(b) The Cinematograph (Amendment) Bill, 1958.

(c) The Workmen's Compensation (Amendment) Bill, 1958, as passed by Rajya Sabha.

(4) Consideration of motion for concurrence for the reference of the Cost and Works Accountants Bill, 1958, to a Joint Committee.

(5) Consideration and passing of the Chartered Accountants (Amendment) Bill, 1958, as passed by the Rajya Sabha, and the Orissa Weights and Measures (Delhi Repeal) Bill.

(6) Discussion under Rule 193 to be raised by Shri Arun Chandra Guha and others regarding appointment or retired officials of the Railway Board in private companies at 4 P.M. on 17th December, 1958.

12.04 hrs.

FOREIGN EXCHANGE REGULATION (AMENDMENT) BILL*

The Deputy Minister of Finance (Shri B. R. Bhagat): I beg to move for leave to introduce a Bill further to amend the Foreign Exchange Regulation Act, 1947.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Foreign Exchange Regulation Act, 1947."

The motion was adopted.

Shri B. R. Bhagat: I introduce† the Bill.

12.04½ hrs.

CINEMATOGRAPH (AMENDMENT) BILL*

The Minister of Information and Broadcasting (Dr. Keskar): I beg to move for leave to introduce a Bill further to amend the Cinematograph Act, 1952.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Cinematograph Act, 1952."

The motion was adopted.

Dr. Keskar: I introduce the Bill.

12.05 hrs.

DELHI RENT CONTROL BILL

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to move:

"That the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the Union territory of Delhi, as reported by the Joint Committee, be taken into consideration."

As you are aware, when this Bill was introduced, we had made a number of improvements, especially so far as the interests of the tenants were concerned. Subsequently, when the matter was referred to the Joint Committee, they took great care to see that further improvements were affected in the interests of the tenants in particular, and thus here I am very happy to point out that we have a fairly well amended Bill.

12.06 hrs.

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

I would like to invite your attention to what even the hon. Members

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*Published in the Gazette of India Extraordinary Part II—Section 2, dated 12th December 1958.

†Introduced with the recommendation of the President.

[Shri Datar.]

who have appended Minutes of Dissent have stated so far as the new amendments introduced in the Bill are concerned. A number of points that they had made were accepted, and in the seven Minutes of Dissent that we have here, there are observations very rightly made by hon. Members saying that the Bill as it has emerged from the Joint Committee constitutes a very important improvement on the provisions contained in the original Bill. In this connection, I would make a reference to a few points that hon. Members have stated in appreciation of this improved character of the Bill.

It has been stated in the second Minute of Dissent that the Delhi Rent Control Bill 1958 as it has now emerged from the Joint Committee is a considerable improvement on the original Bill.

On clause 6, this is what the hon. Members who have signed this Minute of Dissent—Shri Raj Bahadur Gour, Shri Parulekar, Shri V. P. Nayar and others—have to say. I may point out in this connection that clause 6 constituted a very important clause because it dealt with the question of the quantum of rent to be fixed, *viz.*, the standard rent. On this, this is what the hon. Members have very fairly stated:

> "As regards clause 6, we admit that the present scheme is a great improvement over the previous provisions. For example, it is only fair that a difference in rent payable is introduced in case of residential and business premises."

Further on, there are other references also to which I shall be making only a very brief reference. In this Minute of Dissent, Shri Subiman Ghose has stated on page xviii:

> "I am glad that this clause has been amended."

There are similar expressions elsewhere also, and I need not take any further time of the House in referring to the Minutes of Dissent.

After pointing out the various improvements that have been effected, I shall be dealing with two or three points that have been raised very strongly by hon. Members in their Minutes of Dissent.

As the question of fixing the standard rent was fairly important, what has been done is that the whole scheme as it was laid down in clause 6 has been thoroughly revised, and we have practically a new clause. It has been completely recast. You are aware that under the Bill as it was introduced, we had what was known as the original rent, the rent fixed before 1944 or the rent that was actually in use on 1st November 1939. That was treated as the original rent. Thereafter, some changes were made and some increment was allowed under the subsequent Acts. The original rent had increased roughly in some cases by 12½ per cent and in others by 25 per cent, and this increase was different according as the premises were residential or business or other premises. That was what was known as the basic rent. This was before 1944.

Then, the question arose as to whether there ought to be any substantial changes, so far as the increase in the quantum of rent was concerned. As you are aware, a number of years have passed after this basic rent was fixed, and a number of very important changes also have occurred. On the one hand, the houses required substantial repairs, and on the other hand, we had a very large population, a growing population in Delhi city, and their housing requirements had to be duly attended to. Under these circumstances, Government had to find out some way by which while considering the legitimate claims of the landlords, Government would be fair, so far as the poor classes of the tenants were concerned.

That was the reason why in the original scheme that we had proposed roughly, you will find that there was a 10 per cent. increase over the basic rent, as I have already explained, or in case there was no such rent fixed at all, the percentage that was allowed was 8½ per cent on the costs of construction and the market value of the land. That was the principle that was laid down in the original Bill as it was presented before both the Houses of Parliament.

As I stated, this question was considered very sympathetically by the Joint Committee. They took into account two or three basic factors for dealing with this question. One was that even though there might be some increase in certain cases, as far as possible a larger measure of relief ought to be given to the poorer classes. Secondly, it was stated that while such a relief was to be given more particularly to the poorer classes of tenants, yet, so far as the non-residential premises were concerned, a different principle might be followed, because the urgency of keeping the rent down was not so great in this case, as in the case of the housing requirements of the poorer classes. One more point which naturally the Government or the Joint Committee had to take into account was relating to the quantum of repairs that the houses required. In this case, we were dealing with the houses that were constructed long before 1939; in some cases, there were no repairs at all, and in the interests of the tenants themselves, it was advisable that the houses should have a careful quantum of repairs, so that they would be properly habitable for the people concerned. That also was the principle which was taken into account.

After following these principles, a further classification had to be made regarding houses which were let before 2nd June, 1944, when the laws came into force, and those which were let after 2nd June, 1944. Again, a classification had to be made so far as residential and non-residential premises were concerned.

I would point out here, that while dealing with the pre-1944 cases, that is pre-2nd June 1944 cases, where the letting lease was before this date, what was done was where the basic rent was Rs. 600 or below per annum, there was no increase at all. That, I would like to submit, is a substantial improvement. So, in respect of those poorer classes of people who were paying rents at the rate of Rs. 50 or below per month or Rs. 600 per annum or below, you will find that the basic rent has remained the same, and as it is, it is to be considered as standard rent for the purpose of the Delhi Rent Control Bill.

So far as those houses which fetched a rent above Rs. 600 per annum were concerned, ten per cent of the basic rent was allowed to be added to the basic rent, and that constituted what is known as the standard rent. This was what was done so far as the pre-1944 cases were concerned.

In respect of post-1944 cases, what was done was that to a larger extent of the basic rent, complete immunity was given, namely that in respect of those houses where the rents for the whole year were Rs. 1200 or below, the basic rent was maintained as it was; and no changes were effected.

Shri Tyagi (Dehra Dun): Was it per house or per proprietor?

Shri Datar: Here, the question has been considered from the point of view of the poorer class of tenants. For example, if a tenant paid in respect of a particular house or a portion of the house, Rs. 1200 or below per year, and this letting was post-1944, then the basic rent became automatically the standard rent. There was no change at all. In fact, may I point out to my hon. friend that the criterion that we have taken into account is the criterion of the condition or the position of the particular tenant and

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the quantum of rent that he was paying?

In the case of pre-1944 leases, Rs. 600 was considered as the limit in respect of which there should be no increase in rent; and the standard rent was to remain the basic rent. But, here, on account of the exigencies of the war, and on account of certain other circumstances, the rent was increased, but we have put it down to this extent, that the Joint Committee have stated that the basic rent, provided it was Rs. 1200 or below per year, ought to be maintained as it was, without allowing any increase at all. That is also a gain, so far as the poorer classes of the people were concerned.

Then, in respect of those houses or those tenancies where the rental was more than Rs. 1200 per annum, 10 per cent increase has been allowed. I would like to point out here that formerly, the increase was 10 per cent generally, and when there was no actual settlement of the rent, then a certain percentage was allowed. It was considered that in view of the poor conditions of those people who were paying lower rents, it would be better to keep the rents as much down as possible. Therefore, two classes of tenants have been exempted altogether, namely those who were paying Rs. 600 or below per annum in respect of pre-1944 leases, and those who were paying Rs. 1200 or below in respect of post-1944 leases.

Where no such rent was actually fixed—there might be cases where the houses may not have been let and may not have been covered either by the principles of the original rent or the principle of the basic rent, for the simple reason that they had not been let out or the parties might not have approached the authorities concerned for the fixation of either the original rent or the basic rent—the principle that was followed by the Joint Committee was to allow 7½ per cent of the aggregate amount including the costs of construction and the market value. This was in respect of houses fetching a rent of Rs. 1200 or below. In respect of houses fetching a rental above Rs. 1200, the percentage was 8½ per cent of such cost. This principle was followed so far as the residential houses were concerned.

So far as non-residential premises were concerned, there was agreement that the kind of concessions that were to be given to the poorer classes in respect of residential premises need not necessarily be followed to the fullest extent. For in the latter case, they might be for business or shopping purposes and under these circumstances, the tenants were likely to make some profit at least. Therefore, different considerations prevailed with the Joint Committee in respect of non-residential premises. Here also, you will find the same categorisation, pre-1944 and post-1944. In respect of pre-1944 non-residential premises with rent Rs. 1200 or below, the increase allowed was basic rent plus 10 per cent. Above Rs. 1200, the increase allowed is basic rent plus 15 per cent. Thus you will find that we have followed principles which are fairly equitable. In respect of post-1944 buildings which have been let out, for non-residential purposes, what was done was that the rent had been fixed under the Act of 1947 or 1952. You are aware that there were two Acts which were passed, and when rent has been fixed under either of these Acts, naturally again it was considered that some exemption ought to be allowed, some benefit or concession should be made available to the poorer classes. Therefore, it was decided by the Joint Committee that where the rent was Rs. 1200 or below in the case of non-residential premises, it should be maintained as it was. So no increase was allowed and the basic rent or whatever it was becomes the standard rent for the purpose of fixation

of rent under the present Bill. When they were Rs. 1200, an increase of 8-5/8th was allowed.

Therefore, so far as the first point was concerned, on which naturally very strong opinion was expressed both in this House and the other that there ought to be some more concession, that view was taken by the Joint Committee into account and they have fixed the methods for fixing the standard rent on the basis of the principles I have just now detailed for the information of the hon. House.

I would now pass on to other points in respect of which very valuable improvements have been effected. Under clause 7, whenever improvements or additions are to be made to a house, it was made clear in the original Bill itself that such improvements or additions should not be for the purpose of increasing the rent or for making the house look gaudy. Now a principle has been laid down that whenever a tenant or tenants are occupying a house, if the owner desires that there ought to be some improvements made or some additions made, he ought to take the consent of the tenant or tenants concerned. Secondly, if the tenant does not for valid reasons give the consent at all, that is understandable; but if he withholds consent for other than legitimate reason, then, as I shall be pointing out subsequently, we have an administrative machinery of what is known as the Rent Controller. So the owner can either take the consent of the tenant or failing that, approach the Rent Controller who will consider the whole matter, hear both sides and come to the conclusion whether such an improvement or addition is necessary, and if so, to what extent. So this will make it possible for the landlord to effect such improvements or alterations.

One more principle, which has to be followed, has been laid down. When consent is obtained, in all cases, the amount of increase in rent, when such additions or improvements are allowed, should not exceed 7½ per cent of the rent already fixed.

Thus you will find that certain very important restrictions have been laid down. That means that only in proper cases improvements or additions would be made and these would not be done for the purpose of turning out the tenant. That is what is sometimes stated, that the man should not be 'improved out of the contract'. That is how the law puts it. The same principle has been followed here.

Another point on which the Joint Committee have agreed with the sponsors of the original Bill relates to what is rather picturesquely called a 'rent holiday'. So far as this is concerned, the position has been maintained in respect of two matters referred to in the earlier Bill. One was under clause 6(2)(a); whenever a house or premises had been constructed between 2-6-51 and 9-6-55, the rent as it was fixed by the parties between themselves or as it was in March 1958 or when it was last fixed was to remain as it was and was to be considered as the standard rent for a period of 7 years. That is what has been called a rent holiday. May I point out that in the Minutes of Dissent, a number of hon. Members have made reference to, or made a grievance of, this rent holiday as also in regard to other items in the same connection? In this connection, it is absolutely essential that new houses have to be constructed. That point has to be taken into account. While the Bill was under discussion in this House and in the other, an extreme point was made out that in view of the paucity of housing benefits in Delhi and considering the rising population of Delhi—the population is now round about 23 lakhs according to estimates—Government should take over the question of housing accommodation in their own hands and go on letting houses in a certain order. That would cost not merely lakhs but hundreds of crores of rupees. The estimate of cost made by one hon.

