

I, therefore, request the Central Government to take necessary action for saving the life of thousands of people living there.

(vi) **Need to solve acute drinking water-problem in Bharatpur district of Rajasthan**

SHRIMATI KRISHNENDRA KAUR (DEEPA) (Bharatpur): Mr. Speaker, Sir, there is acute shortage of drinking water in eastern part of Bharatpur district in Rajasthan. People have to go several miles in order to fetch water and cattle are dying for want of water. Ground water is salty in this area; rain is also very less. Wells are there but these contain salty water. Sweet water is not available even upto the depth of 300 feet. The Government has installed handpumps at some places but most of them are out of order. Rich farmers got their handpumps bored but farmers who do not possess much of land and are unable to get tubewells bored, solely depend on the rain. Most of the ponds in cities and villages have dried up. The canal and well water in Bharatpur city is not worth drinking because it has been infected by sewage water.

The second source of water is river Chambal, its water flows in river Yamuna without being utilized. It is close to Bharatpur-Dhaulpur. A high level committees of Rajasthan Government has given its recommendation for utilisation of this water. But a scheme in this respect can be successful only after spending Rs. 170 crore.

I, therefore, request the Central Government to provide a network of canals in this area, which will not only make available drinking water for 4000 villages and ten big cities but also will solve the problem of acute shortage of drinking water in this area.

(vii) **Need to set up projects to solve drinking water problem and evolve flood and drought control devices at Kuttanad, Kerala**

[English]

SHRI THAYIL JOHN ANJALOSE (Alleppey): I wish to draw the attention

of the Government to the difficulties faced by the people of Kuttanad area in Kerala. The Kuttanad Taluk which is part of the Alleppey district is a peculiar place wherein the people have to face scarcity of drinking water during floods and drought. This area being situated below the sea level is prone to floods and drought. The people of this area mainly depend on agriculture. I, therefore, request the Central Government to take steps to set up projects to solve the drinking water problem and evolve flood and drought control devices in the area.

(viii) **Need to provide relief to the drought affected people in Uttar Pradesh particularly in Faizabad Mandal.**

[Translation]

SHRI RAMSAGAR (Barabanki): Mr. Speaker, Sir, Faizabad Mandal of Uttar Pradesh has been a victim of drought from the very beginning. Situation in Barabanki, Faizabad, Sultanpur, Raibareili, Gonda and Behraich has gone from bad to worse. The drought affected people are repeatedly calling for mercy. The level of water in the wells and tubewells has gone down so canals and tubewells are not having water as per their capacity.

I, therefore, request the Government to take necessary action for providing relief to the drought affected people in these districts.

12.57 hrs.

MR. SPEAKER: We will now take up Item No. 18. Shrimati Sheila Kaul.

12.54 hrs.

CONSTITUTION (SEVENTY-SEVENTH AMENDMENT) BILL (AMENDMENT OF ARTICLE 323B)

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI SHEILA KAUL): I beg to move—

“That the Bill further to amend the Constitution of India, be taken into consideration.”

[Smt. Sheila Kaul]

Sir, it gives me great pleasure to move for consideration in this august House, the Constitution (Seventy-seventh) Amendment Bill. This seeks to amend Article 323(B) of Part IV(A) of the Constitution of India to insert a new clause after sub-clause (g) to enable the appropriate legislature of States and Union Territories to enact legislation for the establishment of rent tribunals. The constitutional amendment will exclude the writ and other jurisdiction of the High Court as provided under Articles 226, 227 and 228 of the Constitution. As in the case of the Central Administrative Tribunal, only the jurisdiction of the Supreme Court under Article 136 of the Constitution will be retained in the new set up for adjudicating rent control cases in different States.

The proposed constitutional amendment is an important element of the Model Rent Legislation which has been laid before both Houses of Parliament. The move to set up the Rent Tribunal has been endorsed by State Governments in the Conference of Chief Ministers and State Ministers convened by me in March, 1992. This is a major piece of legal reform which will be welcomed by landlords and tenants all over the country. The Amendment has to be ratified by the legislatures of not less than one half of the States before it is presented to the President for assent.

The proposal for setting up rent tribunals has been inspired by the observations of the Supreme Court in 1986 about the need to relieve the Supreme Court and High Courts of the heavy burden of rent litigation and to expedite the entire process of litigation. The Supreme Court proposed a National Rent Tribunal on all India basis with quicker procedures. The Jha Commission on Economic and Administrative Reforms recommended the entrustment of administration of Rent Control Legislation to quasi-judicial tribunals. The various commissions appreciated the fact that prolonged litigation to regain possession by the landlords in genuine cases for self-occupation acts as a powerful disincentive for letting out premises and leads to various malpractices.

12.00 hrs.

This results in a large number of vacant flats in a number of cities. At present

thousands of rent control cases are pending in various courts in the country, the number of which is increasing day by day. Various expert bodies and State Governments are in favour of taking rent control out of the jurisdiction of the judiciary and entrusting cases to a separate tribunal with a simple and speedy procedure for adjudication.

The State Government feel that it will be more appropriate to set up State level rent tribunal according to local needs rather than a National Tribunal. These Tribunals can deal with all cases relating to rent control and other tenancy cases. The Tribunal will be part of a two tier system including a first tier of Rent Controllers. It is envisaged that the tribunal will be composed of three or more members as may be decided by State Government, with a Chairman of the status of a High Court Judge. The Tribunal can hear cases in all the cities, through separate benches or collectively subject to rent control legislation in each State. The details of the constitution of tribunals and the procedure to be adopted by them will be worked out by State Governments according to guidelines to be issued by the Central Government. The Scheme for setting up rent tribunals will be recommended to the State Governments after the Constitutional Amendment.

It is expected that the establishment of the tribunals will reduce the time taken for disposal of cases and reduce the cost both to the Government and the litigants. The tribunals can also take up conciliation of disputes between the parties at any stage. It is envisaged in the Model Bill that rent control disputes can be settled within a period of six months and there will a finality of decision at the level of the Rent Tribunal.

I now move the Bill for consideration and passing by the House.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

It was decided that item no. 18 should be discussed for about one hour. Then item nos. 19 and 28 should be discussed together. The discussion on these two

items could start today itself and can be continued tomorrow also, and the voting can take place may be in the evening or late in the night depending on the number of Members who want to speak. It was also decided that the voting on item no. 18 also should take place at that time only. The Bill under item no. 18 is a Constitution Amendment Bill. The Bill under item no. 19 is also a Constitution Amendment Bill. Both these Bills require a special majority.

So, may I request the Members to complete the discussion on this, of course with the amendment which they want to introduce, within a short time and take up the other items so that the Members can have more time to discuss them.

Now, I call Shri Madan Lal Khurana to speak.

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, thank you for providing me an opportunity to express my views.

[English]

MR. SPEAKER: Shri Khurana, you can continue your speech after Lunch. Now the House stands adjourned to meet again at 14.05 hours.

13.04 hrs.

*The Lok Sabha then adjourned for Lunch till five minutes past Fourteen of the Clock*

14.10 hrs.

*The Lok Sabha re-assembled after Lunch at ten minutes past Fourteen of the Clock.*

[MR. DEPUTY SPEAKER  
in the Chair]...

CONSTITUTION (SEVENTY-SEVENTH  
AMENDMENT) BILL (AMENDMENT  
OF ARTICLE 323B)—Contd.

[English]

MR. DEPUTY SPEAKER: The time allotted for this is one hour. Limited time

is given to each party. Sri Madan Lal Khurana may continue.

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Deputy Speaker, Sir, the seventy seventh Amendment which confers the right by making an amendment in the Rent Control Legislation upon States for forming tribunals is in the interest of people. It would provide relief to common man. I would like to congratulate the hon. Minister. My party had been demanding for years to bring up this amendment, because several cases of our countrymen have been lying in litigation. The Government has taken a long time in bringing up this amendment but it is worth welcome "better late than never."

I request the hon. Minister than the should present it for voting and get it passed today itself. We do not know what will happen to the second Bill in future. So it should be got passed today itself.

