि हजारों की तादाद में झौंपडियां गर्न्द वस्तियों में बर्स हई हैं। हजारों झौंपडियां ग्रशोका होटल के पास बनी हई हैं। मकान मालिकों की बदफेली के कारण है। उन बेचारों को इन झौंपड़ियों में रहने पर मजबर होना पड़ता है । सरकार को चाहिये कि वह खुद इनका इतजाम करे। यहो नहीं बकि सरकारी कमंचारियों का भी उसको ध्यान **रखना चाहिये।** कोटा-राजस्थ**ा** में तथा ग्रन्य जगहों पर देखने में ग्राया है कि रेलवे के कर्मचारः ग्रथवा इनकम टैक्स डिपार्टमेंट के कर्मचारी तथा दूसरे डिपार्टमेंटस के कर्मचारो जब तवाद**ले** पर जाते हैं तो उनको तीन तीन महीनों तक मकान नहीं मिलता है ग्रौर उन्हें चार चार ग्रौर छः छः दिन के लिये एक एक धर्मशाला में रहकर ग्रवना समय पास करना पडता है । गवर्नमेंट इसकी कोई सुनवाई नहीं करती कि उनको मकान मिलना चाहिये या नहीं । वह जोन भी देती है तो ऐसे म्रादमियों को देती है जिनके कई एक मकान खड़े होते हैं। ग्रपने ग्रपने मकान होते हये भी वे गदनमेंट से कर्जा लेते हैं ग्रौर उससे खूब फायदा उठाते हैं। गवर्नमेंट को सोचना चाहिये कि लोन ऐसे मादमियों

[श्री बैरवा कोटा]

को दिया जाये जिनके पास रहने के लिये मकान न हों, उन गरोबों को देना चाहि जो कि वास्तव में गरीव हों । ग्रगर गवर्नमेंट स तरह से करे तो मकानों की ग्रच्छी तरह व्यवस्था हो सकतो है ग्रीर लोगों को सुभीता हो सकता है, लेकिन गवर्नमेंट करना नहीं चाहती है । गवर्नमेंट तो इस तरह से करती है कि कोई भी ग्रादमी गया ग्रीर दो, पांच या दस रुपय। देकर उससे लोन का फार्म मंजूर करा लाया श्रीर उस लोन से दो ो, तीन तीन मंजिलें बनवा लीं । इस तरह से गरीब लोगों को फायदा नहीं मिल पाता है ।

Delhi

उपाव्यक्ष महोदय : यह बिल दिल्ली रेंट कंट्रोल ऐक्ट के संबंध में ग्राया है, राजस्थान के बारे में नहीं ।

भी बैरवा : यही सुभीता यहां भी हो सकता है ग्रीर गवर्नमेंट बड़े बड़े लोगों को छोड़ कर छोटे छोटे लोगों को लोन दे । ग्रगर वह इस तरह से करे तो मकानों की समस्या भी हल हो सकती है ग्रीर रेंट कंट्रोल का सारा सघवं भी समाप्त हो सकता है ।

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): From the amending Bill the House can see that it is a very simple one, and there are only two possibilities. If the premises belong to the Government, amendment will protect the tenants who are living in the premises which are built on Government lands by the lessees. If they are not Government premises, then the Delhi Rent Control Act, 1958 applies to them, and they are safe. So, I do not understand why quite a number of points were raised which were not really relevant to the amending Bill that is before the House.

In the course of the discussion it was mentioned that this Act was passed in a hurry. That is not a fair statement because before this Act was passed, detailed discussions were held with the landlords and the tenants and their opinions were heard. After that, it was considered in detail by the Joint Committee of Parliament. Later on, it came before the two Houses and then also there was detailed discussion. So, to say that this was hurriedly passed is a very unfair criticism.

Besides, I would like to say that if there are any specific individual cases that Members come across, they can bring them to us and we will look into them.

It was mentioned that there was still the *pugree* system existing. For that, there is section 5 which makes it unlawful to charge *pugree*. About receipt for rent, there is section 26 which makes it obligatory to give a receipt for the rent.

About landlords wanting the premises for their own use, if the landlord can prove that his need is *bona fide* and makes an application to the Rent Controller, he will surely get his premises for his own use.