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friend is that it may exceed Rs. 2,000 crores for making arrangements for all those who have got no housing accommodation at all. Under the circumstances, while Government would implement certain items of housing accommodation, especially with regard to certain categories,—for example, the clearance of slums—this was one of the points urged, to which Government have been giving their attention—and would do whatever is possible or practicable so far as the creation of additional housing accommodation is concerned. we have still to depend to a certain extent at least on the private sector. Therefore, some incentive is essential. That is one of the objects of the Bill. Unless incentive is offered it would not be possible to create interest in the minds of private people to enable them or rather to induce them to construct houses for the purpose of tenants. That is one of the ways in which private money has to be invested. Therefore, taking a realistic view of the whole affair, it was considered that incentive should be offered, and a rent holiday, as I have already pointed out, is one of such absolutely legitimate incentives.

The second thing is, under clause 6(2)(a), in the case of premises that have been constructed at any time after 9th June, 1955 or even after the commencement of this Act, if they have been let out on rent or when they were so let out first, that rent would remain as the standard rent for 5 years.

These are the two items in respect of which some incentive has been left to private owners so that they might be induced to construct houses, to invest their moneys on the construction of houses, so that, by the action of Government to the extent that is necessary and by the action of the private sector to the extent that such incentive will have an effect upon them, there will be some relief so far as the very pressing housing problem in Delhi is concerned. That is the reason why this has been done.

Then, I would pass on to the other important points in respect of which this Bill has introduced very valuable reform. So far as the payment of taxes is concerned, there was some discussion as to whether there was any liability or obligation on part of the tenant, even by agreement, to pay taxes. The position has been clarified and it has been stated that the payment of house tax etc. is a liability solely of the landlord and he cannot wriggle himself out of that liability by any agreement. That is what has been laid down.

Then, the next point on which considerable improvement has been made is the question of sub-tenancy. You are aware that there were a number of tenants who allowed others to come on the field; and, in some cases, they made very great profits as well, not necessarily legitimate profits. A house was taken on rent from the landlord and a portion of it or the whole of it was let out for exhorbitant rents by the tenants. Therefore, we had to deal with the question of sub-tenancy. What was to be done with regard to sub-tenancy was one of the most vexed problems that had to be settled. The Joint Committee went through the whole question.

We have introduced a clause according to which, when there was a written consent in respect of sub-letting, they were going to be accepted. It was pointed out to the Joint Committee that it might be difficult to prove actually by oral evidence the creation of a sub-lease. Therefore, what has been done is, all those subleases which were created before 9-6-52 have been regularised. That means they are to remain as they are.

But, so far as sub-letting after 9-6-52 is concerned, it is to be noted that the landlord's written consent is

absolutely essential. Therefore, sub-letting which was a fruitful ground for application for eviction in former days has been brought down to a large extent.

So far as eviction is concerned, you will see that even the heading of the Chapter is not 'Granting of eviction' but 'Control of eviction of tenants'. It means that wherever it is possible to see that evictions can be avoided on reasonable and equitable grounds they will be avoided and they will not be had, as a matter of course, through the Rent Controller. So, only after the date I have pointed out, namely 9-6-52, if there is no written consent of the landlord and such a sub-tenancy is created, that alone will give a ground for eviction. It may not be taken into account. But, all those that had taken place before this date are regularised and the sub-tenants will remain as sub-tenants. We have also made a provision that in certain cases they can have a direct privity of contract with the original landlord.

One more temptation for creating a sub-tenancy has been taken away. In the original Bill it was made clear that *pugree* has been completely prohibited—not merely prohibited but there is a penalty attached to it. Therefore, so far as *pugrees* are concerned, they are out of court.

But, apart from *pugrees*, there were cases where the premises were let out by the tenant to a sub-tenant for exhorbitant rates. What has been stated is that the principles that have been followed so far as fixing of standard rent is concerned would be applicable to a sub-tenant also, for him to take advantage of them for fixing the standard rent so far as the premises or the portion of the premises sub-let to him are concerned. It has been further laid down that whenever any sub-tenancy is created validly after 9-6-52, it will also be governed by the principles laid down for the fixation of standard rents. Thus, you will find that the tenant will not be in a position to get more money by sub-letting because the same principles, or rather the same restrictions, apply to him as well. So, a valuable principle has been propounded here against sub-letting; and sub-letting which presented many difficulties has been solved in a very satisfactory manner by the hon. Members of the Joint Committee.

Whenever a tenant who is in possession of a house causes certain damage to the house, naturally, in certain circumstances, it was open to the landlord to ask for possession. Now, a principle has been laid down that if some damage has been caused and if before he is actually evicted he repairs the damage satisfactorily or, instead of actual repair, he gives full compensation to the landlord in respect of the damage, naturally, he will not be evicted.

So far as non-payment of rent is concerned, we have made it clear that it must be confined to the amount legally recoverable. That has been made very clear in the amended clause.

When a tenant has been in possession of the house and if the landlord requires it for his own use or for the use of the dependent members of his family, there was a lacuna in the Bill. It stated that only for his personal use could it be taken back. But, cases were pointed out and certain memoranda were presented to the Joint Committee on behalf of certain associations either of tenants or of landlords and oral evidence was also led before the Joint Committee, where a man, when he was alone gave the premises or a portion of the premises to another on rent. Subsequently he might have married and had sons and daughters. Even for them under the original Bill it was not possible for him to get back possession. Now, the question arose us to whether the word 'family' should be put in there in its very general

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sense. We are aware that it is a very comprehensive expression including not only the nearer relatives but persons who are related to the seventh degree. To make it clear and meet such cases of hardship but not for the purpose of enabling the landlord to get back the house for the purpose of his relatives however distantly related, it was laid down that he could get back the house for the members of the family who are dependent upon him. There is also another condition. For instance, he may have accommodation elsewhere. Then, he could not ask for actual possession. All these rules had been laid down and safeguards had been provided. The chances of eviction have been brought down only to those cases where they are absolutely equitable that the landlord should get back possession of the house.

There are two subterfuges or two excuses by means of which the landlord might defeat the purpose of the law.

Shri Naushir Bharucha (East Khandesh): Why two only.

Mr. Deputy-Speaker: Two according to him.

Shri Naushir Bharucha: There are any number of them.

Shri Datar: One of these excuses was that he would get possession from one tenant and pass it on to another by creating a lease. That has been prevented. A period has been laid down within which he could not transfer it for any other purpose. Sometimes, with a view to get rid of the tenant, the landlord might try to get rid of his title over the property by some subterfuge and by transfering the whole house to another person. The other person would become the landloord and he would be entitled to possession. Here we have laid down that even after such a transfer, for a certain period, three years or five years as the case may be, it would not be open even to the transferee to get possession. The object is that those who are already in possession should remain in possesion and only in proper cases, when the transfer is *bona fide* in the opinion of the Rent Controller, the transfers will be allowed. Otherwise, any transfer either of title or of possesison itself will be viewed with suspicion with a view to see if the action that the landlord has taken is a proper and legitimate one and is not with the object of defeating the right to possession of the tenant.

Then, certain periods have been reduced and formerly certain shorter periods had been given. Now, they have been enlarged. Instead of one month, two months have been laid down for the purpose of clearance of arrears after notice. For fixation of standard rent, the original period was one year and it has now been made to two years. For the purpose of depositing rent it is now 21 days in place of a somewhat smaller period before. So, these are the various improvements so far as the main purpose of the Bill is concerned.

In respect of the powers or functions of the Controller some changes have been made. Originally the idea was that the person to be appointed as Controller should have five years' judicial experience. It was pointed out that advocates of certain standing should also be eligible for appointment as Rent Controller. So, it has been stated that lawyers of seven years' standing would also be eligible for appointment as Rent Controllers.

Then it has been laid down that it is the landlord's duty to effect repairs. In some cases, if he does not do so and if the repairs are absolutely essential, then the tenant can carry on the repairs and spend up to six months' rent. If any more amount is required, he has to take the permission of the Rent Controller.

Then, there is another point also. With a view to cause harassment to the tenant, it is quite likely that the landlord by his act or even omission might so act and do or omit to do certain things thereby causing the withdrawal of the essential services. If he does not pay electricity or water charges, the authorities would stop their supply and ultimately the tenant would suffer. Such acts done in an indirect manner are not only prohibited but if the landlord does some such things, he is liable to be brought before a criminal court also.

There was the 1956 Act for the interim period and certain decrees for the possession of the house and been passed under that Act. But they were stayed pending the sponsoring of a Bill of this nature. When those decrees come back to the Rent Controller for the purpose of enforcement or execution in certain cases it might be open to the tenant to request the authorities to see to it that the matter was reopened and the enquiry was held not under the original Acts nor under the Transfer of Property Act but under the provisions of the Bill now before the House. That has also been provided for.

The life of that Act was, I believe, only two years and it was to expire in February 1958. In respect of vacant land the question required further consideration because there was a point whether in the word 'premises', the vacant land also was comprised or not. That was the point which required consideration and a further probe. So, what has been done is that the interim Act of 1956 had been permitted to remain in operation for one year after February 1958, upto February 1959 in order that nothing might be done to prejudice the rights of the parties. In the meanwhile the Government would consider the whole question and bring either an amendment to this Bill or sponsor independent legislation. In the case of the offences under the Act, in some cases the period of imprisonment has been increased and in other cases the provisions have been tightened up.

Lastly, it was the desire of many hon. Members that a certain thing should be done. There was a general provision in the Act that it would apply to Schedule I. The particular areas to which it would apply immediately were mentioned as items 1 to 6 in the First Schedule and there was a clause according to which it was open to the Government to extend the provisions of this Bill to other areas or to exclude certain areas. But a strong opinion was expressed before the Joint Committee that immediately two specific areas should be included and therefore, they have been added on. They are: the South Delhi Municipal Committee Area and the Notified Area Committee, Mehrauli. All these have been added.

Now, as I have pointed out, there are two objections that have been raised in the dissenting notes. I would not deal with the other objections which are more or less of a minor nature, but I notice here two objections that have been raised by a number of dissenting hon. Members. One is, as I have stated, that this 'rent holiday' should not be given at all. I have answered that objection already. I have pointed out that some incentive has to be given, and we have given, what is called, 'rent holiday' in only two cases and that too for only specific periods. We have further stated that this rent has to remain as it has been fixed by the parties between themselves.

The second objection that has been raised is, as you are aware, to the provision that the provisions of the Rent Control Act cannot apply or are not to be made applicable to Government premises or Government properties. A number of hon. Members have suggested that it ought to apply also to Government premises. May I point out, in all deference to the hon. Members, that there cannot be the question of relationship of a landlord and

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tenant so far as Government properties are concerned. It was contended that in some cases Government also increase the rates. But you will kindly understand that whatever Government gets—and what it gets is always a reasonable amount—is ultimately used for the service of the people. Therefore, Government cannot be placed in the position of an ordinary landlord. In a large number of cases their properties are Government properties and the occupants of these properties are Government servants themselves. To a large extent these properties have been let out to Government servants and only in a few cases to others. Therefore, I would submit, it would not be proper to apply the principles of landlord and tenant to Government, and to consider the Government as a landlord and extend the same obligations or rights of others against them so far as the occupants of Government properties are concerned.

In the case of a private landlord, as you are aware, certain restrictions are essential in the interests of the tenants as such. Here, so far as the Government are concerned, whatever Government may do, Government are answerable to the hon. Members of this House and also the other House. Therefore, every act of Government is always before Parliament, and in all such cases Government acts under certain principles. Then, assuming that the Government gets more out of a particular transaction, the benefits thereof ultimately accrue to the people for whom the Government is working. Thus, it is fundamentally wrong to suppose that the principles of a landlord and tenant or the principles of the Rent Control Act ought to govern the relations between the Government on the one hand and the occupants of Government premises on the other.

Therefore, in my humble opinion, so far as these two questions are concerned, there is perhaps no force behind these two contentions raised by the hon. Members. So far as the other questions are concerned, I shall deal with them in due course when we deal with the various clauses.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to provide for the control of rents and evictions, and for the lease of vacant premises to Government, in certain areas in the Union territory of Delhi, as reported by the Joint Committee, be taken into consideration."

Now, may we have an idea as to how long we would require for general discussion, how much time we should leave for clause-by-clause consideration and how much for the third reading?

Shri Naushir Bharucha: Six hours for general discussion and four hours for clause-by-clause consideration and third reading.

Mr. Deputy-Speaker: Should it not be the other way, four hours for general discussion and six hours for clause-by-clause consideration and third reading?

Shri Radha Raman (Chandni Chowk): Let it be half and half.

Pandit Thakur Das Bhargava (Hissar): Let it be five hours each.

Mr. Deputy-Speaker: All right.