I would like to give some suggestions. You have rightly stated that it should be timebound and the tribunal should decide it within six months. In practice, it has been observed that the cases of the retired Government servants, soldiers, poor widows, take years to be decided and by that time they pass away. The Government makes its employee vacate the Government accommodation if he owns a house but if his private house is let out, he can not get it vacated. Such employees will get relief from the Bill brought up by you.

I have heard that you have enacted Rent Control Act for all the States. The centrally Administered Territories, including Delhi are ruled by the Centre. The Act should be made applicable to Delhi also without much delay. The other States can be chased by you for its applicability but you can apply it in Delhi out-right so that the public may benefit from it. If a Tribunal is constituted, it will benefit the people as their cases which have been pending in the courts for years, will be settled soon. Delhi has many old properties. The litigation of such properties has been going on for many centuries. Old Delhi is turning into a slum. The tenants living in old houses are paying a rent of Rupees four or five per month.

[Sh. Madan Lal Khurana]

Due to this neither the house owner gate the house repaired nor allows the tenant to do it. He wishes the house to collapse soon so that a new house in its place could be built as the value of the land has increased manifolds. This is the reason for turning old Delhi into a slum. This will also benefit the residents of that area. Another problem has also crept up in Delhi as the house tax has been linked with Rent Control in Delhi.

Previously Standard rent was charged in Delhi. My submission is that as per the orders of the High Court, the percentage of this rent cannot be more than that of the House tax. The Government amended the Rent Control Act in 1988 according to which standard rent is not charged on a house, having a rent of Rs. 3500 that was linked with the market rent. Consequently the rent of houses in Delhi soared up manifolds. Now one cannot get a house on Rent in Delhi for less than Rs. 3500/- per month perhaps it may be more than it. It is true that the tenants have to cough up an amount of Rs. 3500/- per month but they get a receipt of Rs. 500-1000 only but it is very difficult to get a house on rent for less than Rs. 3500 per month in a city like Delhi.

Mr. Deputy Speaker, Sir, in 1989-90 Malhotra Committee comprising members even from Congress, Delhi Administration and Delhi Corporation was constituted about house tax. The Committee besides giving recommendation about House Tax, also commented on how to do away with corruption, how to provide justice, how to benefit to self-occupied persons etc. But these recommendations could not be implemented for the past 7-8 years due to political reasons. Since elections were due in 1989 in Delhi, therefore a Committee under the Chairmanship of Shri Jagpravesh Chandra was constituted. Then the Malhotra Committee was set up but the matter kept on hanging for one whole year. My submission is that the notices are being issued to such property holders having property valued at more than Rs. 10 lakhs for the last five years and in all these cases the property holders had tax amounting to Rs. 1000 in each case. Now the people have received the bill for house tax amounting to Rs. 2 lakhs in a revalue of cases. Now the inspector says

that he can reduce the amount if he is given some gratification. This way, the vicious circle of corruption is widening. The Corporation employees say that this problem can be solved only after implementing the Rent Control Act.

I would like to submit that once this amendment is passed it will benefit the whole country. The State Government which passes it will soon be benefitted. I wish to request the hon. Minister that the issue of House tax in Delhi has been hanging like a sword for the last five years, corruption is rampant and if one has some business work in the corporation office he will have to visit it several times. As per this Act you should delink house tax and implement this Act by accepting the recommendation of the Malhotra Committee, so that it may take the shape of a model Act. The Government can pave the way for other States by implementing the Act in Delhi and encouraging them to implement the Act in the whole country.

Through you, I would once again thank the hon. Minister and request her to implement it immediately in Delhi as Delhi is a Union Territory; you implement it here so that Delhites may get relief. With this submission, I conclude.

[English]

SHRI SHARAD DIGHE (Bombay North Central): Mr. Deputy-Speaker, Sir, no doubt I rise to support this Bill, but I am not as hopeful as the other member regarding the usefulness of this Bill. As an advocate advocating the cause of tenants for 38 years in Bombay High Court and other Courts, I felt that this is not in the full interest of the tenants at all. Those who are very much keen to take possession are the landlords and whatever machinery you provide to expedite and give them the possession, it is not in the interest of the tenants at all. Particularly, in cities like Bombay, the house which is in occupation of a tenant is more than a piece of gold and if he is not properly protected, then he is thrown to the wolves of the builders, unscrupulous landlords and also finally to the slumlords. There are few exceptional cases where retired Government servants do not easily get the possession, but we should not

generalise these things. There are many grounds under the Rent Act which enable the landlord to take possession and if you expedite all these things, whom are you helping? You are helping only those who are already in occupation and who are already protected. I do not say that even though the tenant is earning so much you are protecting them. But the ordinary machinery should be such that the tenant should be protected as much as possible.

Mr. Deputy Speaker, Sir, I submit that there are different circumstances in different parts of the country and I am not of the opinion that there should be one model Rent Act for the whole country at all. The scarcity in Bombay is different from the scarcity in Pune, the scarcity in Delhi is different from the scarcity in different cities. Even though Bombay and Pune are in the same State, the conditions are different in different cities or different parts of the country, and therefore, even today Maharashtra has got three Rent Acts. They are trying to unify them and in the last Legislative Assembly Session, they have brought a unified Maharashtra Rent Control Act. That is a good step, but here I find that the Central Government is not seriously considering this Rent Control legislation at all. For several years I was looking forward to this model Rent Control legislation. As far as I remember, it was never brought to this House for discussion at all. It is only moving in the Committees and in the Department, but we had no occasion to express our views whether the provisions of this model Rent Act are good for the tenants as far as different parts of the country are concerned. Therefore, I feel that we should seriously consider this. We should not have some uniformity throughout the country as far as this legislation is concerned, because the scarcity of accommodation is different in different parts of the country.

Therefore, what are you doing by this? You want to enable the State legislatures to establish tribunals instead of courts. Of course, it is an enabling provision. It is not compulsory for any State. Or what is the purpose? The purpose is that the

Rent Act legislation should not be prolonged.

Secondly, it is stated that it is to reduce the burden of the litigation from Supreme Court and High Court. Of course, this legislation does not, really speaking, reduce the burden of Supreme Court at all because when you put this under this Clause (2) of Article 323 (b), one of the consequences in the Rent Act would be to exclude the jurisdiction of all courts except the jurisdiction of Supreme Court made under Article 136. The jurisdiction of the Supreme Court under Article 136 remains. There is no reduction of burden as far as the Supreme Court is concerned. I further submit that even though you make this law, the jurisdiction of the High Court as far as Articles 225 and 227 are concerned, cannot be removed. Ultimately, High Courts would be in a position to have superintendence over all the tribunals and quasi-judicial tribunals and, from that point of view, they will be able to have their supervisory capacity also. Therefore, this object of reducing the burden from Supreme Court and High Court, I do not think is going to be achieved thereby. Is it laudable object? Do you want to reduce the litigation of the higher courts by stopping sending cases to them? Is it the solution? The solution is to expedite those cases by different other means. By adding more number of judges, by establishing more courts, by creating service conditions in such a manner that better talents are attracted to them or better integrity and independence only litigation can be reduced. This approach of establishing tribunals, sending of litigation to them, stopping further appeals and all these things, is not the real solution as far as the reduction of litigation is concerned. In fact, you are reducing the scope for getting justice. When higher and higher people apply their mind, they can give better service to these people. As I said, if the litigation in the lower courts as far as rent control is concerned is so touchy, so important, so valuable then do not throw them to the tribunals merely. Let them have full scope for justice and that will only give justice in the present day of scarcity of accommodation. If you cannot provide them more house, if you cannot build more houses, do not at least throw away those

[Sh. Sharad Dighe]

who are already in occupation and from that point of view, do not create machineries by which those who are in occupation are thrown away and the unscrupulous landlords get easy access to these tribunals and get possession as early as possible. From that point of view, I think this is not properly thought of but as it is brought by the Government, I support the Bill.