There is nothing more I can add. I think this amending Bill should be passed.

Shri Narendra Singh Mahida: May I seek a clarification? I have already presented a letter to the Home Minister, some time back pointing it out that defence officials, who had built their houses here, were not able to occupy them when they retired and came back to Delhi.

Shrimati Chandrasekhar: All these points are covered in our present Act.

Shri Narendra Singh Mahida: Nothing has been done.

Mr. Deputy-Speaker: The question is:

"That the Bill to amend the Delhi Rent Control Act, 1958, as

Rent Control 184 (Amendment) Bill

passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Clause 2— (Amendment of section 3)

Shri Ranjit Singh (Sangrur): I beg to move:

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after line 12, add-

"Provided further that in cases where the terms and conditions of the Government lease deed have been violated by the tenant by erecting an unauthorised construction or by making additions or alterations in the premises or the tenant has damaged the building or premises in any manner, thus Act shall not apply to such premises.

Provided further that where residential or business premises are required by the owner for his own residential or business use, this Act shall not apply to such premises." (2)

All the land in New Delhi belongs to the Government, and these lands have been leased on certain conditions for different uses.

In the Delhi Rent Control Act of 1952 it was provided that if the tenant violated the terms of the perpetual lease deed between the Government and the lessee, the tenant could be ejected. But in 1958 the Act was amended, and even if the lease deed was violated, the tenant was not liable to be evicted from the premises. The result is that the tenants these days violate the terms of the lease deed deliberately and flagrantly. The matter goes to the Land & Development Officer. He issues a notice to the landlord that the unauthorised construction or the breaches should be removed within 15 days; if not, the property would be forfeited by the L & D O. But on account of the Rent Control Act, the landlords are not in a position to do anything. They can only file a suit in a court, whether it is a small case or a big case. They go to the court, but the courts are overcrowded and very busy, they take several years to decide these cases. The landlords are dragged to the court for no fault of theirs. They have to bear all the court expenses.

The trouble is, that after some day: the L & D.O. just writes another letter saying that the landlord has been penalised, that he has to pay the Government so many thousand rupees every year to save the property. He has to pay damages to the Government every year. The court case is not decided for several years, and meantime every year the landlord has to pay this penalty to Government. In most of the cases the damages are not paid by the tenants.

Even if the case is decided in favour of the landlord, the tenant makes an appeal and it takes several years, sometimes eight or ten years, and the penalty and damages are paid by the landlord.

I can satisfy and convince the Government on this point, that in respect of the buildings put up before 1939, unauthorised constructions have been made after the passing of this Act by the tenants, and those cases have not been decided as yet. The income which the landlord derived after paying all the taxes and the ground rent, has, during the last 25 years, all been spenin paying the damages to Government or in fighting the litigation to get the unauthorised construction removed through the court.

People constructed these buildings before the war in 1939 to get an ordinary return of three to four per cent. Now they find a great difficulty. They are dragged to court, they have to spend money in the court for no fault of theirs. I cannot, understand why such tenant who break the clauses of the lease deed should be protected by the Act. Such tenants should not be protected and this Act should not apply to them. [Shri Ranjit Singh] 14.00 hrs.

My second point is that those who constructed their houses before 1939 get very low rents. I know such a house, with three bed rooms, one sitting room, one dining room, with seven or eight servant quarters and two garages and that house fetches a rent of Rs. 230 per month. The yearly rent comes to Rs. 2600 or 2700. But imagine what the landlord has to pay on this-ground rent of Rs. 500 a year, charges for repairs, which at present rates come to about Rs. 1200, incometax, super-tax and wealth tax and other municipal taxes. In addition, there is depreciation on the building. Practically, it is the tenants who are kept at the cost of the landlords. If all these things are taken into consideration, it will be seen that the landlord incurs an expenditure of Rs. 5,000 or so per year for a house which fetches a rent of Rs. 2700 a year. It is a source of constant botheration and harassment to the landlord. 1 can convince the Government on these points with facts and figures that what I say is entirely correct. Some justice should be done to such people. A man works the whole of his life and he constructs a house. He is put to such hardships. The tenants are making lakhs of rupees a year. I will give you an example of a shop-keeper.

