

PETITIONER:
SARWAN SINGH & ANR.

Vs.

RESPONDENT:
KASTURI LAL

DATE OF JUDGMENT 14/12/1976

BENCH:
CHANDRACHUD, Y.V.
BENCH:
CHANDRACHUD, Y.V.
GOSWAMI, P.K.
FAZALALI, SYED MURTAZA

CITATION:
1977 AIR 265 1977 SCR (2) 421
1977 SCC (1) 750
CITATOR INFO :
RF 1977 SC1569 (7)
R 1981 SC 670 (6)
D 1982 SC1518 (16)
R 1984 SC 967 (8,10)
D 1987 SC 222 (16)
R 1991 SC 855 (59)

ACT:

Slum Areas (Improvement and Clearance) Act, 1956-- Ss. 19
and 39 Delhi Rent Control Act, 1958 Ss. 14A, 25A,
25B--scope of.
Interpretations - Two or more laws in the same field--Con-
flict--How resolved.

HEADNOTE:

Section 19 of the Slum Areas (improvement and Clearance) Act 1956 provides that notwithstanding anything contained in any other law for the time being in force, no person shall, except with the previous permission in writing of the competent authority, institute any suit or proceeding for obtaining any decree or order for the eviction of a tenant from any building in a slum area. Section 39 enacts that the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law. Section 14A and Chapter IIIA called "Summary Trial of certain applications" containing ss. 25A, 25B and 25C were introduced into the Delhi Rent Control Act with effect from December 1, 1975. Section 14A provides that where the landlord who, being in occupation of residential premises allotted to him by the Central Government, was required to vacate such residential accommodation on the ground that he owns residential accommodation within the Union Territory, there shall accrue to such landlord, notwithstanding anything contained in the Act or any other law for the time being in force, a right to recover immediately possession of any premises let out by him. Section 25A provides (i) that the provisions of Chapter IIIA shall have an over-riding effect over every other provision of the Delhi Rent Act which is inconsistent with anything contained in Chapter IIIA and (ii) that the provisions of Chapter IIIA shall have over-riding effect over anything

inconsistent therewith contained in any other law. Section 25-B prescribes special procedure for the disposal of applications for eviction. Section 54 provides that nothing in the Act shall affect the provisions of the Slum Areas (Improvement and Clearance) Act, 1956.

The respondent who was allotted government quarters in New Delhi was called upon by the Government to vacate the quarters on the ground that he owned a residential house in Delhi. Since he did not vacate the quarters before the time given he was asked to pay a high penal rent. His application under s. 14A of the Delhi Rent Control Act for eviction of the appellants, who were the tenants of the premises, was contested by them on the ground that since the house had been situated in a slum area, the respondent was not entitled to possession because he had not obtained permission of the competent authority under s. 19 of the Slum Clearance Act. This plea was rejected. Their revision application was rejected by the High Court.

In appeal it was contended that the Slum Clearance Act being a special Act, its provisions must have precedence over the provisions of the Delhi Rent Act and to deny precedence to the former Act in matters arising out of s. 14A and Chapter IIIA was to repeal that Act by implication. Dismissing the appeal,

HELD: The provisions of s. 14A and Chapter IIIA of the Rent Control Act must prevail over those contained in ss. 19 and 39 of the Slum Clearance Act. [434 G]

1 (a) By virtue of the first part of s. 25A, the provisions of Chapter IIIA must prevail over the provisions of s. 54 of the Delhi Rent Act. To the extent
422

to which s. 54 saves the operation of the Slum Clearance Act, it is inconsistent with the provisions of Chapter IIIA which prescribes a special procedure for dealing with applications for eviction filed under cl. (e) of the proviso to s. 14(1) or under s. 14A of the Delhi Rent Act [430 F]

(b) By virtue of the second part of s. 25A also the provisions of Chapter IIIA would prevail over those of the Slum Clearance Act. Sections 19 and 39 of the Slum Clearance Act are to that extent inconsistent with the procedure prescribed by Chapter IIIA of the Delhi Rent Act and have to be subordinated to it. [430 G]

2(a) The object of s. 14A is to confer a right on certain landlords to recover "immediate possession of premises" belonging to them and which are in the possession of their tenants. such a right is "to accrue" to a class of persons. The same concept is clarified by providing that in the contingencies mentioned in the section, a right will accrue to the landlord "to recover immediately possession of any premises let out by him." [430 H]

(b) The provisions of s. 14A must prevail over anything contained elsewhere in the Delhi Rent Act or in the Slum Clearance Act. Section 25B(1) prescribes that the right conferred by s. 14A has to be enforced in accordance with the procedure prescribed by Chapter IIIA. Section 25A gives an overriding effect to the provisions of Chapter IIIA. [431 E]

3(a) The Legislature has expressed its intention clearly and unequivocally that the provisions of s. 14A and Chapter IIIA would have precedence over anything else contained in that Act or in any other law. The object of the Legislature in incorporating the non-obstante clause both in s. 14A and s. 25A of the Delhi Rent Act was to free the proceedings arising out of the right newly conferred by s. 14A and falling within Chapter IIIA from the restraint imposed by s.