[Translation]

SHRI MOHAN SINGH (Deoria): Mr. Deputy Speaker, Sir, like Khuranaji I am also not in a position to congratulate the Government so quickly, this is because the Government is aware of the judgement of the High Court pronounced in 1986 according to which the High Courts and the Supreme Court should be made free from the burden of the cases under Rent Control Act. The decision in this regard was pronounced in 1986, but the Government introduced a Bill only in 1993. The Government is awoken only belatedly. There is, therefore, no need to congratulate this sleeping Government so quickly. This much is sure that mere setting up of tribunals does not force the State Govts. to hold the meetings of State Legislatures. In my opinion, it is a fallacy to presume that conferring powers on the States by the Centre will enable them to expedite setting up of tribunals quickly.

Secondly, I would like to know as to what is the thinking of the Government towards solving the main problems of tenants. Mr. Deputy Speaker, Sir, when I was the President of Allahabad University Union in 1968. I had filed a case in the court of Collector under the Rent Control Act seeking allotment of Anand Bhawan—the paternal property of Shrimati Indira Gandhi for converting the same into a hostel since the Bhawan was lying vacant for a long time. The District Magistrate inquired into the matter which took six months. We filed another petition with the submission to expedite the case. At this he said that it was beyond his power to take a decision in that matter simply because the house in question belonged to a very big personality. We then asked him to reject our petition. He did so. We moved to the High Court where also our petition was rejected. We

were then forced to decide to launch a satyagrah to forcibly take possession of Anand Bhawan for converting it into a hostel. After that Indrajai handed over her paternal house to a trust just for the sake of avoiding the provisions of Rent Control Act to be applied on it, and that way it was kept away from the purview of the Rent Control Act.

Sir, the situation as it prevails now is that no provisions of any Act are applied to big people whereas the general needy people are denied the benefits given under the provisions of Rent Control Act. It is the administrative officers who make allotment of houses. They make allotment to those who have approach to them; to those who are either defeated leaders or retired officers. They get the accommodation in one way or the other. This bereaves the house-owners from getting due rent for the maintenance of their houses and it does also provide troubles to their family members. Suppose an officer who is Lucknow based is shifted to Delhi with his family; in case there is some tragedy with him then it becomes a very difficult task for his widow to get the ownership of their house. The Government will have to think over it that the present Rent Control Act is against the interest of both the house owners and the tenants. Therefore, the Government will have to think for bringing necessary amendments in the Act.

Sir, the Second thing is that all the Senior Officers take loans on 7 or 8 percent interest from their Respective Departments for construction of houses. This is a facility being provided to the Government officers. But what they actually do; they take loans to construct houses and after the construction of the houses they give them on rent to the very same department to which they belong. They charge a very high rent amounting to Rs. 10-15 thousand per month. On the contrary they live in the Houses coming under Rent Control Act or in the houses allotted by their department. The Government will therefore have to enact a law in this regard that if the old leaders or officers take housing loans at the interest rate of 7 or 8% and if they give their houses on rent then the Government should automatically take possession of

their houses. The Government should be serious about it.

Thirdly, Mr. Deputy Speaker, Sir, there are enemies' property, the property of migrants who have left this country. The Government should take ownership of those property. There are mafia gangs who are encroaching these property slowly and slowly. One day I read a news about the incident occurred in Delhi that an Indian family had been living in America for 7-8 years and its house was in India. The family kept a Chowkidar for guarding the House. A group of mafia killed the Chowkidar here and occupied the House situated in Delhi. Similarly, there are other buildings like old religious trust buildings, buildings of charity trust and the buildings of Waqf Board. There are people living in those buildings for as many as 50 years and they are paying only 2-3 rupees per month as rent. The Waqf Board does not have the capacity to maintain its building. The rent of the buildings coming under charitable societies, religious trusts and Waqf Boards where the people are living on the rate of old rent should be enhanced in view of the present inflation rate so that adequate money may be obtained for the maintenance of those buildings. The Government should consider this suggestion too.

SHRI MADAN LAL KHURANA: The next Bill likely to be introduced today is aimed at doing away with religion.

SHRI MOHAN SINGH (Deoria): Religion cannot be done away with since it is the integral part of our life. The political use of religion by virtue of which you have come here, has to end. But that is a different issue, Khuranaji wants to divert our attention from the point.

Mr. Deputy Speaker, Sir, I simply want to submit to the Government that mere setting up of tribunals will not solve the housing problems of the people. I would say clearly that the lower class Government employees are living in this city for as many as 25 years. Houses are not allotted to them whereas those who have approach to the Government get direct allotment of houses. The employees of class one, two and three are allotted houses

through various illegal ways. The question is that the Government should formulate a comprehensive housing scheme for the common people. If that is not done, mere the setting up of one or two tribunals and introducing this issue in this House for discussion will be of no avail.

I would therefore like to support this Bill and would also like to advise the Government that it should give a deep consideration for solving the housing problems of the common people. With these words I conclude.

[English]

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Mr. Deputy Speaker, Sir, I would just like to say one or two words on this Bill which is before this House now. What I want to say is that the small tenants should be protected against the big landlords. The small tenants' interests should be safeguarded.

The second point that I would like to make is that all the charitable properties should be exempted from the purview of the Rent Control Act. It is a very important matter. This demand has been made for a long time. All the charitable properties and Wakf properties have been rented out. They get a very meagre rent—say Rs. 10 etc.—which does not get anything. These charitable trusts and the Wakf Boards are losing large income. Therefore, what I want to say is that all the Wakf properties should be exempted from the purview of the Rent Control Act. If that is done, then the charitable trusts will increase their income; the Wakf Boards will increase their income. That income can be utilised for the development of weaker sections of population, for the development of the minorities in the economic and educational fields. I hope the Minister will pay attention to this. I further hope that she will give consent and proclaim that all these charitable properties and Wakf properties are exempted from the purview of the Rent Control Act.

SHRI V. DHANANJAYA KUMAR (Mangalore): Sir, I support the Bill because it is a welcome measure, as has been submitted by my leader Shri Madan Lal Khurana.

[Sh. Dhananjaya Kumar]

Sir, the object of this Bill is to amend the provisions of Article 323B of the Constitution, with a view to speed up the litigations pending for years in the courts, in the matter of rent control. It is a welcome measure. The Minister in her statement made reference to the constitution of a National Tribunal and also the State Tribunals and that the Tribunal would consist of more than one member. She was making reference to the Tribunal consisting of three members. The National Tribunal is to be headed by a person who is qualified to be appointed as a Judge of the Supreme Court and the State Tribunal consisting of three members is to be headed by a person who is qualified to be appointed as a Judge of the High Court.

Sir, I would like to draw the attention of the Minister to the fact that the litigations start from the smaller cities and even towns also. In Karnataka for example, the Karnataka Rent Control Act covers all the municipal areas, all the town municipalities, city municipalities and even other notified towns so that the provisions of Rent Control Act are made applicable to very small towns and cities also. That being the case, the constitution of a Tribunal at the State level and the constitution of a Tribunal at the national level alone will not solve the problems. Similar Tribunals will have to be constituted at least, at the district levels so that the litigations could be decided early so that speedy disposal of the cases could be achieved.

As has been suggested, a minimum period will have to be prescribed within which the litigations will have to be resolved. It would be better if the time limit is fixed as not more than three months and provisions could be made for an appeal from the District Tribunal to the State Tribunal and the second appeal from State Tribunal to the National Tribunal so that, once for all, the jurisdiction of the Civil Courts is taken away in the matter of the disposal of the cases pertaining to the rent control matters.

I would like to make a suggestion in this regard. The Minister was making a

reference to drawing up a scheme and issuing directions to the States to incorporate those provisions in their respective Rent Control enactments. There must be a provision for making allotment of the rented houses form the pool not only to the Central Government employees or the State Government employees but also to the general public. In the Karnataka Act, for example, there contains a provision that preference should be given to the Central Government employees, then to the State Government employees, then to the Government Undertakings and the last chance is given to the general public.

I would make a suggestion that a definite percentage should be allotted to the general public also simultaneously with the Central Government as well as the State Government employees and also the employees of the Government undertakings. Then a provision should be made for revision of rent at regular intervals. Otherwise as has been submitted here, for years together the tenant will not agree for revision of the rent and the landlord will not be in a position to revise the rent. There are any number of cases wherein the owner of the building will have to pay more tax than the rent which he is recovering from the tenant or which he is receiving from the tenant.