Mr. Deputy Speaker: He should not repeat. He should conclude now.

Shri Ranjit Singh: A shopkeeper who pays a monthly rent of Rs. 105, makes a profit of Rs. 2.40 lakhs a year and the shopowner is hardly left with 100 or Rs. 200 a year after deducting from the rent all the municipal and other taxes. Look at the difference between the landlord and tenant. By giving this name landlord, they have been practically ruined. The Government should do justice and equily. For the same areas a house constructed now-a-days and let out now, fetches a rent of Rs. 3,000 or Rs. 3500 a month while the old house in the same locality and with the same number of rooms, etc. is rented out to Rs. 2700

or Rs. 2,600 per year. The Government must consider this matter seriously.

Shri Narendra Singh Mahida (Anand): Do the Government propose to bring a comprehensive Bill in connection with this Act?

Mr. Deputy-Speaker: He must conclude now.

Shri Ranjit Singh: The old buildings are depreciating and if, with proper repairs, they could last forty years, they will not last even twenty years without costly repairs. The cost of repairs has gone up tremendously and they should consider this matter also.

VShrimati Chandrasekhar: Sir, the Bill is a comprehensive one. The points raised by the hon. Member have been covered by proviso (k) to section 14(1) and proviso (1), whereby the landowners are given a free hand to evict tenants if they commit any breach of the contract. The tenants are given protection only in certain cases. Further section 14(10) and 14(11) gives protection to the tenants if the cause of action is removed. We have done everything possible and there is no room for any adjustment to be made. The hon. Member said that there was a lot of hardship to the landlords.

Mr. Deputy Speaker: He wants protection to be given to the landlord.

Shrimati Chandrasekhar: There may be one or two cases like that for which there is a rent controller and they can apply to him. We have now appointed an additional rent controller and there need be no worry at all. Therefore, there is no need for this amendment and we are not accepting it.

Mr. Deputy-Speaker: Shall I put the amendments to the vote?

Shri Ranjit Singh: I have expressed my views. I am a member of the Congress Party . . . (Interruptions.) I do not press it. Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his amendment?

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

(Amendment made)

Page 1, line 1,-

for "Thirteenth" substitute "Fourteenth" .(1)..

(Shrimati Chandrasekhar)

Mr. Deputy-Speaker: The question is:

"That the Enatcing Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

Shrimati Chandrashekhar: Sir, I beg to move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

14.10 hrs.

AGRICULTURAL REFINANCE COR-PORATION BILL-Contd.

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved by Shrimati Tarkeshwari Sinha on the 21st January, 1963, namely:—

"That the Bill to provide for the establishment of a Corporation for granting medium and long term credit by way of refinance or otherwise, for the development of agriculture and for other matters connected therewith or incidental thereto, be taken into consideration."

Shri Venkatasubbaiah was on his legs.

Shri P. Venkatasubbaiah (Adoni): Mr. Deputy-Speaker, the Agricultural Refinance Corporation has been introduced by the Government to provide credit facilities to the various apex banks, the central banks and the land mortgage banks that are functioning in this country. The main features of the corporation, it has been stated, are that the corporation will have an authorised capital of Rs. 25 crores, of which Rs. 5 crores will be issued on its establishment. 50 per cent of the issued capital will be allotted to the Reserve Bank, and 30 per cent will be subscribed by the State co-operative and land mortgage banks. The remaining 20 per cent will be allotted to the scheduled banks. the Life Insurance Corporation, etc. These are the main features of the corporation. In my last speech also, I advanced the argument or the contention and pleaded with the Government that the scope of the Bill should be enlarged. As a matter of fact, I pointed out was that several rural credit surveys have been undertaken in this country. The latest report clearly shows that in spite of all the assistance that was being given from the Government from time to time. the rural indebtedness has not diminished. As far as the Reserve Bank report of 1937 is concerned, it estimated the rural indebtedness to be to the tune of Rs. 1,800 crores. That survey was done in 1937. Also. the rural credit follow-up survey of 1956-57 by the Reserve Bank of India concludes in its general review report that the data shows that the indebtedness remains and that there was an increasing volume of debt