19 of the Slum Clearance Act and from the operation of s. 39 thereof. To subject that facility to the provision of the Slum Clearance Act would be to make illusory the right conferred by s. 14A on the allottee to obtain "immediate possession" of the premises let out by him to his tenant.

[432D & 431F]

(b) While s. 25A gives an overriding effect to the provisions of Chapter IIIA over anything "inconsistent therewith" contained elsewhere in the Delhi Rent Act or in any other law, s. 14A does not qualify the over-riding effect of what is contained therein i.e. in s. 14A in reference to anything inconsistent therewith contained either in the Delhi Rent Act or in any other law. The word 'anything' occurring in "now withstanding anything contained" elsewhere in the Delhi Rent Act would ordinarily mean "anything to the contrary". [432B-C]

(c) In order that the object of s. 14A may not be frustrated, s. 25C provides that nothing contained in s. 14(6) shall apply to a landlord who is in possession of the premises allotted to him by the Central Government and who is required to vacate that residential accommodation. Section 25C(2) reduces the period of six months prescribed under s. 14(7) for recovery of possession of the premises to two months which emphasises that the object of the Legislature is to confer real, effective and immediate right on a class of landlords to obtain possession of premises let out by them to their tenants.[432F-H]

(4) To afford a quick and expeditious remedy against the tenant the Act provided that nothing, not even the Slum Clearance Act, shall stand in the way of an allottee of Government accommodation from evicting his tenant by resorting to the summary procedure prescribed by Chapter IIIA. The tenant is deprived of the right to defend a proceeding against him and to appeal or second appeal lies against the order of the Rent Controller. The jurisdiction of the High Court in revision is limited to finding out whether the order complained of is according to law. [433A-B]

(5(a) When two or more laws operate in the same field and each contains a non-obstante clause, cases of conflict have to be decided in reference to the object and purpose of the law under consideration- In the instant case, the

423
special and specific purpose which motivated the enactment of s. 14A and Chapter IIIA would be frustrated if the provisions of the Slum Clearance Act were to prevail over them. Therefore, the newly introduced provisions of the Delhi Rent Act must hold the field and be given full effect despite anything to the contrary contained in the Slum Clearance Act. [433 D & G]

Sri Ram Narain v. The Simla Banking & Industrial Co. Ltd. [1956] S.C.R. followed.

(b) Yet another test is that the later enactment must prevail over the earlier one. Section 14A and Chapter IIIA having been enacted with effect from December 1, 1975 are later enactments in reference to s. 19 of the Slum Clearance Act which was placed on the statute book with effect from February 28, 1965 and in reference to s. 39 of the same Act which came into force in 1956 when the Act was passed. The Legislature gave overriding effect to s. 14-A and Chapter IIIA with the knowledge that ss. 19 and 39 of the Slum Clearance Act contained non-obstante clauses of equal efficacy. [434A-B]

JUDGMENT:

CIVIL APPELLATE JURISDICTION: Civil Appeal No,. 1084 of 1976.

Appeal by Special Leave from the Judgment and Order dated the 6th September, 1976 of the Delhi High Court in C.R. No. 390/76

S.L. Bhatia and H.K. Puri for the Appellants.

Pogeshwar Prasad and (Miss) Rani Arora and Meera Bali for Respondent.

The Judgment of the Court was delivered by

CHANDRACHUD, J. This appeal by special leave raises a question of some interest and importance for decision. The question is whether the provisions of the Slum Areas (Improvement and Clearance) Act, 96 of 1956, override those of the Delhi Rent Control Act, 59 of 1958. If they do, no person can institute any suit or proceeding for the eviction of a tenant from any building or land in a slum area without the previous permission in writing of the competent authority. For the sake of brevity we will refer to these two enactments as the "Slum Clearance Act" and the "Delhi Rent Act" respectively.

The respondent is a government servant employed in the Railway Ministry (Railway Board) and was in that capacity occupying quarters allotted to him by the Government at Nanakpura, New Delhi. By a letter dated December 24, 1975 the Assistant Director of Estates called upon the respondent to vacate the quarters on or before December 31, 1975 on the ground that he owned a residential house and was, therefore, liable to vacate the premises allotted to him by the Government. The respondent was paying to the Government a monthly rent of Rs. 65.05 but since he did not vacate the premises as required, the Government started charging him after January 1, 1976 a monthly rent of Rs. 509.50 at the market rate.