Respected Sharad Digheji was making a mention about giving protection to the tenant. In fact, the Rent Control Act itself is enacted for the protection of the tenant. A definite provision is made in the Act that once the house is rented out, unless the landlord takes possession of the house for self-occupation, that house will remain in the rent pool and that will be allotted by the Rent Controller himself and that house cannot go back to the landlord, so that if one tenant is dispossessed, that house will definitely be allotted to another tenant who is in need of a house. That way absolutely there is no anomaly or the provisions of the Rent Control Act are not to help the landlords.

The landlord is given the right to ask for possession only against some cantankerous tenants who either misuse the house for purposes other than those for which the house was allotted to him or



against the one who does not pay the rent for longer times, etc. That being the case, there is absolutely no anomaly or partiality, in favour of the landlords.

So, I would like to impress upon the Government that provisions should be made for speedy disposal of the litigations and the provision for appeals after appeals should be curtailed. The maximum provision for the second appeal up to the national tribunal should be provided and then provisions should be made in the Rent Control Act for allotment on quota basis. (*Interruptions*)

People who can reach up to Delhi can avail themselves of the provisions under article 136. When a state tribunal is constituted and a provision for appeal from the district tribunal is made to the state tribunal, then there is no question of filing any writ petition before the High Court.

That being the case, this provision is a welcome measure and I support the Bill.

[*Translation*]

SHRI CHANDULAL CHANDRAKAR (Durg): Mr. Deputy Speaker, Sir, the main object of this Constitution Amendment Bill is to provide simple profit to the house owner on the capital he has invested in the House and to save the tenant from paying heavy rent.

We all know that under present Rent Control Act, the people do not want to invest their money in the construction of houses, because they do not get adequate return. The Government cannot construct houses, as it does not have the required capital and the common man is also poor. Therefore our main object should be to encourage such people who have funds to construct houses. It means that those who construct houses should get at least 12 per cent return on the cost incurred on building the house. It will encourage a lot of rich people to construct houses. Besides this, the rent should also be reviewed after every three years.

It is true that the number of cases pending before the High Court and the Supreme Court are so large that they can-

not be disposed off in the years to come. So, this Bill seeks to set up a National Tribunal and certainly this is very good. It will consist of three members. But, if one of the Members becomes ill and another one goes to London on leave; as it is a common habit among the rich, only one Member will be left behind. So, I would request that there should be at least 5 Members, otherwise, the cases will remain pending. There should be a time-limit such as of one year or six months, for deciding the cases by the Tribunal. The Tribunal should have 5 Members instead of three members, in view of the time limit also.

SHRI NITISH KUMAR (Barh): He should have told these things to the Govt. in advance.

SHRI CHANDULAL CHANDRAKAR: Secondly, the process should be time-bound and result must come out within 6 months. Such rules should be framed as can easily solve the issues relating to house owners and tenants. In the absence of such rules the people have to go to lawyers who charge heavy fees. In Delhi, houses are constructed by the DDA. When anyone buys a house, he does not get the ownership rights because the houses are sold here on power of attorney. Khuranaji knows better in this respect. The position of house owners in Delhi is typical. They are living in their position on Power of Attorney. There must be some improvement in the situation. No case comes up in the High Court or the Supreme Court for hearing because some middle way has been shorted out. In such a situation, the Delhities cannot construct houses and the tenants are also harassed due to non-availability of houses so, we have to find out such a way as will solve the problems of house owners as well as the tenants. If a single Tribunal is set up at Bhopal in Madhya Pradesh, people will have to go to Bhopal from distant place, covering distances of 1600 to 1800 kilometres. So, instead of setting up a Tribunal at one place, its benches should be set up at two or three places. As there are two Legislative Assemblies in Maharashtra, at Bombay and Nagpur, similarly two to three Tribunal benches should be set up in larger State according to its need.

**THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI SHEILA KAUL):** It will be so.

**SHRI CHANDULAL CHANDRAKAR:** At least a few things should be included in the rules. Who fixes the total cost? Everyone is aware about the bungling made in the accounting of the cost of construction. So, special rules should be framed for the assessment of the cost of construction and the rent to be charged. 40 lakh people in Bombay live on roads and similar situation prevails in Delhi. By deducting the House Tax and maintenance charge, the investor should at least get 12 per cent on his total investment. This will encourage those private builders, who have money to construct houses. In this way houses can be built for them.

With these words, I conclude.

[English]

**DR. SUDHIR RAY (Burdwan):** Sir, at first, I want to point out that frequent amendment of the Constitution is not at all desirable because frequent amendment of the federal Constitution violates the sanctity and Constitution turns into a scrap of paper. Therefore, in USA, Constitution is not frequently amended. We must first remember that Government often comes with so many amendments to the Constitution. This is not suited to the body-politic.

Secondly, it is true that litigation regarding rent goes on for years. As a result, people get frustrated. They say that justice delayed is justice denied because these cases drag on for years. People do not get justice. At first, they move the district court. If district court's verdict is against them, they move the High Court and then, the Supreme Court. We find that often a case is not solved within 20 or 30 years. Therefore, the proposal to constitute a national tribunal is welcome. The proposal to constitute State tribunals is also welcome.

But I support the argument of Mr. Chandulal Chandrakar that in a big city, there should be four or five tribunals so that people get justice. At the same time,

we should remember that in big cities of India, 30 to 40 per cent people live in slums. And often landlords take advantage of the Rent Control Act or they take the help of goons and thereby evict the poor slum-dwellers. This should be prevented. In order to prevent that, what is required is a massive programme for construction of houses.

Today, we find that migration to cities has become very high. Often people go to towns for jobs, for security, etc. Therefore, there should be more and more houses constructed. For this, the Government should earmark funds for the construction of dwelling-houses, especially for the poor, for the under-privileged.

We should also remember that it is also true that some people, who build houses, rent out houses. After 10-20 years, in view of the high inflation, in view of soaring prices, the rent becomes nominal. Therefore, the case of the middle-class people, who invest in a house, should also be looked into.

I also agree with Mr. Sharad Dighe that we cannot cut down the jurisdiction of the Supreme Court because Supreme Court is the highest court of the country. Therefore, appeals against the judgment of the national tribunal or the state tribunal must go to the Supreme Court or the High Court. What is required is a modest Rent Control Bill so that the interests of the poor slum-dwellers—the poor people—are protected. At the same time, middle-class people will invest in construction of houses. Their interests should also be looked into.

[Translation]

**SHRI VIJAY KUMAR YADAV (Nalanda):** Mr. Deputy Speaker, Sir, I want to submit two-three points in regard to this Bill.

14.59 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

It has been said that these tribunals are to be set up for the early disposal of cases lying pending in the High Courts and Supreme Court. These tribunals should be set up at the district level.

15.00 hrs.

So far as poor tenants are concerned, it will be very difficult for them to travel to far reaching places to get justice in the States with large areas. The tenants face a lot of problems. The house owners increase the rents in a very unjustified manner. Besides that, the tenants are also asked to vacate the houses on the plea that the house owners need the house for his own use. Even the poor tenants are harassed and evicted with the help of police. I would like to suggest that a survey should be conducted regarding the tenants. A common complaint of the tenants in Delhi is that overbearing house owners forcibly evict the poor tenants and charge more rent from the next tenant. It is, therefore, necessary to conduct a survey in this regard and their names should be registered and if they are forcibly evicted they can save themselves through it. It is true that the interests of the tenants should be protected, but along with it the problems being faced by the house owners should also be kept in mind. So, such an arrangement should be made as will encourage the house owners as well as check the burden on poor tenants. The problems of big cities are more big and the tenants are harassed, and there are possibilities of getting higher rents, so a comprehensive law should be enacted in this regard and a new Bill which can ensure to protect the interests of the tenants should be brought in. With these words and suggestions. I conclude.