Shri Naushir Bharucha: Mr. Deputy-Speaker, Sir as I was listening to the speech of the hon. Minister in charge of the Bill I felt that he must never have had the necessity of trying to secure premises from any lordlord nor had he perhaps the necessity of securing premises as a sub-tenant. From the way he felt so very complacent about the changes that were made, it would appear that he thought that by the passage of this Bill the rights of the tenants

would be completely secure. Sir, my experience has led me to believe otherwise, and I propose to deal with the Bill as it has emerged from the Joint Committee under the following heads: the standard rent, the question of sub-letting, the question of partnership, grounds of ejectment, the question of re-entry of tenants, the question of withholding of amenities, the question of repairs, the question of rent holiday and the exemption which Government wants so far as their tenants are concerned to be above any Rent Control Acts.

Sir, I agree with the hon. Minister that very salutary changes have been introduced by the Joint Committee in so far as standard rent is concerned. The entire original scheme has been revised and to a certain extent simplified. And, having regard to the fact that the prices of commodities, particularly building materials, and cost of labour are increasing, there is some case made out for the landlord, and the increases which are given also appear to be on the whole reasonable increases. I particularly appreciate the fact that so far as very small tenancies are concerned, there is no increase whatsoever in these rents. We may take it, Sir that, generally, on the question of standard rent increase the Government have struck a reasonable balance between the demands of the employer and the needs of the poor people.

However, I am not satisfied, when I come to the question of sub-letting, that the Government has been able to protect the interests of the sub-tenants. It is our experience, particularly in Bombay—and it has been surprising—that in numerous cases the sub-tenancies have been existing for years but still the rent bills continue to stand in the name of the original tenant who may be dead and gone for years. In this case, sub-tenancies existing prior to 1952 are deemed to be validly created and therefore they secure protection. It may appear to the hon. Minister that he has solved the question of sub-tenancies, at least those which were created prior to 1952. But that is not all, because whenever a person claims to be a sub-tenant prior to 1952 very probably an objection may be raised that he was not a sub-tenant but that he was on 'leave and licence' terms and therefore he has no right to protection under the amended Bill.

I am of the opinion that if we are to solve the question of shortage of accommodation, then we must take a bold approach on the question of sub-tenancies. I am of the view that landlord's permission should not be necessary for the creation of sub-tenancies and that anybody who desires to create a sub-tenancy could do so subject to certain conditions. We may prescribe that anybody can create a sub-tenancy without the landlord's permission provided he gives notice of it to the landlord and sends a copy of it to the Rent Controller. Secondly, we can also say that the landlord will become entitled to an increase, say of 10 per cent or 12½ per cent, for every sub-tenancy that is created without his consent, and see that the tenant does not take from the sub-tenant anything more than such permitted increase.

What is happening today, particularly in the city of Bombay? Under the guise of 'leave and licence' terms the poor sub-tenants are exploited most mercilessly. Why? Because sub-tenancies have not been permitted. I know of cases where the tenant of a flat of four or five rooms paying a rent of Rs. 100 gives only one small room in the rear of the premises to a sub-tenant and knocks Rs. 100 or Rs. 125 per month. He does not call it sub-tenancy, he only calls it 'leave and licence' and the law recognises it, unfortunately. Therefore, by this type of legislation you do not really protect the sub-tenants. It should be laid down that wherever any plea is raised by

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a tenant that a sub-tenant is not a sub-tenant, but is on leave and licence terms, in that case he should be deemed for the purpose of the rent control Act to be a sub-tenant and all the protection of a sub-tenant must be given to him.

13 hrs.

I can assure my hon. friend that I have got experience of dealing with rent restriction legislation for over twenty years in law courts and I know of types of pleas that are being taken and if he really wants to protect the sub-tenant he will have to incorporate a clause that by whatever name the sub-tenancy is called it shall be deemed to be a sub-tenancy within the meaning and for the purpose of rent control legislation. Therefore, I do not think that we are likely to solve this question of sub-tenancy unless we make a bold approach to the entire problem and say that sub-tenancies can be created without the permission of the landlord subject to payment of a certain percentage of increase of the landlord.

Coming to the question of partnership, I am afraid there again the Government has not been able to strike a happy mean between the necessity of transfers of going concerns in due course and what are called a plea for creating sub-tenancies. It is conceivable and the Joint Committee has rightly taken the view that there may be cases where a bogus partnership deed may be executed the purport of which is really to see that the tenancy of the premises is transferred to the party which comes in as a new partner. I am of the view that in all such cases unrestricted transfer of tenancy should be permitted subject to two facts: that wherever the business is purported to be transferred it should be transferred completely with goodwill as a going concern; and secondly that the landlord should be entitled to an increase which might be determined, to anything between 12½ per cent. and 25 per cent. In Bombay City we have got this provision. Where a business is transferred lock, stock and barrel with goodwill and everything, then the landlord's consent is not necessary, but the landlord gets 25 per cent. increase. This secures both the landlords as well as the *bona fide* businessmen completely, because unless there is *bona fide* business to be transferred nobody will be prepared to pay 25 per cent; but if the transfer is a bogus transfer the man knows he will have to pay 25 per cent. more.

I am, therefore, of the view that with regard to partnership a definitely bold line of action will have to be taken which will be different from the approach which has been taken by the Joint Committee on the Rent Control Bill.

Now I come to the most contentious question of the grounds of eviction tenants and the hon. Minister in charge of the Bill was pleased to read out the headline of the Chapter and say: mark the headlines, it is 'Control of eviction of tenants'. It is not control of eviction of tenants, if you go through it; it is a charter to the landlord to evict tenants and the hon. Minister seems to think that there are only two grounds on which this Act can be circumvented. I can assure him that two hundred grounds can be found. I do not blame him entirely because our social life is very complicated. This is a complicated piece of legislation. Therefore he has created a paradise for lawyers. That was perhaps inevitable.

Let us see briefly the grounds of ejectment which subject tenants to risks of eviction. Of course, to ejectment for failure to pay rent no objection can be taken; on sub-letting of premises I have given my views. The third ground in clause 14 is premises being used for purposes other than that for which they are let. This is

also regarded as a good ground under the Bombay Act. But supposing there is a lawyer who takes residential premises. He habitually calls his clients there and writes notices, etc. It may be reasonably contended that the premises are converted into business premises. Or, there may be a poor tailor who may be using his machine in his residential premises and it may be said that he has converted his residence into business premises and he is liable to be ejected.

While this ground may be kept intact some sort of explanation should have been added to it to protect all such cases. As the Bill stands, it will expose numerous petty artisans who are carrying on their business as tailors or petty carpenters or small artisans to the risk of ejectment.

Of course, failure to reside for six months in the premises is a good ground; there is nothing to be said against it. Then there is the *bona fide* requirement of the landlord or any member of his family dependent on him. It will be seen that in this clause the requirement has only to be *bona fide*. In the Bombay Act we have got two words: "*bona fide*" and "reasonable". Because a requirement may be *bona fide*, but it may not be reasonable. For instance, if I am a landlord and I seek to eject a tenant from a whole house which may be consisting of 12 or 15 rooms, my requirement may be only two rooms; my requirement may be *bona fide*, so that I can eject him under clause (e). But then my requirement may not be reasonable. Therefore the phrase "*Bona fide* and reasonable" should have been used there. I am also of the opinion that power should be given to the Rent Controller or any other authority to cut up the premises and say you shall be entitled only to this much according to your requirement and no more. The power of apportioning the premises is most important. Otherwise, a landlord whose *bona fide* requirement is of two rooms will seek to eject a tenant who has got eight rooms and who badly requires them all.

Take the other question of unsafe premises being pulled down. You will say that if the premises are unsafe they should be pulled down. In the Old Bombay City there are nearly 51, 000 houses out of which 17,000 houses are in such condition that you will certainy call them unsafe for human habitation. On occasions as a Municipal Councillor when I went round my constituency I was afraid to walk on the floors of some of the buildings where the tenants have been residing, so unsafe they were. Are we going to eject the whole lot of them? There has got to be some kind of consideration for them. I do not know what the position here is. But pehraps Old Delhi is much older than Bombay and therefore there will be any number of rickety dwellings which can be very easily considered by a court going on legalistic principles to be unsafe premises. Any engineer can be called by the landlord to pronounce those premises to be unsafe. Are you going to throw out all the tenants from the hundreds and hundreds of buildings. So what is the protection? The protection should be only municipal authorities should be compertent to certify that the building is unsafe and unfit for human habitation. Secondly no building can be considered unsafe if it can be repaired and its life extended. Otherwise, you will find that under this clause hundreds of landlords will come to the court, put their engineers in the witness-box and say that such and such buildings are unsafe and should be demolished. Therefore, this is not a restriction on eviction; it is only a convenient plea for evicting the tenant.

A landlord may also require a building for his *bona fide* requirement, or any member of his family dependent on him under this Bill. The word "family" is not defined in the Bill. Where do you draw the line? Does the word "family" include mere relatives or persons who have been living in the family? Take for instance the Parsi community. Among them there is the institution of adoption. A Parsi can adopt a son or a daughter, but

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that adoption is not legally recognised. An adopted son lives in the family and becomes a part and parcel of it. What is the family? The word has not been defined. I am also not quite sure that the qualifying words "dependent on him" is going to crystallise matters. Take, for instance, the case of a landlord who has a son residing elsewhere and earning elsewhere. He may be earning Rs. 200 a month, but still dependent upon the rich father who may be sending him Rs. 300 a month as pocket money. Still, the son is dependent upon his father. For his sake also the premises can be requisitioned. Therefore the tenant is completely at the mercy of the landlord in such cases.

Take next the case of the premises being required for building and rebuilding or making substantial alterations to any part of the premises. Rebuilding is defined in the municipal acts, but I would ask the hon. Minister whether it is his intention that wherever a landlord says that he wants the particular premises to be rebuilt, when his engineer says, "this premises require re-building," then, the tenants must go out. Of course he has got some protection which says: "provided the premises cannot be repaired or rebuilt without the tenant vacating". I am of the view that any number of landlords will come forward and say, "We will put back the tenant after repair. But the premises may take nearly a year to be rebuilt, with the result that by that time the tenant has lost all interest; his connections are disrupted, and if the landlord offers opposition to put the tenant back into the premises, generally he succeeds. I am yet to see in how many cases the tenants have succeeded. We have got similar provisions in the Bombay Act. Very few people are restored to their tenements. One of the worst things which the Joint Committee has done is, it has omitted certain words from the previous Bill which was introduced here. Those words were, "on the same terms and conditions". Tenants have to be restored on the same terms and conditions. Those words, "same terms and conditions" are deleted now, with the result that when the tenant wants restoration or re-entry, the landlord will say, "You pay me 300 per cent more" or whatever it is. The tenant will find it impossible to pay. Therefore, this question of re-entry is merely an illusory right which the tenant may not be able to exercise.

Take another clause under which the landlord can eject the tenant if the tenant has acquired residential premises elsewhere. The word "suitable" which was in the previous Bill has been omitted. Assume for the moment that there is an M.P. who is residing in Delhi and who has acquired the premises of an M. P. Then he can be thrown out from his residence because he has got the premises here as an M.P. The word "suitable" is necessary. The premises may be there but they may not be suitable for him, for his permanent residence. That is what he can plead. But when the word "suitable" is taken away, even if he acquires a room elsewhere, the landlord can pounce upon him and say, "You have your premises, now get out of mine. The court is not concerned with the premises as to whether they are suitable or not if the word "suitable" is deleted. It is a very dangerous deletion, exposing the tenants to grave risks.

About the clause dealing with substantial damage to the premises, I have nothing to say. I take the next clause which says:

> "that the tenant has, notwithstanding previous notice, used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government or the Delhi Development Authority or the Municipal Corporation . . ."

What may actually happen is, the landlord may take in writing from the

tenants who are illiterate that they have seen the same terms and conditions of his lease with Government or municipality. The tenants will abide by that writing. How many of us go through the rules and regulations of the various societies of which we become members? The result is that there can be an eviction of the tenant if he does something without knowing that it is in contravention of any convention which may exist between the landlord and the municipal authorities or the Government as the case may be. I think that though the words "previous notice" are there, they are not sufficient protection to the tenant.

Then comes the question of withholding amenities. A landlord can harass a tenant by cutting off various supplies such as electricity, water, etc., and he can do this not merely by not paying the electricity charges, etc., but under the guise of carrying out repairs. He will give excuses for doing so. I suggest that there should be a clause that on payment of a reasonable deposit to be made by the tenant, the Rent Controller should give order for restoration of amenities forthwith pending the disposal of the case. Otherwise, to be without water or electric light for 15 to 20 days is an harassment to such an extent that the tenant will be prepared to quit the premises. This is a question of withholding the amenities, and though the penal provision is there, namely, that the landlord can be punished, I have yet to see a single landlord going to jail on this account. I have never seen such an instance.