**SHRI NITISH KUMAR:** Mr. Chairman, Sir, thank you for providing me an opportunity to speak in the very beginning. I rise to oppose this Bill. The Congress i.e. the ruling party has made a mockery of the Constitution. This Constitution amendment is intended for setting up a Rent Tribunal. Our elders who were freedom fighters were quite intelligent and considering all possible aspects, they had framed this Constitution. Every new leadership which comes into power makes unnecessary amendments into the Constitution, I feel that this is an unnecessary amendment. Two hon. Members of Congress have participated in this debate, one of them has advocated for the tenants and the Congress party spokesman who believes in the Government's policy has taken side

of the house owners, this has become the tradition of Congress from the very beginning. (Interruptions)

**SHRI VIRENDRA SINGH (Mirzapur):** The landlords will support the house owners and the tenant will support the tenants.

**SHRI NITISH KUMAR:** Shri Virendra Singh has rightly said. But Congress party always follow a dual policy. It rides two horses at a time; sometimes it favours left, sometimes right, this is their working system.

**SHRI MRUTYUNJAYA NAYAK (Phulbani):** You had taken help of B.J.P. and once again you are going for it.

**SHRI NITISH KUMAR:** You do a lot of hard work and I have every sympathy with you. When you were giving support to the Government on No-Confidence Motion, there was a feeling that you would be at least awarded a berth of a deputy minister.

Mr. Chairman, Sir, I rise to oppose this Bill because the Government has made it a fun to bring forward an amendment to the Constitution whenever it wishes to do so. If this tribunal is set up it will further increase the expenses, who is going to bear it. The Government is responsible for providing food, clothes and shelter to its every citizen. Every person in this country should get a house to live in. The amendment in Constitution should be made for providing shelter to everybody by a particular year. Had this been the intention of this Bill then I would have supported it. But they are setting up a tribunal in the interest of landlords and against the interest of the tenants and Khuranaji has supported them. It is something strange to me as Khuranaji represents those sections only who give their houses to let.

**SHRI MADAN LAL KHURANA:** I have never supported the cause of the landlords, I have only said that all such cases as are lying pending for the last twenty years will be expedited.

**SHRI NITISH KUMAR:** Elections are expected in Delhi, therefore you are talking

[Sh. Nitish Kumar]

about the tenants also. Mr. Chairman, Sir, the interests of the tenants are not safeguarded. The landlords in cities adopt so many tactics and call goons to throw out the belongings of the helpless tenants.

**SHRI VIRENDRA SINGH:** At present Rangdari is at its peak in Haryana.

**SHRI NITISH KUMAR:** Have a look at us as well as on the followers of B.J.P. You will come to know whether Bihar or Delhi is the origin of the Rangdars. The area to which I belong has only Dildars instead of Rangdars. (*Interruptions*)

**MR. CHAIRMAN:** You have not said anything about the Bill.

**SHRI NITISH KUMAR:** I am mentioning about the Bill only. I told that the Rent Control Act was enacted.

Mr. Chairman, Sir, I am coming to the point but these people do not let me speak. I want your protection. I rise to speak that after the setting up of this tribunal the expenses of the Government will increase. You have mentioned that it will fall under the jurisdiction of Supreme Court and High Court, which will pave way for an earning source for the lawyers. The High Court will give its verdict then they will have to approach the Supreme Court, it will provide an opportunity for the lawyers to earn more and more. In some cases the tenants and in some cases the landlords will not get justice. Therefore, this amendment is useless. Instead the present Rent Control Act should be strengthened and such cases should be disposed of expeditiously.

At last, I would like to give a suggestion that if the hon. Minister wishes to get this Bill passed by bringing about an amendment to it, then the expenses of the formation of the tribunal should be charged from the landlords in the form of house tax. It is not good to put its burden on the people of the country. Secondly a ban should be imposed on the "Pugree" system of houses in the cities. It should be made a penal offence. The property of Charitable Institutions should not be covered under the Rent Control Act.

With these words, I request you to make improvement in this Bill and it should be referred to the Select Committee for in-depth consideration.

**SHRI SURYA NARAYAN YADAV (Sahasra):** Mr. Chairman, Sir, I am helpless to support the 77th Constitution Amendment Bill brought by the Government. Sir this Bill provides protection to landlords but it does not guarantee any protection to the tenants. I had presumed that she might at least provide some protection to the tenants in the Bill, being brought by her but there is nothing of this sort.

I want to cite a few examples of Delhi. There are two types of tenants and two or three types of landlords in Delhi. The persons falling in the first category are those who already have bungalows but taking grant from the Government, construct houses and rent them out. An action in this regard should be taken immediately. Such type of Houses as have been built by taking loan from the Government for renting purpose, should be taken by the Government in its control. This situation also prevails in Metros like Bombay, Calcutta and Madras. Such people include servicemen and politicians.

Mr. Chairman, Sir, I want to raise the issue of tenants. I request Shri Advani ji to lend me an ear. A tenant, who has been living in a rented room, cannot get a Ration Card in his name because the landlord fears that the tenant may claim his share in the House as per the law of the land so he does not write that a particular tenant lives in his House on rent basis. As a result of which he is forced to purchase foodgrain and sugar from the open market. He somehow pulls on his life and in case of any accident if he needs any bail then nobody stands for him. Does this 77th Amendment have a provision to this affect? Have you given a thought to the plight of the poor. Therefore I have decided to oppose this Bill by tooth and nail.

I was hearing to Shri Khuranaji; he has thanked the hon. Minister for bringing the 77th Amendment. But the 77th Amendment for which you are thanking him does

not mention about the injustice being meted out to the poor. Therefore, the Government should bring about an amendment to this effect so that poor tenants could also get some relief.

**SHRI MADAN LAL KHURANA:** Mr. Chairman, Sir, he has referred to my name so I would like to say that it is a Constitution Amendment Bill and that is why a reference has been made of Tribunal in it. The points which are being raised have to be included in the Rent Control Act.

**SHRI SURYA NARAYAN YADAV:** I am also saying the same thing that instead of Tribunal, as referred to in 77th Constitution (Amendment) Bill, improvement should be made in the Act itself. My suggestion is that it should be referred to the Select Committee so that some relief could be provided to the poor.

Mr. Chairman, Sir, I would like to know whether this tribunal facility would be provided at the district level and commissionary level. The Government brings amendments to safeguard the interests of big cities only which is not a healthy practice. The Government should work for the welfare of the poor. Houses are built by millionaires and they have their influence everywhere and the Government is giving relief to them through these tribunals. By doing so you are putting both, the poor as well as the rich into loss. The existing laws for the tribunals were sufficient to solve the problem. An employee having only one year of service get government accommodation but the employees having more than five years of service are not getting Government accommodation. Therefore, I would like to say that rich people are very resourceful and this 77th amendment Bill cannot check them. That is why in the interest of the poor such activities should be covered under the Criminal Acts or a comprehensive Bill should be brought before the House, only then we can support this Bill. We oppose the present Bill.

**SHRI MADAN LAL KHURANA:** Mr. Chairman, Sir, I want to move a motion for the closure of the discussion. One hour time was fixed for this Bill and now

the time is over. Now the Bill on religion should be taken up for which the entire country is looking towards us. It seems that there is no one to introduce the Bill and the time of the House is being wasted. Therefore, I would like to say that one hour time allotted for the discussion is over, now I am moving a closure motion. Sir, you get it voted and passed and 80th Constitution (Amendment) Bill, which is a very important Bill, should be taken up in the House.

[English]

**SHRI RAM NAIK (Bombay North):** Under Rule 362, I want to move a motion for the closure of this discussion. One hour was allotted for this Bill. Now, it is more than one hour and 20 minutes. So, I am moving a motion for closure of the discussion. Rule 362 reads as follows:

"At any time after a motion has been made, any member may move: 'That the question be now put', and, unless it appears to the Speaker that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Speaker shall then put the motion to the vote."

One hour and 20 minutes are more than sufficient. Today, it was announced by the Speaker that only one hour will be allotted. Now, one hour is over. Most of the parties, all the important parties have spoken on that. That is why I am moving my motion for closure of this Bill.

[Translation]

**SHRI NITISH KUMAR:** Mr. Chairman, Sir, the point of order raised just now...*(Interruptions)*

**SHRI ANNA JOSHI (Pune):** We have moved a motion and not a point of order.

[English]

**MR. CHAIRMAN:** There are two or three parties still to participate in the discussion. So, I do not, at this stage, accept this motion.