Coming to the question of repairs, I have been always saying that we do not grudge giving the landlord his dues for repairs. But the Government's attitude is to make a free *baksheesh* to the landlord which can be made in the name of repairs to be carried out. The basic principle for all repairs should be that without the consent of the landlord the tenant may carry out whatever repairs are necessary, subject to a certificate given by the municipal engineer that such and such items of repairs are necessary. The municipal engineer must prepare an estimate saying that such and such an amount is a reasonable one to be incurred on this account. Barring that, so far as repairs are concerned, no inducement is to be given to the landlord. We know that these inducements will never succeed. In Bombay city we have increased the rent in the hope that the landlord would repair. But nobody has bothered to repair the premises. Many of the landlords are very vitally interested in seeing that the property deteriorates so that they can pull down the structure, throw out the tenants, construct new structures and then let them out for very high rents Therefore, the principle or the correct line of approach with regard to the repair of premises must be that the landlord carries out the repairs either with the consent of the tenant or with a certificate from the municipal body. After the repairs are made, he may be given 10 per cent. Why only 6 or 6½ per cent? Give him 10 per cent after the repairs are carried out, but the tenants must be free to carry out the repairs subject to what I said earlier.

In Bombay city we have got those provisions. In spite of them, the poor tenants art not willing to carry out repairs, particularly in the case of small *chawls* where repairs are most necessary. The result is that this clause relating to repairs is largely defective in the way in which it has been put. As has emerged from the Joint Committee, I am afraid it is not going to be of any material help. I therefore plead that the entire approach of the Government to this question of repairs must be radically altered.

I am also of the view that unless you create a municipal department separately for repairs in cases where recalcitrant landlords do not carry out repairs in spite of municipal requisitions and in spite of their being fined in courts, such a provision will not be helpful. In such cases, the municipal

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department concerned must enter the premises and carry out the repairs and recover the rent until the whole cost of repairs is recovered, plus something additional to keep the department going.

Then I come to the question of a rent holiday. It is true that our rent legislation must not act as a damper on new building activities. I am in favour of promoting construction activities. But I am not in favour of giving to the landlords, what the hon. Minister very euphemistically called, a 'rent holiday.' It is not a rent holiday. If means a full and free permission to exploit the new tenant for years. They say that in former times when a commander captured a city he gave his troops three days to ransack the entire city. Some such thing is being done in this case also. As gathered from the terms of the clause here, it is not a case of encouraging building construction activities, but one of Government giving five years' time to the landlord to ransack the tenant. I am against it. Is it that we cannot really encourage building activity without any such thing? We can do it.

Supposing, for instance, we say that we believe in normal profits in business to be six per cent; in the case of buildings it should be eight per cent. I am prepared to say, "Give him 15 or 20 per cent extra of what would be the standard rent". The standard rent would be determined on the cost of construction plus the cost of land at the the existing value in the case of new premises. On that you may give even 20 per cent as an additional inducement. If the landlord says that he is not satisfied with 20 per cent, then I say that he is a landlord who is out to exploit the tenant. Let it not be said that new buildings cannot be encouraged otherwise. Today the tendency is only for construction of premises in the higher income bracket. I am yet to see landlords being encouraged under this or any other provision to construct chawls for mill workers, etc. Today the major problem is that we require buildings for the masses, but there is no encouragement to that. People in the higher income bracket can afford to pay, but even then, why should they be exploited? 20 per cent is more than enough. If a landlord recovers the cost of construction in five years, what more does he want?

The last point I would like to mention is about Government being exempted from rent control legislation. Somebody has said in his minute of dissent that Government is the biggest tenant; may I say that it is the biggest and the worst possible landlord. It is a misfortune and we know it from bitter experience. In Bombay, the Housing Board has been given extraordinary powers. They are so extraordinary that in one case, they were set aside by the High Court and in the second case, the powers were so extraordinary that tenants could be evicted for implied covenants or terms of lease. Government has ripped open the houses of tenants in order to evict them at midnight. This is the way in which Government has been acting.

I for one say that the Government must be brought completely within the purview of the rent control legislation. Government often charges excessive rents. You may call it 'profit', but I say it is profiteering. You may say, "It is different from what a private man does. In the case of a private man, profit goes to his benefit, but here this goes to the benefit of the public." God alone knows how much of the revenue really goes to benefit the public and how much goes to the so-called experts in steel or for our Ministers' travels abroad. I am not taken in by that plea. I appeal to the Government and ask, why is it that the rent control legislation, which is good for the majority of landlords is not good for them as landlords? Of course, certain buildings which are used for

public purposes may be exempted. Certain categories of Government premises can be mentioned which can be exempted. But by and large, I feel that Government also must be brought within the purview of this legislation.

As a whole, I agree that some salutary changes have been made by the Joint Committee in the case of standard rent, but I am afraid there are still many lacunae, of which advantage will be taken and the tenant by and large is still at the mercy of the landlord.

Shri Parulekar (Thana): Mr. Deputy-Speaker, if we take a comparative view, it will be found that the Bill as it has emerged from the Joint Committee is an improvement over the Bill which was introduced in this House. I do not propose to deal with the various improvements for two reasons. The hon. Minister has already done it. It was his job and he has done it well. He was trying to seek some satisfaction in the improvements which have been made by the Joint Committee; I do not grudge it. But in doing so, he forgets both the nature of the problem and its magnitude.

There is another reason why I do not want to deal with the improvements, because it will not enable us to evaluate the Bill as it has emerged from the Joint Committee. It can be evaluated only in the context of the objectives which the Bill attempts to realise. Despite various improvements in the Bill, the Joint Committee has not succeeded in curing some of the serious defects in the Bill which are of a basic nature.

Before I deal with those defacts, I would like to lay down the criteria by which we must judge this Bill in order to evaluate it. According to me, it is in the context of the objectives of the Bill that we have to evaluate it. One of the most important basic objectives of the Bill is to make available to the people housing accommodation at reasonable and cheap rent while allowing a reasonable return to the landlord. The second one is to ensure security of tenure to the tenants. By its very nature, the Bill is a palliative, because it does not tackle the problem of housing scarcity, which is the root evil. But it tries to tackle the problem of the consequences which arise out of it. But even so, palliatives have their own use and we have to find whether the palliative which is in the form of this Bill is a satisfactory one and gives adequate relief to the tenants.

Before I deal with the various provisions in the Bill, I would like to draw the attention of the House to a very serious defect in the Bill which vitiates the entire Bill itself. That defect is that the Bill does not attempt to tackle the problem of the speculative prices of land and hoarding of land. This is one of the most improtant aspects of the problem of housing scarcity. I will only deal briefly with the consequences which follow from the failure to tackle this aspect of the problem. One of the consequences will be that it will not be possible to arrest the rise in the standard rent, because the price of land is an important ingredient which determines the rent. So, if the price of land is allowed to increase every year, if there is speculation in land and hoarding in land the price of land is bound to increase, and the level of standard rents is bound to rise as time goes on. So, this is a handicap, a great impediment, due to which it will not be possible to bring down the level of standard rents. It will be continuously increasing.

So, it is idle to expect that this Bill will be able to achieve the objective of making available to the people with ordinary means housing accommodation at reasonable and cheap rents. There is another serious consequence which necessarily follows from this defect and which is a serious obstacle in solving the problem of acute scarcity of housing. If the price of land soars high, it will not

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be possible for anyone except the rich to purchase land and to construct houses. Only the rich people, who have got long purses, can purchase land at such high prices and construct buildings. So, you exclude other sections of the people—the middle class, the lower middle class and other poor sections of people —from constructing their own humble houses where they can stay. That is one of the consequences which arises out of the failure of Government in tackling the problem of control of price of land and hoarding of land. Housing will become the monopoly of the rich. Only the rich can construct houses and it will fall to the lot of others to become tenants and live in those houses.

Thirdly, we always hear that the old buildings are not repaired. One of the reasons for this state of affairs is that the price of land has soared high. The landlord of old houses would like to see that the buildings fall as soon as possible; he is interested in that. Because, if it falls, two courses are open to him. He can sell the land and recover a price the income from which will be far higher than the rent which he receives. Or, he may construct a new building, in which case, the standard rent will take into account the market value of the land at the time of the construction. So, he is interested in seeing that buildings are not repaired. On the contrary, he is eager to see that they fall, because he will be financially better off if the buildings are not repaired and they go out of existence as soon as possible.

I will read out a small passage from the report of a committee which the Government of Bombay had appointed to enquire into the working of the Rent Control legislation there. It is a small passage, but it is a very instructive one. The report, one page 5 after quoting a paragraph from the First Five Year Plan report, says:

"While pointing out that the efforts of Government in the country have been far from commensurate with the needs of the population mainly owing to the limitations of their resources and that the efforts of local bodies, Co-operative Housing Societies and private enterprise have also done little in easing the acute housing shortage, the draft outline referred to the need of an organised drive for tackling the problem in stages, priority being given in favour of persons belonging to low-income groups. Stress was laid on reduction in building costs, appreciable economies by necessary adjustment in structural and architectural designs and co-operative self-help. In order to eliminate the speculative element in land and discourage land hoarding in urban areas, it was recommended that the taxation structure on vacant lands should be designed in such a manner as to make all such land hoarding unprofitable."

Government is aware and I will not assume that the Government is ignorant of what has been stated in the report of the First Five Year Plan. Nor do I assume that they are ignorant of the need to control the price of land. The question then arises, knowing this, why did not the Government come forward in this Bill with a proposal for controlling the price of land. There is a valid reason for it. One of the reasons is, that the Government is the worst sinner in this respect. The Government is the largest holder so far as land is concerned. I speak subject to correction because I am not a resident of Delhi. The enquiries which I have made point out that all the land in New Delhi belongs to the Government. The second fact, which is of equally important nature is that that they purchased this land at the rate of Rs. 4 or 5 per square yard. The price at which

they sell it today is Rs. 200 per square yard. It is just because they want to profit by the speculative rise in the price of land that they are not coming forward with a proposal for controlling the price of land which alone can solve the problem to a certain extent satisfactorily—I mean the problem of acute shortage of accommodation.

Pandit Thakur Das Bhargava: The Government acquired the New Delhi land at about 4 or 5 annas a square yard.

Shri Parulekar: I stand corrected, because I am not a resident of Delhi. It makes the case still worse. Just because they want to make profit out of the speculative rise in the price of land, that they are not coming forward to control the price of land. Without controlling the price of land, the level of standard rent cannot be brought down. On the other hand, it will continously increase and the shortage of housing accommodation will not disappear. As I have already pointed out, in the case of old buildings, the landlords will not care to repair them. On the other hand, they will be keen to see that they fall down as early as possible because the income from the price which they will be able to realise by selling that land will be more than the rent which they are receiving at present.

I will now refer to some of the important provisions of the Bill as it has emerged from the Joint Committee. I will not go into the details. I will deal only with some of the salient features and salient provisions of the Bill. Clause 3 of the Bill exempts the government buildings from the provisions of this Bill. There can be no justification for the exemption. I have heard the hon. Minister and followed the arguments that he has advaned. But, he forgets that if I am a tenant of the Government, I do not cease to be a tenant. If I am a tenant of the Government, who is the landlord? The burden of rent is equally unbearable to me whether I am a tenant of the Government or a tenant of a private landlord. That makes no difference. What does this exemption in essence mean? It means that the Government are free to charge unreasonable and unfair rents when they so chose to do. That is what it amounts to. That is what the Government intend doing by introducing in the Bill this clause by which they want to exempt the government buildings from the operation of this Act. Nearly one-third of the buildings in New Delhi belong to the Government. I also understand that 90 per cent of these buildings are rented out to Government employees. They pay rent which is much lower than what the standard rent will be. That is a good thing by itself. I welcome that. None-the-less, the memorandum which was submitted and the evidence which was given by the House Owner Association before the Joint Committee made startling revelations and I will read only a small passage from the evidence which was given by their representative. On page 49, he says in his evidence:

"We find—and this is a case reported in the Supreme Court Reports—that the Delhi Improvement Trust built up a market in Sabzi Mandi and let it out to Vegetable and Fruit Merchants Union at a rental of Rs. 35,000 per year in 1942. For that purpose the Improvement Trust had taken a loan grant from the Government of about Rs. 4,75,000. That rent, with the lapse of time, has been shooting up and today it has reached the astronomical figure of Rs. 2,50,000 from Rs. 35,000. In fact, when this case was in the Supreme Court, it had by then reached Rs. 2 lakhs only but when the Supreme Court decreed that this property did not come within the purview of the 1952 Rent Act, the Trust immedimately after the Superme Court Judge-

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ment put up the rent by another Rs. 50,000."

There is another small passage which I would like to read on page 50. This was a property which belonged to a private landlord and it was donated to the Government.

> "The rent charged by Shri Raghunandan Saran was Rs. 9·62 nP. for a shop and now that the property vests in the Government, the Estate Officer has sent a demand for Rs. 191 for the same shop, a figure almost twenty times. Again, there is another shop in the same building. The private owner charged Rs. 16·50 nP. for one shop. The Government has sent a demand for Rs. 280."

These are startling revelations which should make everyone to hang down his head

Pandit Thakur Das Bhargava: On page 49, the same portion, after what you have read, you will find more startling things.

Shri Parulekar: I can't read the whole of it for want of time.

Mr. Deputy-Speaker: Panditji would read the others.

Shri Parulekar: I agree, these cases may be few. Nonetheless, there is no justification even for a single such case to exist. What consolation is it to me that the high rent which is being fleeced out of me by the Government is going to be used for public expenditure? If I can, I will contribute my own share to the public expenditure. What right has the Government, by excluding itself from the purview of the Bill to come before the House and say that the relationship of a tenant ceases as soon as the landlord is the Government? What is the logic? What law is this? It may be law, but there is no logic. I sufier whether I am a tenant of a private landlord or of the Government to the same extent when I have to pay excessive rent.

Shri Vajpayee (Balrampur): A socialist Government.

Shri Parulekar: A socialist pattern of Government: we see the face of it every day.

I will leave it at that. I will go to the holiday for new buildings. A very fine word has been coined—holiday

Shri Datar: It is their word.

Shri Parulekar: The Bill provides that houses constructed between June 1951 and 1955 will be free from the operation of the provisions in respect of standard rent for seven years, and the buildings constructed after 1955 will enjoy such freedom for a period of five years. The justification advanced by the Government is that it provides an incentive to the landlords to construct buildings.

Let me analyse a little what this incentive means. It means the negation of the very basic principle of this Bill. The Bill lays down that the tenant should not be charged an unreasonable rent, that he should be charged a fair rent. That is the basic principle on which the whole Bill rests, and this holiday is a negation of the very basis of this principle. It means much more, it means a licence to the landlord to fleece the people by taking advantage of their helpless condition. The Government want to give a free licence to the landlords who want to construct buildings to fleece the people to their heart's content by taking advantage of their helpless condition. It means another thing also, it means the recognition by the Government of the right of private capital to exploit the miseries of the people for extracting maximum profit. I do not know whether the

theories which they are propounding and the theories on which they have based this provision fit in with their socialist pattern of society. It is not for me to judge, the people will judge it.

What will be its effect? I will take an illustration. I visited a building which has been constructed after 1951. So, it has a holiday for seven years, a holiday to fleece its tenants. The value of that building is Rs. 1,50,000. There are four flats in that building, and the rent of each flat is Rs. 800 per month. The landlord gets an annual rent of Rs. 38,400 for this building. The rent which he will collect during this holiday of seven years will be Rs. 2,68,800. So, he will be recovering not only what he has spent on the building, but nearly Rs. 1½ lakhs more than what he had actually spent for the purchase of building.

Shri Easwara Iyer (Trivandrum): Can he not inrease the rent?

Shri Parulekar: Yes, he can increase.

Now, out of the capital thus accumulated by fleecing these unfortunate tenants, he might construct another building. That is how building activity is to be encouraged.

Shri Nagi Reddy (Anantapur): He will get a new holiday.

Shri Parulekar: To put it very mildly, it is a monstrous proposition.

He talks of incentives. In Bombay there is an Act which has been in operation for several years. There the restrictions are made stringent than the provisions of the Act proposed to be enacted here, and yet, as a result of the Act in Bombay building activity did not stop, buildings are being constructed. So, no such incentive is necessary at all in order to see that the activity of building construction is accelerated.

This is neither the stage nor the occasion for me to point out that it is possible to solve the problem of acute scarcity of houses in Delhi by other means. It is not simply a financial problem. Government says that it has no money. Everybody knows that practically we are going bankrupt, but that is not the only way in which the problem can be solved. There are various other ways. I may mention some of them.

Why do you not divide the various areas and reserves small plots for small people to construct their houses, plots measuring about 300 square yards? Why does not Government sell such plots to those who want to construct their own houses at the rate at which they purchased the land? Buildings will be constructed, but palatial buildings will not be constructed in that way. So this argument of giving a holiday in order that there should be an incentive for construction of buildings does not stand, it is hollow.

Now I will briefly refer to the provisions which deal with fixing of standard rent. The scheme for fixing the standard rent is given in clause 6.

Mr. Deputy-Speaker: He may be brief now.

Shri Parulekar: I will finish within five minutes.

It distinguishes two categories of buildings, residential and non-residential, for fixing standard rents, and in the case of non-residential buildings, it fixes a higher level of standard rent. So far so good, I agree with that proposition, because the higher profits made by persons occupying buildings for business can be shared to some extent with the landlord, but with regard to residential buildings, the whole scheme is unacceptable to me.

It divides residential buildings into various categories, and in the case of some categories it allows an increase

[Shri Parulekar]

of 10 per cent of the basic rent. This increase of 10 per cent of the basic rent is not justifiable, because the basic rent itself contains an increase of various percentages over the normal rents which were prevalent in 1939, and it was granted in order to cover the expenditure on the repairs of the buildings. So, it is not necessary in the case of residential buildings that there should be any increase in the basic rent.

I have another objection. This is not the way to fix standard rents. The only scientific principle on which the standard rent can be fixed would be to decide what should be the gross return and the net return to the landlord on the cost of construction of the building. It is only on that basis that this problem can be solved. But Government want to give higher rent to the landlord. Of course, there have been some modifications and they are in the interests of the poor tenants, I do not deny that, but this scheme is not a scientific solution of the problem.

Lastly, I will deal with the problem of the sub-tenants. I will briefly state what the problem of the sub-tenants is. This Bill provides that every sub-tenency created before 9th June 1952 is legal. It is a good provision, but it does not stop there. It goes further and says that if permises are sublet after 9th June 1952 without the written consent of the landlord it is illegal, and it goes further and provides a penalty for that. In the case of all such illegal sub-tenancies, the fine might go up to Rs. 1,000 and the tenant can be evicted. As for the future, it provides that without the written consent of the landlord no sub-tenancy can be created. What will be the effect of this provision?

I am speaking now only of the residential buildings. I do not want to champion the cause of businessmen who have rented and sub-let the premises because I do not know their business altogether. So, I am only speaking in respect of residential sub-tenancies. What will be the effect on them?

I am afraid I do not know, nor has the Government cared to investigate into the conditions and find out what the situation was before they introduced this Bill. They are as much in the dark as I am, and we are all grouping in the dark. But, if I am to guess I think there may be thousands and thousands of sub-tenants who have become sub-tenants after 1952 without the written consent of the landlord. They will be all thrown into the streets, and the tenants, along with them, will also be evicted. There is one course open to them to get their sub-tenancies legalised. The landlord will extract a very heavy price from them for legalising. This is what this Bill provides. In respect of future also, what is provided for in the Bill is that the landlord may take some extra amount from the sub-tenant if he is to give his written consent for the sub-tenancy.

A question may be asked whether I am in favour of sub-tenancy? If you ask me the question in the abstract, then I am not. It is not an ideal condition. But we have to face realities. There is shortage of housing today. If we do not allow sub-tenants, then where should the sub-tenants go? Are they to be thrown out on the streets and on the footpaths? What is the alternative scheme for accommodating them? Without having alternative accommodation for them, what is the use of giving moral lectures saying that sub-tenancy is bad and it should not be tolerated?

These are the various matters which the House will have to consider, and these basic defects which I have pointed out need to be removed. Then, the Bill will go a much longer way in doing justice to the just cause of the people, that is, the class of tenants.

श्री राधा रमण : उपाध्यक्ष महोदय, जो विधेयक प्रवर समिति से हो कर यहां पर आया है उसके सम्बन्ध में हमने अभी अपने दो माननीय मित्रों के विचार सुने हैं और हमारे गृह-कार्य मंत्रालय में राज्य मंत्री जी ने भी इस बिल के बारे में अपने विचार यहां पर प्रस्तुत किये हैं और जो सेलियेंट फीचर्स इस बिल के हैं उनका वर्णन किया है

मैं सब से पहले यह अर्ज करना चाहता हूं कि जिस शक्ल में यह बिल ज्वाइंट कमेटी के सुपुर्द किया गया था उससे काफी परिवर्तित रूप में अब यह हमारे सामने प्रवर समिति द्वारा प्रस्तुत किया गया है । यह बात हमारे माननीय मित्रों ने जो अभी बोल चुके हैं, भी मंजूर की है । उन्होंने माना है कि इसमें काफी संशोधन हुए हैं और साथ साथ उन्होंने अपने नये विचार भी इस सदन के सामने रखे हैं । उनका कहना है कि उन विचारों को इस बिल में डाल देने से इस बिल की जो शक्ल है वह और भी ज्यादा अच्छी हो जायेगी । इस सम्बन्ध में मैं थोड़ा सा आपकी सेवा में अर्ज करना चाहता हूं । सब से बड़ी बात जिस पर कि काफी आपत्ति प्रवर समिति में माननीय सदस्यों द्वारा की गई थी और इस सदन के अन्दर भी नजर आती है वह यह है ।

जो फार्मुला, प्रवर समिति ने इस बिल में स्टेंडर्ड रेंट का रखा है वह यह है कि जो किरायेदार ५० रुपये माहवार के हिसाब से या इससे कम किराया अदा करते हैं, उनके लिए वही स्टेंडर्ड रेंट फिक्स हो जायेगा जो वह अदा करते हैं । साथ ही साथ कुछ ऐसे भी किरायेदार हैं जोकि १२०० रुपया साल तक अदा करते हैं उनको किरायेदार तसलीम करके स्टेंडर्ड रेंट का फैसला करने का भी एक तरीका हम ने तसलीम किया है । जहां तक उन किरायेदारों का ताल्लुक है जो कि ५० रुपये या इस से कम माहवार किराया अदा करते हैं उनके बारे में प्रवर समिति ने कहा है कि उनके किरायों में इजाफा करने की इजाजत मालिक मकानों को नहीं होनी चाहिये । लेकिन इस किराये से ऊपर किराया देने वालों के बारे में प्रवर समिति ने किराये में इजाफा करने की कुछ दी है और उसमें यह भेद किया गया है कि एक वह किरायेदार है जोकि खुद अपने लिये मकान चाहता है और एक वह है जोकि अपने रहने के लिए नहीं चाहता है, या बिजिनेस के लिए चाहता है । मैं अर्ज करना चाहता हूं कि बावजूद इसके कि तमाम शहादतों को लेकर तथा देख कर और दिल्ली के तमाम हालात को देख कर प्रवर समिति ने इस बात का फैसला किया है कि इस किस्म की केटेगराइजेशन हो और उनके किरायों के मुताबिक किरायों में छूट या किरायों को न बढ़ने देने की इस बिल में व्यवस्था की गई है ।

इसमें कोई सन्देह नहीं है कि आज भी हमारे नगर ने, हमारे शहर में यह खयाल पाया जाता है कि तमाम उन किरायेदारों को छूट मिलनी चाहिये जोकि पहले से ही किरायेदार हैं, या जो पहले से ही किरायेदार चले आते हैं और उन पर किसी किस्म का इजाफा नहीं होना चाहिये । लेकिन मैं आपका ध्यान एक दूसरे ही पहलू की तरफ खींचना चाहता हूं । हम सब को खुशी हो सकती है अगर हम यह फैसला कर दें कि जो पहले से ही आबाद हैं या पहले से ही किरायेदार चले आते हैं, उनको हम आराम पहुंचायें । लेकिन इसका दूसरा पहलू भी है । मैं अपने तजुर्बे की बिना पर कहना चाहता हूं कि आज दिल्ली में बहुत से ऐसे मकान हैं जिन का किराया ४० या ५० रुपया माहवार या उससे कम है और उनके अन्दर वे लोग रहते हैं जिन की आमदनी बहुत ज्यादा है और जिन के मालिक कोई बड़े प्रापर्टी ओनर नहीं हैं बड़े अमीर नहीं हैं बल्कि मिडिल क्लास के हैं या लोअर मिडिल क्लास के हैं । इसके साथ ही साथ ऐसे भी बहुत सारे मालिक मकान हैं जो

[श्री राधा रमण]