**SHRI M.V.V.S. MURTHY (Visakha-patnam):** I am sure, in future at least,

[Sh. M.V.V.S. Murthy]

we will abide by the time not only in respect of this Bill but for all other Bills. If the House adopts this motion and we stick to the time for all the business in future, I welcome this particular suggestion. But it should be for future.

This Constitution (Seventy-seventh Amendment) Bill is primarily intended to reduce litigations in the existing civil courts because they are being burdened very heavily with these rent control laws and eviction of the houses. This is a welcome Bill. But, at the same time, I request through you the hon. Minister to keep in mind that any legislation should boost up the construction of the houses and at the same time also the occupancy of the houses.

Because of the very rigid rules of this Rent Control Act, you are aware that many of the houses are kept vacant; they are being locked. Many of the persons own houses in big cities; they are not being occupied. The reason is very simple. If they give them at rent, they will never get them back. The rents that are being paid are nominal; these rents are not even sufficient to maintain the houses. If so, what purpose does it serve?

I request through you that this amendment should boost up to construct more houses because of the speedy justice through this legislation.

[Translation]

SHRI DILEEP BHAI SANGHANI (Amreli): Mr. Chairman, Sir, I would like to draw your attention towards the rule 349 of the Rules of procedure and conduct of Business in Lok Sabha in which it has been stated that no one would go near to the chair of Presiding officer. Just now an hon. Minister went to the Chair. Therefore, I would like your ruling on it so that the hon. Minister may be stopped from doing so. It is my point of order.

[English]

The national tribunals and the State level tribunals should act as channels for the speedy implementation of the eviction of the houses (*Interruptions*)

MR. CHAIRMAN: It has become a fairly established convention that not only Ministers, but Members also come and speak here. I cannot take this into cognizance. I cannot accept it.

SHRI M.V.V.S. MURTHY: I also request the hon. Minister to think of district level tribunals so that at the district level the cases could be speedily expedited. A majority of the laws have been made during the emergency war times. So, these are not relevant any more in the present juncture. But a comprehensive law is also required for boosting up the house building activity and also for having a reasonable rental increase at periodical intervals. There should be an assessment even for the houses that are under rent control and also for fair rental charges.

I support this Constitution (Seventy-seventh Amendment) Bill for the establishment of the tribunals keeping in view what I have mentioned.

MR. CHAIRMAN: Shri Yaima Singh Yumnam.

(*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): There are a few more names which we have submitted. They are very eager to speak. So, I would request these one or two speakers whose names we have already given, may be allowed.

SHRI LAL K. ADVANI (Gandhinagar): It was not audible. We could not hear.

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT) AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): There are a few speakers whose names we have given, who are

very eager to speak on this. We request you to permit those few speakers to speak. That is all.

**SHRI JASWANT SINGH (Chittorgarh):** Mr. Chairman, of course, you will decide on a request that is being made by the Treasury. But before you decide on that request, I request you in the Chair to please clarify to us and to all of us here as Members, what is the Government's position on the Constitution (Eightieth Amendment) Bill. All these last minute thoughts of fielding more speakers on the Constitution (Seventy-seventh) Amendment Bill about which there is unanimity etc. is a real device by the Government.

**SHRI NITISH KUMAR:** There is no unanimity. I am opposing it.

**SHRI JASWANT SINGH:** There is unanimity subject to hon. Shri Nitish Kumar. There is unanimity, I think, in the House about one thing to know where does the Government stand on the Constitution (Eightieth) Amendment Bill. All these are last minute, stop gap, fire-fighting efforts for which these two young Ministers are being fielded.

**SHRI RANGARAJAN KUMARA-MANGALAM:** We accept that we are young in age. *(Interruptions)*

**SHRI JASWANT SINGH:** Where are the real culprits? What is the real intention of the Government? I want to know it.

*[Translation]*

**SHRI LAL K. ADVANI:** Mr. Chairman, Sir, you may recall that in the meeting of the Business Advisory Committee it was pointed out that allocating merely 4 hours for discussing 80th Amendment and People's Representation (Amendment) Bill will be insufficient. Therefore, two days should be allotted to have a discussion on these amendments, which are very important. However, at that time it was mentioned that since there was nearly a unanimity regarding 77th Amendment, therefore, after devoting one hour in discussing 77th Amendment, 80th Amendment may be taken up immediately after lunch. Though it is 15.30 hours yet the

Government has neither made up its mind nor is prepared to disclose its mind regarding 80th Amendment. It was agreed upon that voting on 77th amendment will be held tomorrow evening and not today. If voting on 77th Amendment is held right now it is not clear what will be its fate even though there is near unanimity. Sir, therefore, I urge upon you to convey to the Government

*[English]*

that this House should not be taken for granted

*[Translation]*

that the Government can come up with anything. The Government should go by the decisions taken in the BAC meeting. I have no objection if other hon. M.Ps are also willing to speak. However,

*[English]*

it should not be a device only to extend the time that is needed for the Government to make up its mind. *(Interruptions)*

*[Translation]*

**SHRI NITISH KUMAR:** Once the hon. Minister of Parliamentary Affairs had stated in this very House that the House is bound by the decision of BAC. However, it is not being followed today. He came and went out instead of explaining the stand of the Government. *(Interruptions)*

*[English]*

**SHRI RANGARAJAN KUMARA-MANGALAM:** Mr. Chairman, Sir, I do not want to get into a dispute on who is bound and who is not bound. The BAC Report is accepted by the House. But I am not going into that. I think, it is appropriate for me to express my feeling of unhappiness.

Sir, there is a need also to recollect as to what was said in this House. The Speaker has said...*(Interruptions)*

Sir, the point which I think is important is that the Speaker has said that we would have the discussion on the Constitution (Seventy-seventh) Amendment Bill for an hour and then we would take up the Constitution (Eightieth) Amendment Bill.

[Sh. Rangarajan Kumaramangalam]

The only request that we have made is that we want a few speakers to be given the opportunity to speak on this rather popular, and, if I may use the term, almost unanimous Bill. And hardly do we make such a suggestion, we are being charged immediately. I do not think such a situation should really come about. I can assure, Mr. Chairman, Sir, that when the Constitution (Eightieth) Amendment Bill is taken up, the hon. Home Minister will speak and definitely at that time the House will be enlightened. I think, it is extremely unfair that when we ask for two or three Members to speak on this Bill, this sort of trading of charges from senior leaders take place...*(Interruptions)*

SHRI LAL K. ADVANI: I would just mention this. It is not Shri Rangarajan Kumaramangalam, who is in the dock. It is the Government of India, which is indecisive, vacillating and incapable of taking decisions *(Interruptions)*.

SHRI RANGARAJAN KUMARA-MANGALAM: I think, it is very unfair. I was speaking as the Minister of State for Parliamentary Affairs. To take a decision to allow some Members to speak, is becoming an issue. That is too much. *(Interruptions)*

MR. CHAIRMAN: I propose to allow two Members to speak on this Bill.

Now I call Shri Chacko to speak.

SHRI NITISH KUMAR: Why only two Members?...*(Interruptions)*

SHRI P.C. CHACKO (Trichur): Mr. Chairman, Sir, unfortunately the BJP is in a very devastating mood this afternoon. We are discussing the Constitution Amendment Bill, which has got very wide social and economic repercussions in this country. I am very sorry to note that people like Shri Jaswant Singh and Shri Lal K. Advani are opposing a social legislation of this sort for some reason or the other.

Sir, very seldom in this House, we stick to the time allotted for each legislation. Invariably it used to spill over and more time is taken. Sir, unfortunately even that is not being appreciated. Some of our

Members have expressed their desire to participate in this Bill.

MR. CHAIRMAN: Kindly speak on the Bill.

SHRI P.C. CHACKO: Sir, I am coming to that. I am very happy that Shri Khurana has supported this Constitution (Seventy-Seventh) Amendment Bill.

If it is any indication of the BJP that they are in a mood to support the Constitution Amendment Bill, not only this Seventy-seventh Amendment Bill but the Eightieth Amendment Bill also, I welcome that. If that change of attitude is there in the BJP, it is very good.