शायद बनायें हैं या जिनका सब कुछ यह प्रापर्टी ही है या जो रिटायरड हो चुके हैं और उनकी आमदनी का जरिया केवल यह किराया ही होता है और इसी पर निर्भर करके वे अपना गुजर बसर करते हैं। आज अगर हम यह कहते हैं कि हमें किरायेदारों को बिल्कुल छूट दे देनी चाहिये तो इसका मतलब यह है कि हम हर किरायेदार को यह मान कर चलते हैं कि वह गरीब है, वह इतना किराया नहीं दे सकता है और अगर ऐसी बात है तो हमें ईमानदारी के साथ उन्हें छूट भी दे देनी चाहिये। अगर हम ऐसा करते हैं तो इसका मतलब यह होगा कि हम हकीकत से गुरेज करते हैं, सदाकत से मुंह मोड़ते हैं। आज सूरत यह है कि जितने किरायेदार दिल्ली में आबाद हैं उनमें से बहुत से ऐसे भी हैं जो कि ५० रुपये से भी ज्यादा दे सकते हैं और साथ साथ बहुत से ऐसे भी हैं जो ५० रुपये महीना किराया भी नहीं दे सकते हैं। इसलिये प्रवर समिति ने इस बात को ध्यान में रखते हुए कि बहुत से मकान ऐसे लोगों के भी हैं कि जिनका गुजारा उन पर ही चलता है और उनका एक ही मकान है, इस वास्ते इस के बारे में कोई अलग तजवीज इस कानून में कर दी जाए और ऐसे आदमियों को छांट दिया जाये और उनके साथ कानून दूसरे तरीके से व्यवहार करे या उनके बारे में कानून अलग से ही लागू किया जाये और जिन का एक एक मकान नहीं और जो उन्हीं मकानों पर निर्भर नहीं करते हैं, उन पर ही अपना गुजर बसर नहीं करते हैं, उनकी अलग कैटेगरी रख दी जाये, ऐसी कोई बात नहीं की है और चूंकि ऐसी कोई बात नहीं की गई है इसलिये एक बैलेंस स्ट्राईक किया गया है और उसको समिति ने मुनासिब समझा है। समिति ने यह मुनासिब समझा है कि जो किरायेदार ऐसे हैं कि जो ५० रुपया माहवार देते हैं, वाकई में उनकी केपेसिटी, उनकी ताकत ज्यादा न होगी और ये छोटे किरायेदार हैं इसलिये उनको किसी किस्म का किराया ज्यादा देने की इजाजत न दी जाये। इसी तरह से कुछ ऐसे लोग हैं कि जो शायद ६०० से १२०० रुपया सालाना देते हैं और समिति की राय में हो सकता है कि वे बेहतर हालत में होंगे इसलिये उनको जो थोड़ा सा ज्यादा किराया देने की बात कही है वह दूसरों की निसबत कम कही गई है यानी यह कहा गया है कि उनको ७½ परसेंट तक की इजाजत दी जाये कि वे किराया बढ़ा सकते हैं। उनके ऊपर के जो लोग हैं या उनसे अधिक जो किराया देते हैं उनको यह तसलीम करके चला गया है कि वे और भी अच्छी हालत में हैं, आसूदा हालत में हैं और उनका सवाल हकूमत के सामने नहीं आता है, वे अपनी बात आपस में तय कर सकते हैं लेकिन उसके ऊपर भी एक सीलिंग रख दी गई है कि दस परसेंट से ज्यादा नहीं लिया जा सकता है।

इसके साथ ही साथ यह भी कहा गया है कि रहने के मकान हैं और जो बिजिनेस के मकान हैं उनमें भी फर्क कर दिया जाये। मेरे माननीय मित्र जो अभी बोल चुके हैं और जिन के बहुत ही एक्सट्रीम व्यूस हैं और जो एक मुखालिफ पार्टी से ताल्लुक रखते हैं, उन्होंने भी इस बात को तसलीम किया है कि यह जो फर्क किया गया है, मुनासिब तौर पर ही किया गया है। एक आदमी जो सन् १९३९ में एक होटल रन करता था और उस वक्त वह ५०० या १००० रुपया कमाता था और आज ५००० या १०,००० या ५०,००० साल रुपया कमाता है उसको क्यों मजबूर न किया जाये कि वह उस मुनाफे में से कुछ हिस्सा मालिक मकान को दे। आखिर मालिक मकान को भी टूट फूट जो होती है उसकी मरम्मत करानी पड़ती है जो बढ़े हुए टैक्स हैं वे देने पड़ते हैं और जस्टिस और फेयरनेस नजर नहीं आती जब यह कहा जाता है कि उसको भी अधिक किराया देने पर मजबूर न किया जाये। इस तरह से प्रवर समिति ने इस सारी समस्या को सुलझाने का प्रयत्न किया है और अगर इस माननीय सदन का कोई माननीय सदस्य कोई और सुझाव दे जोकि जायज प्रतीत हो,

जिस में कि दोनों पलड़े मुनासिब तौर पर झुकें जोकि दोनों के हित में हो और साथ ही साथ इन सुझावों से बेहतर हों तो हमें उसको मंजूर कर लेना चाहिये। मगर यह नहीं होना चाहिये कि एक पलड़े को हम इस तरह से झुका दें कि दूसरे के साथ बिल्कुल ही बेइंसाफी से काम लिया जाये ।

मैं आपको बतलाना चाहता हूं कि आज पुरानी दिल्ली में हजारों मकान ऐसे हैं जोकि बोसीदा हालत में हैं और अगर उनकी मरम्मत न कराई जाये तो वे एक साल तक भी कायम नहीं रह सकेंगे । उनके बारे में अगर आप मालिक मकानों को मजबूर करें कि वे उनको अच्छी हालत में रखें और साथ साथ यह कहें कि सन् १९३९ में जो उनका किराया था और जिस में मामूली सी बढ़ोतरी एक दो बार हुई और किराया भी न बढ़ाया जाये तो मैं पूछना चाहता हूं कि यह कैसे मुमकिन हो सकता है । आज सूरत यह है कि अगर उस मकान की रिपेयर की जाये तो जितने रुपये सन् १९३९ में असली उस मकान को बनाने में लगते थे उससे ऊपर ही खर्च होंगे, उससे कम नहीं । मैं नहीं कहता कि किरायेदारों को जो आराम मिलना चाहिये या आजकल जो हमारी नीति है, उसके मुताबिक उनको जिस तरह से हम को देखना चाहिये, उस तरह से हम उनकी ओर न देखें या वह आराम उनको न मिले । लेकिन यह भी गलत चीज़ होगी कि आप एक पलड़े को भारी कर दें और दूसरी तरफ का खयाल ही न रखें । नतीजा यह होगा कि जो मकसद आपका है उससे आप बिल्कुल दूर चले जायेंगे ।

14 hrs.

दूसरी बात जो कि बहुत आपत्तिजनक है वह रेंट हालिडे की है । यह बहुत अच्छा लफ्ज निकला है और मैं इसका हामी हूं कि नये मकान बनाने वालों को रेंट हालिडे नहीं मिलनी चाहिए परन्तु प्रवर समिति ने तमाम शहादतों को इस बारे में सुना है और उन पर गौर किया है । वहां पर भी इस तरह के सजेशन दिये गये और यहां पर भी दिये जायेंगे कि अगर रेंट हालिडे देनी है तो एक सीलिंग मुकरर कीजिये । जो नया मकान बनाये उसके लिए आप यह सीलिंग मुकर्रर कर सकते हैं कि वह १५ पर सेंट तक ले सकता है । यह नहीं हो सकता कि जो नया मकान बनाये वह सौ फीसदी किराया ले ले और गरीब आदमी को मौका ही न मिले । यह इस तरह की रेंट हालिडे बिल्कुल बेजा मालूम होती है ।

मगर आप इस चीज को एक और नजर से से भी देखें । कुछ माननीय सदस्यों ने इस बारे में बहुत कहा है और मैं भी उनसे इत्तिफाक करता हूं । वह चीज यह है कि दिल्ली में जो जमीन का स्पेकुलेशन हो रहा है उसको रोका जाये । मैं बहुत पसन्द करूंगा अगर हुकूमत इसको बन्द करने के उसूल को मान ले । आज हम देखते हैं कि दिल्ली में जमीन का बड़ा जबरदस्त स्पेकुलेशन हो रहा है । मैं समझता हूं कि जितने भी व्यापारी लोग हैं उनका कुछ न कुछ रुपया जमीन पर जरूर लगा हुआ है । उसकी वजह यह है कि जो जमीन वह आज खरीदते हैं वह कल दुगने दाम की हो जाती है और इसी तरह से उसकी कीमत बढ़ती चली जाती है । मैं चाहता हूं कि हुकूमत कोई ऐसी तजवीज लाये कि जिससे ये स्पेकुलेशन रोका जा सके । ऐसा वह छोटी को-आपरेटिव सोसाइटीज के जरिये कर सकती है और लोगों को इजाजत दे कि वे सिर्फ अपने रहने के लिए मकान बना सकें । लो इ-कम हाउसिंग स्कीम में से उनको लोन दिया जाये या कोई हाउसिंग बोर्ड बनाया जाये । अगर हुकूमत ऐसा करती है तब तो शायद इस मसले को हल कर सकती है । लेकिन आप कहते हैं कि हालिडे रखी जाये, इस पर थोड़ी सीलिंग भी न रहे । आप बम्बई का मुकाबला दिल्ली से न करें । अगर आप ऐसा करेंगे तो आप असली हालत की तरफ नहीं जा सकेंगे । बम्बई का नेचुरल ग्रोथ

[श्री राधा रमण]

हुआ है लेकिन दिल्ली की ग्रोथ अननेचुरल हो रही है। जिस शहर में पहले सात-आठ लाख आदमी रहते थे उसमें एक दम २० लाख हो गये और अब २५ लाख हो जायेंगे और हर साल साठ सत्तर हजार नये आदमी आकर यहां बसते हैं। दिल्ली का एट्रेक्शन भी बढ़ रहा है और हम देखते हैं कि बड़े-बड़े बिजनेस मैन यहां आ कर अपने दफ्तर खोल रहे हैं। ऐसी सूरत में अगर आप स्पेकुलेशन जारी रखेंगे और छूट नहीं देंगे तो मकान कम बनेंगे। यह मैं यकीन के साथ कह सकता हूं। मैं आपसे यह कहना चाहता हूं कि आपको जिन लोगों की दरअस्ल फिक्र है वे भी अपने मकान नहीं बना सकते या किराये के मकानों में नहीं रह सकते अगर आप स्पेकुलेशन जारी रखते हैं। चाहे उस हालत में आप छूट न भी दें तो उन लोगों का मसला हल नहीं हो सकता। आप देखें कि गवर्नमेंट ने खुद अन्धा मुगल में और झिलमिल ताहरपुर में मकान बनाये जिनका किराया १२ और १५ रुपया महीना था। लेकिन जिन लोगों को सरकार वहां बसाना चाहती थी वह ६ रुपये माहवारी भी नहीं दे सकते थे। यह बात नहीं है कि वे देना नहीं चाहते थे, बल्कि बात यह है कि उनकी कैपेसिटि ही नहीं है। अगर आप को इन लोगों के मसले को हल करना है तो आप इनकी कैपेसिटी को बढ़ाइये। और फिर आप छूट दें या न दें तो कुछ अच्छा बुरा नतीजा निकल सकता है। अगर सरकार यह करे कि जो नये मकान बनाये जायें उन पर ३ पर सेंट से ज्यादा रिटर्न न लिया जाये जो कि बैंक का भी रेट है, तो भी गरीब आदमी मुश्किल से किराया दे सकते हैं। आप देखें कि सरकार के सबसीडाइज्ड मकानों की क्या हालत है। जैसा कि मैंने ऊपर कहा सरकार ने जो मकान अन्धा मुगल और झिलमिल ताहरपुर में बनाये हैं उनमें वह उन लोगों को नहीं बसा सकी जिनको कि बसाना चाहती थी नतीजा यह हुआ कि उन मकानों में वे लोग जाकर बस गये जो कि ज्यादा किराया दे सकते थे और जो कि शहर में भी किराये पर रह सकते थे। तो मैं अर्ज करना चाहता हूं कि नये मकानों को आप खुली छूट न दें और उन पर भी कुछ सीलिंग लगावें। अगर आप छूट देंगे तो कोई वजह नहीं है कि जो आदमी ५००० हजार लगाये वह एक ही साल में पगड़ी वगैरह से ५००० क्यों न पैदा कर ले। तो मैं अर्ज करना चाहता हूं कि अगर हुकूमत छूट न दे तो किसी कदर यह मसला हल हो सकता है। हालांकि अगर हुकूमत १५ पर सेंट या २० पर सेंट सीलिंग मुकर्रर करती है तो भी मिडिल क्लास वाले और लोअर मिडिल क्लास वाले इन मकानों को नहीं ले सकेंगे। आजकल कोई छोटा सा भी मकान २५ या ३० हजार से कम में नहीं बन सकता। अगर आप इस पर साढ़े ६ परसेंट भी रिटर्न रखेंगे तो जो लोग कि आज गलियों और कूचों में सड़ रहे हैं वे उन मकानों का किराया नहीं दे सकेंगे। तो सरकार को इस मामले पर भी गौर करना चाहिए कि कितनी सीलिंग रखी जाये। आप छूट न देकर और सीलिंग मुकर्रर करके तजुर्बा कर सकते हैं।