This Seventy-seventh Amendment Bill was already scheduled. In today's timetable it was given as the first item and the other things come only after this. I do not know why they are so intolerant and so impatient. They may have something else in their mind. After December 6, they are in a devastating mood. They want to demolish everything. They do not want to discuss any good legislation. This Constitution Amendment Bill is going to pave the way for rent control legislations throughout the country in various State Legislatures.

Our legal system goes by the famous dictum—justice delayed is justice denied. Here justice is delayed. That is why this Constitution Amendment Bill is brought before this House. I congratulate the hon. Minister, Sheila Ji, for bringing this Bill to this House.

I do not understand the psychology of some of the Opposition Members. Nitish Kumar Ji was opposing this Bill. As far as my knowledge goes, he is a disciple of Laloo Prasad Yadav Ji who has got a very strong social commitment. I do not know why Nitish Kumar Ji is opposing this Bill. I am at a loss to understand.

Some of the hon. Members who spoke from the other side said that they are opposing this Bill. Whatever is the plan of the Opposition to destabilise the process of discussion in this House, this House has witnessed many revolutionary legislations



being discussed in this House. We have seen the other day, the Consumer Protection Bill being discussed in this House. These are all legislations with social consequences. When we are coming to that, we should have a broad approach, a broad mind about how to approach these things. They may have something else in their mind but that does not mean that they should oppose every Bill that is being brought before this House by the Government.

The Rent Control Act passed by various State Legislatures in the country is to be analysed in its high perspective. Unfortunately, an impression is being created in this House that the landlords are always rich and the tenants are always poor. This is also not correct. After this legislation, the changes which are going to come about are neither only against landlords nor only against tenants.

In a famous case, the hon. Supreme Court has ruled that the burden of this sort of a legislation should be taken out of the purview of the High Courts and also of the Supreme Court.

A poor tenant or a poor landlord cannot go to get his grievances redressed from the Supreme Court because the legal process is very lengthy and very time-consuming. That is why this legislation has become necessary.

It is quite natural that we have our differences of opinion on matters. Especially, all the parties in this House will not agree that BJP has its communal campaign. When something comes regarding that, they will all oppose BJP. But, Sir, this sort of a legislation is a very rare area where we should have some sort of unanimity. The enabling provision, after passing of this Constitution Amendment Bill, is to set up a National Rent Control Tribunal.

Unfortunately, we have to pass special legislations for special purposes. That is because of the piling up of cases in the regular courts. We have seen in the recent days, the Consumer Protection Council. We have passed that legislation because special courts are being established. Similarly, for environment protection also,

the question of setting up another Tribunal is now being discussed by the Standing Committee. It is a special legislation for special courts. It becomes necessary at times to have special legislations and special tribunals for the speedy implementation of the problems pending. Otherwise, in the District Courts, in the High Courts and in the Supreme Court, the lengthy legal battle which is going on, is not going to give any relief to the common man.

One or two Members in the Opposition who have taken this Bill very seriously, have made some very good suggestions. I would like to request the hon. Minister to consider those also favourably.

Some of the Members, especially Shri Nitish Kumar, did not understand the implications and the usefulness of this Bill.

I can only sympathise with them. Some Members have suggested that there should be district tribunals. I make a submission to these hon. Members. The rents for the houses has been swinging upwards all over India. I am coming from Kerala. We are the people who are spread out all over the country. As far as we are concerned, we go to every State, every nook and corner of this country. We become part and parcel of wherever we go and that is the spirit of national integration which is binding us. But, wherever we go, it is difficult to get a house on rent. What is the problem? The problem is the legal lacuna which is there. The house owners are not prepared to rent out their houses. No rule is necessary and no agreement is necessary. Taking the rent they like has become the accepted practice. Even the landlords are not giving the houses on rent. It has become a very difficult thing to get a house on rent. Also, owing a house is only a dream for a vast majority of the people of this country. Housing has become a very big problem.

Many hon. Members have made suggestions in this regard. I fully agree with them. Housing problem will have to be faced on a war-footing by this Government, by all the State Governments and by all the agencies.

Sir, an argument was made that we should not legislate on this issue. I submit that when the market for availability

[Sh. P.C. Chacko]

of houses is becoming less and less and the rents are swinging up, we have to bring up a legislation to regulate the market. This is a regulatory mechanism which we are thinking of. If this is not being brought out, then the poor tenants will have to offer.

Sir, I have to point out another thing. Who is the landlord and who is the tenant? In most of the cases the poor individuals are the landlords and the Government is the tenant in many of the cases. Have you ever thought of the difficulty the poor landlord is facing with his only house, with his only livelihood, with his only source of income being with the Government? Can this poor landlord take this house back from the Government by fighting with them? Can he fight a legal battle against the Government?

Most of the Members of this House might have come across such genuine difficulties. Why is this happening? It is very difficult because one has to go to the district court, then to the High Court and then to the Supreme Court. These legal battles cannot be over in one's life time. That shows that a legislation is very much necessary.

An non-Member pointed out that our founding fathers of the Constitution have visualised the Constitution as a sacrosanct thing and so there should not be any constitutional amendment. This reflects a very poor understanding about the Constitution. The society is changing. The needs of the society are changing. We have to have constitutional amendments one after the other. That will only make the Constitution more perfect and more suitable for the needs of the time. A Constitutional amendment to establish a rent control tribunal is not at all out of place. It only shows the lack of understanding or the poor understanding of this amendment and the understanding of the intention behind this amendment which is leading to criticism being made by many people.

I support this Bill not because of Shri Khurana's support. Shri Khurana also is supporting it. They may be having the rich landlords in their mind. That is the gross character of their party. I am not

for that. In this country whether for tenants or landlords, we are on the path of justice and on the path of truth. We have to have a system. Then only we can progress.

Sir, I would like to make one suggestion. (Interruptions) Sir, if they are so sincere about this constitutional amendment, let them prove their sincerity by supporting the Eightieth Constitutional Amendment Bill.

I once again support this constitutional amendment Bill. I make this fervent request to all the parties and Members of this House that whenever a legislation which is having social and economic relevance is brought out, they should support it with national interest in mind.

With these words, I extend my support to this amendment and I congratulate the hon. minister and the Government for this legislation. This amendment shows the commitment of Shri P.V. Narasimha Rao's government to the poor people, to the legal system of this country.

With these words I extend my support to this amendment.

**SHRI P.C. THOMAS (Muvattupuzha):**  
Sir, this is only a piece of legislation; an enabling provision is being brought for the State Governments to bring tribunals for matters relating to rent, regulation, control and tenancy, the issues including the right, title and interest of the landlords and the tenants. So, this is not a legislation which is meant for either tenants alone or for landlords alone. This is also a legislation for bringing tribunals to settle disputes. Even a dispute on rent is a dispute. If a tenant feels that a very high rent is being charged, he can go to the tribunal. So, this is very good for the tenant also to approach the tribunal and see that a fair rent is fixed for this. We can quote the example of Delhi as the way in which tenants are brutally dealt with. A tenant is not even able to get a document to show his tenancy. It is very difficult to get a house on rent especially for politicians. I would submit that for politicians it is difficult to get a building on rent; for advocates or lawyers it is very difficult to get a building on rent; for journalists I think it is very difficult to get a premises on rent

nowadays. This is not because these categories are doubted, but because these categories fight for justice. Of course, that is being cleared by some clauses. So, we have to frame some legislation and this legislation has to be brought as per the change of time and as per the change of society and I would think that the legislation that has been brought in this Seventy-seventh Amendment by bringing forth an enabling provision to allow the State to form the tribunals through this legislation is in order and it should be allowed and it should be passed without any hinderance.

Now I have one or two suggestions with regard to the Bill. If tribunals are formed at the national level, State level, District level etc. I think these tribunals do have specific duties and they will be given specific duties to discharge and these duties will not be given apart from the provisions of this law. So, it cannot be thought that just because tribunals are being brought, justice is going to be stopped. Now it is with good intention as per law, the provisions of law which is being passed by each State giving required provisions for giving justice to the tenants as well as to all concerned, I think that the tribunals will be given this power. So, I have a suggestion that the discussions here should point to the States and to the others concerned that necessary reforms in the way of legislation on rent control and other related matters have to be taken up by them and I think if that is being done, these tribunals will work very well and I congratulate the Minister and the Government for bringing forth this amendment at this stage and I think it is in the interests of justice that these tribunals should work well.