तीसरी बात जो हमारे सामने आती है वह इविक्शन की है। इसके बारे में बहुत कुछ कहा गया है और कहा जायेगा। ठीक है, यह सब चाहते हैं कि किरायेदार को इविक्ट न किया जाये और इसके लिए जितनी भी रुकावटें डाली जा सकें डाली जायें। इस विषय पर प्रवर समिति ने दोनों पक्षों की शहादतें सुनीं और इस मामले पर अपने दिमाग को ज्यादा से ज्यादा लगाया। मद्रास, बम्बई और दूसरी जगहों के ऐक्टों को भी अपने सामने रखा। हम सब को यह फिक्र है कि किसी किरायेदार को नाजायज तौर पर न निकाला जा सके। सन् १९५२ के बाद के जो सब टिनेन्ट हैं उनकी तरफ से बहुत सी शिकायतें आनी शुरू हो गयी हैं। वजह यह है कि यहां मकानों की कमी है।

ऐसा बहुत जगह हुआ है कि लोगों ने आपस में यह फैसला कर लिया है कि चलो एक कमरा हम रखते हैं एक कमरा तुम ले लो और इस तरह दूसरे आदमी को एक हिस्सा दे दिया। अब वे लोग अगर लेंड-लार्ड के पास इजाजत के लिए जायेंगे तो वह कब इजाजत देगा। वह तो दुगना और तिगुना किराया मांगेगा। तो इस तरह से सन् ५२ के बाद के सब-टिनेन्ट्स को परेशानी होगी।

लेकिन जहां हमको और आपको एक तरफ यह देखना है कि किरायेदार को बेजा तकलीफ न पहुंचे, वहां हमें दूसरी तरफ मकान मालिकों का ध्यान भी रखना है। आज हम देखते हैं कि बहुत से किरायेदार सबटिनेन्ट्स का मकान मालिकों से ज्यादा एक्सप्लायटेशन कर रहे हैं। यहां पर आज कहा जाता है कि पार्लियामेंट के मेम्बर अपने मकानों को किराये पर दे रहे हैं।

एक माननीय सदस्य: शेम।

श्री राधा रमण: जब यह बात साबित हो जाये तभी आप "शेम" कहें। यह बात कही जाती है मैं नहीं जानता कि सही है या गलत है।

तो मैं आपसे यह अर्ज कर रहा था कि अगर कोई किरायेदार सबटिनेन्ट से फायदा उठा रहा है तो वह लेंडलार्ड से बदतर है। उस किरायेदार के खिलाफ सबटिनेन्ट को प्रौटेक्शन मिलना चाहिए। अक्सर ऐसा हो रहा है कि जितना रुपया किरायेदार मकान मालिक को देता है उससे ज्यादा सब टिनेन्ट से लेता है और वह उसको रसीद भी नहीं देता ताकि उसके खिलाफ कचेहरी में कुछ कार्रवाई की जा सके। इसलिए मेरी प्रार्थना है कि इस तरफ भी ध्यान दिया जाये।

मुझे इस बिल में दो तीन खामियां नजर आती हैं। आज नई दिल्ली में जितनी भी जमीनें हैं, जितनी भी जायदादें हैं वे सब सरकार की जमीनें हैं। उनका पट्टा हर २५ साल बाद बदल जाता है। मैं आपके सामने यह चीज रखना चाहता हूं कि अब बहुत सारे लैंडलार्डस् को नई दिल्ली में यह नोटिस दिया गया है कि जिस जमीन का तुम ५००० का ग्राउंड रेंट देते थे उसका ५०००० का रिवाइज्ड ग्राउन्ड रेंट लगेगा। उसको पांच से पचास हजार किया जा रहा है। और मकान मालिक से यह उम्मीद की जाती है कि अगर वह किसी मकान का सौ रुपया किराया लेता है तो उसको न बढ़ाये।

जो इन्सीडेंस आफ टैक्सेशन और इंक्रीज इन ग्राउंड रेन्ट लैंड-लार्ड पर पड़ता है, उससे यह काम इमप्रैक्टिकल हो जाता है। आपको सोचना चाहिए कि इसको कैसे हल किया जाए और इसको कैसे इस बिल में प्रोवाइड किया जाय। आप पहाड़गंज की तमाम जायदादों को देखें। जब १९३९ में वे बनी थीं, तो उस वक्त वे जमीनें दो दो हजार रुपए में ली गई थी और पट्टे की कीमत सात रुपए महीना थी। दस पंद्रह बरस बाद वह पट्टा खत्म हो गया। अब वो तीन हजार रुपए प्रीमियम मांगा जाता है, जब कि किराया उसको २-८-० रुपए मिलता है। प्रीमियम का ब्याज भी इससे बहुत ज्यादा है। मैं यह निवेदन करना चाहता हूं कि इस लैकुना की तरफ ध्यान दिया जाए और जरूरी अमेंडमेंट की जाये। गवर्नमेंट की जो जमीनें और जायदादें पट्टे पर है, उनका हर पच्चीस बरस के बाद रिविजन किया जाता है—वह रिविजन चाहे कितना ही ज्यादा क्यों न हो। मैं यह नहीं कहता कि वह गलत है। यह बात ठीक है कि आज से पच्चीस बरस पहले जिस जमीन की कीमत पांच रुपया थी, आज उसकी कीमत पांच सौ रुपए है। लेकिन अगर यह उम्मीद की जाय कि लैंडलार्ड उसको अदा करें, तो मैं अर्ज करना चाहता हूं कि यह एक इमप्रैक्टिकल बात है। इससे बेहतर तो यह है कि गवर्नमेंट तमाम

[श्री राधा रमण]

लैंड को नैशनलाइज कर ले और उसका जो चाहे किराया वसूल करे, लेकिन लैंडलार्ड से यह उम्मीद करना मुनासिब नहीं होगा और न ही प्रैक्टिकल होगा। इसमें कई काम्प्लीकेशन्ज आयेंगी, जिनको आपको देखना है।

एविक्शन के काजिज में और पुरानी चीजें तो रखी गई हैं और उनमें सुधार भी किया गया है, लेकिन उन में से न्युसेन्स का वर्ड हटा दिया गया है। मुझे पहले शायद यह स्ट्राइक नहीं हुआ। मैं यह अर्ज करना चाहता हूं कि हिन्दुस्तान, इंगलैंड या दूसरे मुल्कों के इस बारे में जितने भी कानून हैं, उन सब में न्युसेन्स जरूर एविक्शन का कारण बनता है। मैं यह पूछता हूं कि आप यह कैसे पसन्द करेंगे कि आप पड़ोस में रहते हैं और कोई किरायेदार रात-दिन छिलके फकता रहे, गाली-गलोज करता रहे, या कोई ऐसा काम करता रहे, जो कि मुनासिब न हो, जिसको कि आप वाकई और बोना-फाइड तरीके से न्युसेन्स मानते हैं, लेकिन आपको उस किरायेदार को एविक्ट करने का अधिकार न हो। ऐसी हालत में न सिर्फ मालिक-मकान को बल्कि किरायेदार को भी तकलीफ होती है। जब यह वर्ड उन तमाम एक्ट्स में मौजूद है, जो कि हिंदुस्तान में पास किए गए हैं, तो इस बिल से इसको हटाना नामुनासिब होगा। मैं अर्ज करना चाहता हूं कि इस शब्द पर फिर गौर किया जाय।

पंडित ठाकुर दास भार्गव: यह पहले एक्ट में भी था।

श्री राधा रमण: इसको आप कड़ा बेशक कर दें, लेकिन इस वर्ड को जरूर रखें। इससे दिल्ली में न सिर्फ मालिक-मकानों को बल्कि किरायेदारों को किराये-दारों से तकलीफ होती है। अगर आप चाहते हैं कि यहां की जिन्दगी अच्छी और सेहत-याफ्ता हो और किरायेदारों में झगड़े और सिर-फुटौव्वल न हो और कोई किरायेदार वाकई न्युसेन्स पैदा करके दूसरों को न भगा सके, तो इस वर्ड को जरूर रखना चाहिए।

इसके बाद मुझे यह अर्ज करना है—मैंने प्रवर समिति के सामने भी यह कहा था—कि इस बिल में आपने प्रेमिसिज का जो डेफीनीशन किया है, उसमें आपने लैंड का कोई जिक्र नहीं किया है। दिल्ली में हजारों मकान ऐसे हैं, जो कि अमलेदारों के हैं। आज से सौ बरस पहले किसी साहब की जमीन थी—एक हजार या पांच सौ एकड़ जमीन थी। उसने आठ आने या बारह आने महीना के हिसाब से वह जमीन दे दी और इजाजत दे दी कि आप इस पर अमला बनायें। उन्होंने उन जमीनों पर स्ट्रक्चर खड़े कर लिए। आज कोई पचास बरस पहले का स्ट्रक्चर है, कोई सत्तर अस्सी बरस पहले का स्ट्रक्चर है और कोई कोई सौ बरस पहले का स्ट्रकचर भी है। इस डेफिनीशन की रूप से वे हजारों किरायेदार, जो कि उन जमीनों पर रहते हैं, जिन्हें हम अमलेदार भी कह सकते हैं और एक तरह से किरायेदार भी कह सकते हैं, इस बिल की जद में नहीं आ सकते हैं। जो फैसले अदालतों ने किए हैं, उनके बल पर यह कहा जाता है कि in no case it is covered by any law so far enacted. वे अमलेदार बड़े अनहैल्दी सर्कमस्टांसिज में रह रहे हैं। उन के पास कोई एमिनिटीज नहीं हैं। वहां न पाखाने का कोई इन्तजाम है और न बिजली, सेहन या नालियों का। इन हालात में भी वे वहां रहते हैं। उन्होंने किसी तरह के मकान खड़े किए हुए हैं अगर हम इस कानन में प्रेमिसिज की डेफीनीशन में अमलेदारों को नहीं डालेंगे, तो उसका नतीजा यह होगा

कि कोई कानून उनकी परवरिश नहीं कर सकेगा, उनको नहीं बचा सकेगा । यह हो सकता है कि कोई जज ह्युमैनिटेरिन व्यू ले ले, लेकिन जहां तक कानून का ताल्लुक है, वे उससे कवर नहीं होते । इस पर फिर से गौर किया जाना चाहिए ।

लैंड की स्पैकुलेशन के बारे में मैं पहले जिक्र कर चुका हूं । मैं चाहता हूं कि इस तरफ ज्यादा तवज्जह दी जाय । जो लोग थोड़े दामों पर लैंड ले लेते हैं और ज्यादा दाम पर बेचते हैं, जिसकी वजह से मकानों की लागत बढ़ जाती है और किराये भी बढ़ जाते हैं, उन लोगों के लिए अगर कोई प्राविजन रखा जा सके, तो ठीक है । गवर्नमेंट खुद भी इसको डिसकरेज करे । ज्यादातर स्माल एण्ड बिग को-आपरेटिव सोसायटीज को इस सिलसिले में मदद दी जानी चाहिए । ऐसी सोसायटीज की यह एक लाजिमी शर्त रखी जानी चाहिए कि ऐसा कोई आदमी उसका मेम्बर नहीं हो सकेगा, जिसकी और कोई जायदाद हो और कोई अपने मकान को किराये पर नहीं दे सकेगा और वह सिर्फ अपने लिए मकान बना सकेगा । इस किस्म की कैदें लगा कर कुछ रुपया दिया जा सकता है । हमारे पास लो इनकम हाउसिंग स्कीम के मातहत कुछ फंड्ज एवेलेबल हैं । जिन गरीब आदमियों को वाकई मकान नहीं मिलते हैं, जिनकी कैपेसिटी बहुत कम है, जो कि दो, चार या छः रुपए से ज्यादा किराया किसी सूरत में नहीं दे सकते हैं, उनके लिए शहर के गिर्दो-नवाह में ऐसे इलाकों में, जहां कि उनको ले जाकर बसाया जा सके, मकान अगर बनाए जायें, तो मैं समझता हूं, कि इस शहर की एक बहुत बड़ी दिक्कत को हल किया जा सकता है, जिसको कि यहां का हर एक शख्स महसूस करता है ।

मैं आखिर में यह कहना चाहता हूं कि प्रवर समिति ने जो संशोधित बिल रखा है, वह बहुत काफी सुधार के साथ हमारे सामने आया है, लेकिन अभी भी इसमें बहुत गुंजायश है । लैंडलार्ड के साथ जो बेइन्साफी हो सकती है, उसे भी हटाया जाय और किरायेदार के साथ जो बेइन्साफी हो सकती है, उसको भी हटाया जाय और हम एक ऐसा बिल पास करें, जो न सिर्फ दिल्ली के लिए आराम और राहत देने वाला, हो, बल्कि दूसरे राज्यों के लिए भी आराम देने वाला बन सके । इस बिल को लाने में हमारा मकसद यह है कि दिल्ली के किरायेदारों को तकलीफ से बचाया जाय और दिल्ली के लैंडलार्डज् को उन हकूक से डिप्राइव न किया जाय, जो कि उन को आईन में दिए गए हैं । अगर आप चाहते हैं कि लैंडलार्ड न रहें, तो आप उसका भी हक रखते हैं, यह सदन उसका हक रखता है । लेकिन जब तक वे मौजूद है, तब तक अगर ऐसे कानून बनायेंगे, जिन पर अमल वे न कर सकें, तो इससे बड़ा करप्शन पैदा होगा और इस तरह आप लोगों को गलत रास्ते पर ले जायेंगे । कानून ऐसा होना चाहिए, जो कि दोनों के लिए जायज और मुनासिब हो और हमारे आईन के मुताबिक टिकता हो । तब अच्छे नतीजे निकल सकते हैं ।