Speedy justice, of course, is necessary and if justice is delayed, it is equivalent to denial of justice and I think speedy justice does not mean that it is just going to support somebody either of the side and to give injustice to the other side. So, I support this Bill and I think justice will be served by the provisions of this Constitution (Amendment) Bill.

One more point. I think it would be appropriate to make it at this stage be-

cause we don't get a chance otherwise. This is related to this Bill. Now, in Delhi we are happy that new elections are going to come and we welcome the legislation in this regard. We are happy that some steps are being taken, but we are sorry that it is not being expedited, and I think elections will be held in Delhi. But before the elections are held, we must see that voting power is given to all as it has been mentioned by some Members here. Many people from all States are coming to the metropolitan cities like Delhi. They come here, they live here. And where do they live? Thousands of them, millions of them, live in rented premises. Do they have a ration card? Do they have a document? Do they have a receipt? Do they have a paper to show where they reside? They do not have, and that is because the landlords are not prepared to give it to them and because this paper or the document is not there, they cannot get a ration card and the ration card is supposed to be a basic document for many other purposes including to get a voting right and it is disheartening to know that many who come from outside and live in this capital city do not find a place in the voters' list because they do not have the necessary documents to show that they are residents of Delhi, to show where they live and to show that in this particular number of the building they reside. So, I think this legislation, when it is brought, will also take into consideration the very serious aspect of the relations between the tenants and the landlords and how the tenants could be given more protection. I think when the legislations are made by the State Governments and the concerned authorities in this regard, when the rules are made and when other follow-up actions are taken, these aspects will be looked into. I think the Minister will take into account the very serious aspect that the tenants should be protected and the landlords also should be protected to some extent, because they are to fight against the unscrupulous tenants who are residing for very nominal rent for years together and dragging the litigations from one Court to the other and from the other to the next. I think some kind of a legislation is necessary to see that frivolous complaints do not come and the detractions or the way in which these matters are prolonged could be stopped.

[Sh. P.C. Thomas]

So, I applaud the Bill and I congratulate the Minister for bringing forward this Constitution (Seventy-seventh) Amendment Bill. I think that the next Bill which is going to come will also get the necessary support as this Bill has got.

[Translation]

**SHRIMATI SHEILA KAUL:** Mr. Chairman, Sir, I would like to thank the hon. Members for expressing their views on this Bill.

**SHRI MOHAN SINGH (Deoria):** Mr. Chairman, Sir, the Government has to get one Constitution Amendment Bill passed. If it is not the latter one, it may be the former one. (*Interruptions*)

**SHRIMATI SHEILA KAUL:** Mr. Chairman, Sir, I am grateful to the hon. Members. This Bill was pending for quite a long time due to which we could not introduce any other Bill. I am especially grateful to Shri Khurana, who from the very beginning encouraged us and also explained the reasons why they were favouring the Bill. Shri Khurana well understands the reasons for moving this Bill which provides great relief to the people.

I agree with Shri Khurana when he says that rent control should also be a part of this Bill and I assure the House that we will definitely do it. But before doing so it was necessary to introduce this Bill. Therefore, if this Bill is passed today, we would bring that Bill also in the form that the hon. Members want.

**SHRI MADAN LAL KHURANA:** Please bring it soon.

**SHRIMATI SHEILA KAUL:** We will introduce it soon only if you allow us to do so.

Shri Sharad Pawar stated that.....

**SHRI NITISH KUMAR:** From where Shri Sharad Pawar has come, please say Shri Sharad Dighe] (*Interruptions*)

**SHRIMATI SHEILA KAUL:** The truth is that both of them hail from the same State.

Shri Sharad Dighe has stated that the interests of the tenants should also be safeguarded. I think the hon. Members have not gone through this Bill thoroughly, because they are more keen about the Subsequent Bill and therefore, have not paid any attention towards my Bill. The Government has tried to benefit both, the tenants and the landlords. If the hon. Members thoroughly go through this Bill then they will find that the interests of both, the tenants and the landlords have been equally safeguarded.

15.55 hrs.

[MR. SPEAKER *in the Chair*]

Therefore, to say that—

[*English*]

the jurisdiction of High Court can be included. This is provided in article 323(B) of the Constitution.

[*Translation*]

Shri Ebrahim Sulaiman Sait suggested that the charitable property and the property of Waqf should be kept out of the purview of rent control. It is for the States to decide as to what policy should be adopted. We have suggested that the States should do this work on the basis of Model Rate Control Legislation. Shri Mohan Singh had pointed out that Model Rate Control Act was not a solution to all the difficulties, but it was helpful to some extent.

[*English*]

"The Constitution is being amended. For the same reason, the States will be free to amend existing laws to remove difficulties of landlords and tenants and we will encourage it."

[*Translation*]

Whatever suits the States, or whatever change they want to bring, they may take the initiative we would agree to them. Since several tribunals do not do the full work therefore we were in favour of Model Rate Control Legislation which may be renewed by the States.

[English]

"We will amend the Delhi law accordingly". Shri Dhanjaya Kumar said that there should be no National Tribunal.

[Translation]

The proposed National Tribunals will have their branches in every State. People were doubtful regarding the proper functioning of these tribunals in the States. However, these Tribunals can open their branches in cities but at the same time they would have to decide all the cases entrusted to them within a period of six months. Shri Chandulal Chandrakar was of the opinion that the number of Members of each Tribunal should not be less than five however, the members are sufficient. If a member falls ill, the meeting may be postponed for a few days. Tribunals can open their branches at whatever places they like. The general impression is that the tenants are poor and the house owners are rich. We have tried to make it beneficial to both of them. Government quarters have been built for the employees, but the Members wanted to know the procedure adopted in the allotment of Type I, II, III quarters.

16.00 hrs.

As the hon. Member has pointed out that the eligible persons have to wait for years together to get the allotment of a quarter whereas some manage to get out of turn. I get the complaints and I take care of that. The prescribed limit is of 10 years. Relaxation is given only when a family member of an employee suffers from cancer, tuberculosis like diseases or there may be some other reasons. But rules and regulations are followed strictly in all the cases of allotment. Media persons, social workers, artists etc are also allotted quarters. Some of the hon. Members have given good suggestions in this regard. I think that the introduction of this Bill is a matter of relief to the people and it would.....

**SHRI SURYA NARAYAN YADAV:** Please state that what type of relief they will get, what relief the poor people are going to receive?

**SHRIMATI SHEILA KAUL:** Perhaps the hon. Member creates a wrong impression that all the citizens in this country are

rich. It is a country for the poor too. I am glad that several hon. Members have expressed their views on this Bill. I think that all agree to it. I would like this august House to pass this Bill.

[English]

**MR. SPEAKER:** Well, this Bill will be taken up for voting tomorrow as was declared in the morning today. So, we take up the next item now.

**SHRI SOMNATH CHATTERJEE (Bolpur):** Has any time been fixed?

**MR. SPEAKER:** It will be in the evening, approximately. It is very difficult to give the time because it depends on the speeches to be made by the hon. Members.

Let us now take up Item Nos. 19 and 20 together.

16.03 hrs.

CONSTITUTION (EIGHTIETH) AMENDMENT BILL (INSERTION OF NEW ARTICLES 24A, 28A, 102A AND 191A AND AMENDMENT OF ARTICLE 329 AND NINTH SCHEDULE).

*As reported by Joint Committee  
Motion to Adjourn the Debate*

AND

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

*As reported by Joint Committee  
Motion to Adjourn the Debate*

[English]

**MR. SPEAKER:** Now, I call the hon. Home Minister to speak.

**THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN):** Sir, as the hon. Members are aware, during the last decade and more, certain political parties have been exploiting religion to further their political objectives. Towards this end, these parties have been openly associating themselves with various religious groups and espousing religious issues in a manner which has created instability and resulted in the serious breaches in the