मैं जनाब का शुक्रिया अदा करता हूं कि आप ने मुझे बोलने का मौका दिया ।

श्री वाजपेयी : उपाध्यक्ष महोदय, इस बात से इन्कार नहीं किया जा सकता कि प्रवर समिति ने इस विधेयक में काफी सुधार किया है, लेकिन मेरा निवेदन है कि प्रवर समिति ने जितना सुधार किया है, उस से अधिक सुधार की अभी इस विधेयक में गुंजायश है । मेरे मित्रों ने कुछ बातें कही हैं और मैं समझता हूं कि कुछ मुद्दे ऐसे हैं, जिन पर इस सदन में शायद मतभेद नहीं है ।

[श्री वाजपेयी]

पहली बात जो इस विधेयक में आपत्तिजनक है, वह यह है कि सरकार को इस विधेयक के अधिकार-क्षेत्र से बाहर रखा गया है। दिल्ली में और नई दिल्ली में अगर सब से बड़ा कोई मकान-मालिक है, तो वह हमारी सरकार है। वह मकान भी किराए पर देती है और दुकानें भी किराए पर देती है। किन्तु इस विधेयक के अन्तर्गत सरकार को इन नियमों से बांधा नहीं गया है, जो किसी अन्य मकान-मालिक या उस से सम्बन्धित किरायेदार पर लागू किए जायेंगे। मैं समझता हूं कि यह स्थिति ठीक नहीं है। जैसे औद्योगिक क्षेत्र में एक माडल एम्पलायर के रूप में काम करना चाहिये वैसे ही मकान किराये पर देते समय सरकार एक आदर्श मालिक मकान की तरह व्यवहार करे। लेकिन अनुभव यह बताता है कि सरकार मुनाफाखोरी करती है। किराया वसूल करने में, जमीन बेचने में तथा दूसरी बातों में, मुनाफाखोरी से काम लिया जाता है। जमीन बचने में तो आपने यह किया है कि जो जमीन चार आने फी गज खरीदी गई थी, वह ३०० और ४०० पये फी गज के हिसाब से बेची गई। दिल्ली में ऐसे भी उदाहरण हैं कि जिस दुकान के लिए एक व्यक्तिगत मकान मालिक को ११ रुपया किराया मिलता था सरकार ने जब दुकान का स्वामित्व अपने हाथ में लिया तो उसी दुकान का किराया बढ़ कर डेढ़ सौ पया प्रतिमास हो गया, इस तरह के उदाहरण भी प्रस्तुत किये गये हैं। मैं समझता हूं कि किसी भी सरकार के लिए और विशेषतः ऐसी सरकार के लिए जो अपने को समाजवादी आदर्शों से अनुप्राणित होने का दावा करती है, इस प्रकार का व्यवहार शोभा नहीं देता। आवश्यकता इस बात की है कि सरकार को भी इस विधेयक के क्षेत्र के अन्तर्गत लाया जाए और जो नियम या प्रतिबन्ध मकान मालिकों पर लागू होते हैं, सरकार उनके प्रति भी अपने दायित्वों का पालन करने के लिए तैयार हो।

जमीन की कीमत बढ़ाने की बात अभी कही गई है। मैसूर में जो हाउसिंग मिनिस्टर्स कान्फ्रेंस हुई थी उसने इस तरह की सिफारिश की थी कि जमीन की कीमतों को फ्रीज कर देना चाहिये, उनको आगे बढ़ने से रोक देना चाहिये। इस सिफारिश को स्वीकार नहीं किया गया है, इसको कार्यान्वित नहीं किया जा रहा है और नतीजा यह है कि जमीन की कीमतें आसमान पर चढ़ रही हैं। ऐसी स्थिति में मकानों की संख्या बढ़ाने का हमारा जो उद्देश्य है वह पूरा नहीं हो सकता और जब तक मकानों की संख्या नहीं बढ़ेगी, मकान मालिकों और किरायेदारों में जो संघर्ष चल रहा है और जो बढ़ रहा है और जिस को कम करने का, घटाने का इस कानून के द्वारा हम प्रयत्न कर रहे हैं, उसमें हम पूरी तरह सफल नहीं हो सकेंगे। समस्या यह है कि दिल्ली में मकानों की कमी है और जिन की निश्चित आय है, जिनको महीने में बंधी बंधाई तनख्वाह मिलती है, कम तनख्वाह वाले जो लोग हैं उनके पास रहने के लिए मकान नहीं हैं और उनके बारे में भी कुछ सोचा जाता। होना तो यह चाहिये था कि सरकार ऐसी आमदनी वाले वर्ग के लिए बहुत बड़ी संख्या में मकान बनाने की योजना अपने हाथ में ले और अगर सरकार चाहे तो दिल्ली म्यूनिसिपल कारपोरेशन को सहायता देकर उसे इस बात के लिए प्रेरित कर सकती है कि वह दिल्ली और नई दिल्ली में कम

से कम १०,००० मकान बनाने की योजना अपने हाथ में ले ताकि छोटी आमदनी वाले लोगों के लिए मकान सुलभ हो सकें । लेकिन ऐसी कोई योजना हाथ में नहीं है । मकानों का अभाव है, रहने वालों की संख्या अधिक है और इसका परिणाम है संघर्ष । वैसे मकान मालिकों और किरायेदारों में वर्ग संघर्ष हो इससे मैं सहमत नहीं हूं क्योंकि दोनों एक दूसरे के पूरक हैं, परस्पर विरोधी नहीं । मगर स्थिति कुछ ऐसी बिगड़ रही है कि उनके संबन्धों में वर्ग वाद आ रहा है और वे एक दूसरे से परेशान हो रहे हैं । होना यह चाहिये कि हम उस सम्बन्ध को ठीक आधार पर स्थिर करें लेकिन इसके लिए जो उपाय इस विधेयक के अन्तर्गत अपनाया गया है, मैं समझता हूं कि वह पर्याप्त नहीं है ।

एक बात जिस की ओर मेरे मित्रों ने ध्यान खींचा है वह यह है कि मकान मालिकों को रेंट हालिडे दिया जा रहा है । मालिक मकानों को किराये के मामले में जो छुट्टी दी जा रही है इसका नतीजा यह होगा कि किरायेदारों को मकानों से ही छुट्टी हो जाएगी । जो भी मकान मालिक हैं और यह पिछले वर्षों का अनुभव बताता है, वे बड़े मकान बनाते हैं, ऊंचे व अच्छे अच्छे मकान बनाते हैं जो साधारण व्यक्ति की पहुंच के बाहर होते हैं । नई दिल्ली में पिछले कुछ वर्षों में बने हुए मकान इसका जीता जागता प्रमाण है । मैं समझता हूं कि इस प्रकार की हालिडे देने का कोई औचित्य नहीं है और अगर देने पर सरकार तुली ही हुई है और चाहती है कि उनके साथ उदारता बरती जाए तो मेरा निवेदन है कि जो मकान मालिक लो इनकम ग्रुप के लिए मकान बनाने का वचन दें उन्हीं को छूट दी जाए, अन्य मालिक मकानों को नहीं । मैं समझता हूं कि यह सुझाव सरकार को मान्य होगा । अगर वस्तुतः इस हालिडे देने का हमारा उद्देश्य यह है कि मकान अधिक संख्या में बनें और ऐसे मकान अधिक संख्या में बनें जो साधारण व्यक्ति की पहुंच के अन्दर हों तो मैं समझता हूं कि हर एक मकान मालिक को चाहे वह कैसे मकान भी बनाये छूट देने की आवश्यकता नहीं है, उसमें मर्यादा होनी चाहिये, कोई सीमा का निर्धारण होना चाहिये । मुझे विश्वास है कि सरकार इस सम्बन्ध में पुनर्विचार करेगी ।

जहां तक किरायेदारों को बेदखल करने का सवाल है मैं समझता हूं कि इस विधेयक में सब से बड़ी खामी यह है कि इसे रिट्रास्पैक्टिव ईफैक्ट दिया जा रहा है । जिन किरायेदारों ने सब-टेनेंट रखे हुए हैं उन्होंने मजबूरी से रखे हुए हैं, वे अधिक किराया नहीं दे सकते हैं, इसलिए रखे हुए हैं । दूसरे की मुसीबत देख करके, क्यों कि उसे मकान नहीं मिलता था तथा देश के विभाजन के कारण वह पीड़ित था उसे अपने घर में बसाया, स्वयं को कष्ट का निमंत्रण दे कर । अब यह कानून बनाया जा रहा है कि ६ जून १९५२ के बाद के जो भी सब टेनेंट हैं अगर यह कानून बन गया—मैं तो आशा करता हूं कि नहीं बनेगा, सरकार समझदारी से काम लेगी, लेकिन अगर बन गया—तो लाखों व्यक्ति बेघरबार हो जायगे । इस सवाल पर केवल कानूनी दृष्टि से नहीं बल्कि मानवीय दृष्टिकोण से विचार किये जाने की आवश्यकता है । लाखों लोग जो कि पहले तो राजनीतिक कारणों से बेघरबार हुए, अब स्वतंत्रता और विभाजन के ११ वर्ष व्यतीत होने के बाद इस कानून के फलस्वरूप बेघरबार हो जायेंगे । मैं समझता हूं कि उनके प्रति यह बड़ा अन्याय होगा और अगर यह कानून बन

[श्री वाजपेयी]

गया तो यह सदन उनके प्रति अपने कर्तव्य का पालन नहीं करेगा। मुझे आशा है कि सरकार इस कानून को रिट्रास्पेक्टिव ईफैक्ट से लागू करने के सम्बन्ध में जो भी व्यवस्था की गई है, उसमें संशोधन स्वीकार करेगा। बेदखल करने का काम इस कानून के लागू होने के बाद से होना चाहिये और उसमें भी अगर किसी ने सब-टेनेंट रखा है और मकान मालिक को आपत्ति नहीं है या उसने एक साल के भीतर आपत्ति नहीं की है तो उस टेनेंट को सब-टेनेंट रखने का अधिकार होना चाहिए। लेकिन ९ जून १९५२, मेरी समझ में नहीं आया है कि यह तिथि किस पंचांग के अनुसार निर्धारित की गई है। इसके पीछे तक क्या है और ९ जून पर हम कैसे पहुंच गये। सन् १९५२ तो मेरी समझ में आ सकता है लेकिन ९ जून को क्यों छांटा गया है और किस गणित से हम इस तिथि पर पहुंचे हैं यह मेरे लिए एक रहस्य ही है। मैं आशा करूंगा कि इसके बारे में थोड़ा सा अंधेरा दूर हो और रोशनी आए। इस विधेयक में यह भी व्यवस्था है कि . . .

Pandit Thakur Das Bhargava: The old Act came into force on 9th June, 1952.

Shri Datar: That was the date on which that Act was passed.

Shri Vajpayee: I do not think there is any particular connection between the date on which that Act was passed and the date on which this Act is implemented.

उपाध्यक्ष महोदय : क्या अभी माननीय सदस्य बहुत कुछ कहना चाहेंगे ?

श्री वाजपेयी : थोड़ा तो जरूर कहूंगा।

उपाध्यक्ष महोदय : तो फिर सोमवार को सही।

14.31 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-SECOND REPORT

Sardar A. S. Saigal (Janjgir): Sir, I beg to move:

"That this House agrees with the Thirty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 10th December, 1958.".

Mr. Deputy-Speaker: Motion moved:

"That this House agrees with the Thirty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 10th December, 1958.".

श्री वाजपेयी (बलरामपुर) : मेरा यह निवेदन है कि . . . .

Shri Easwara Iyer (Trivandrum): I would request the hon. Member to speak in English.

Shri Vajpayee: I think you should learn Hindi.

Shri Easwara Iyer: We will do that.

Shri Vajpayee: Sir, I had given notice of a Bill for the inclusion of Hindi language in the Eighth Schedule of the Constitution. That Bill has been rejected on the grounds that I have given notice of a Private Members' Resolution on the same subject. I do not think that this ground is very convincing. I think that a Member should not be debarred from moving a Bill on the same subject on which he has given notice of a resolution. Therefore, I would appeal to the House to accept the Report with this amendment, that I should be allowed to move the Bill.

Shri Easwara Iyer: Sir, may I make a submission on behalf of the Com-