The respondent owns a house bearing No. 5014, Ward No. XII, at Roshanara Road, New Delhi. A part of that house is in the occupation of the appellants at a monthly rent of Rs. 6.25. On being asked to vacate the official quarters, the respondent gave to the appellants a notice to quit and followed it up by filing an application for eviction against them under section 14A of the Delhi Rent Act. On March 12, 1976 the appellants filed before the Rent Controller 11--1546 SC1/76

424

an affidavit under s. 25B(4) of the Delhi Rent Act, setting out the grounds on which they sought to contest the application for eviction and asking for leave to contest it. One of such grounds was that the application was not maintainable since the respondent had not obtained permission of the competent authority under s. 19 of the Slum Clearance Act, the house being situated in a slum area. By his order dated April 28, 1976 the Rent Controller rejected the application of the appellants for leave to contest the ejection application filed by the respondent. As a sequiter, the Rent Controller passed an order on the same date stating that since the appellants' application for leave to contest the ejection application was rejected, respondent was entitled to a decree for eviction. The appellants were asked to hand over vacant possession of the premises to the respondent within two months of the order.

Aggrieved by the aforesaid decision, the appellants filed Civil Revision Application No. 390 of 1976 in the Delhi High Court, under the proviso to s. 25B(8) of the Delhi Rent Act. By reason of s. 25B(8), no appeal or second appeal lies against an order for the recovery of possession

of any premises made by the Rent Controller in accordance with the procedure specified in s. 25B. The proviso confers power on the High Court, for the purposes of satisfying itself that an order made by the Rent Controller under s. 25B is according to law, to call for the record of the case and pass such order in respect thereto as it thinks fit. The revision application was heard by a learned single Judge of the High Court who, following his own earlier judgment in Civil Revision Application No. 280 of 1976, dismissed it, giving rise to this appeal.

A question was raised before the High Court as to whether at the relevant time the respondent was in occupation of the premises allotted to him by the Government, but it was not disputed before us that he was in occupation of the premises allotted to him by the Government when he filed the present proceedings for eviction of the appellants. Thus, the only question which arises before us is whether, the premises being situated in the slum area, the application for eviction filed by the respondent is not maintainable for the reason that before filing it he had not obtained permission of the competent authority as required by s. 19(1) of the Slum Clearance Act.

The landlord-tenant relationship in Delhi was governed formerly by the Delhi and Ajmer Rent Control Act, 38 of 1952. That Act, in so far as it applied to the Union territory of Delhi, was repealed by s. 57 of the Delhi Rent Control Act, 59 of 1958. This latter Act was passed in order to provide a suitable machinery for expeditious adjudication of proceedings between landlords and tenants; to provide for the determination of standard rent payable by tenants; and to give to the tenants a large measure of protection against eviction. Section 14 of the Act of 1958 affords to tenants substantially the same measure of protection which was available to them under section 13 of the Act of 1952.

425

While the Delhi and Ajmer Rent Control Act of 1952 was in force, the Parliament enacted the Slum Areas (Improvement and Clearance) Act, 96 of 1956, in order "to provide for the improvement and clearance of slum areas in certain Union territories" including Delhi, and "for the protection of tenants in such areas from' eviction". Section 19(1) of that Act, as originally enacted, made all decrees and orders for eviction of tenants in slum areas unexecutable, except with the previous permission in writing of the competent authority. The vires of section 19 was challenged in *Jyoti Pershad v. The Administrator for the Union territory of Delhi*(1) on the ground that it violated articles 14 and 19(1) (f) of the Constitution. The challenge was repelled by this Court on the ground that section 19 did not offend against the equal protection of laws guaranteed by art. 14, that section 19(1) gave enough guidance to the competent authority in the use of his discretion and that the restrictions imposed by section 19 could not be said to be unreasonable. Adverting to the non-obstante clauses in secs. 19 (1) and 39 of the Slum Clearance Act and in sec. 38 of the Delhi and Ajmer Rent Control Act 1952, the Court observed that the provisions of the former Act must, in respect of buildings in slum areas, operate in addition to the provisions of the latter Act.

Section 19(1) of the Slum Clearance Act was amended by Act 43 of 1964 which came into force on February 28, 1965. Whereas under the unamended provision no person could execute any decree or order for the eviction of a tenant from any building in a slum area without the previous permission

in writing of the competent authority, under the amended provision no person can, except with such permission, institute after the amendment any suit or proceeding for obtaining any decree or order for the eviction of a tenant from any building or land in a slum area. If such a decree or order was obtained before the amendment it cannot be executed without the requisite permission.

For a proper appreciation of the question involved in this appeal, it is necessary to notice the relevant provisions of the two Acts under consideration. We will refer first to the provisions of the Slum Clearance Act and then to those of the Delhi Rent Control Act. The former Act being of the year 1956 is anterior in point of time to the latter which was passed in 1958 but the more decisive provisions of the latter Act with which we are directly concerned in this appeal were incorporated in that Act in 1976.

The relevant provisions of the Slum Clearance Act are these:

"S. 19. Proceedings for eviction of tenants not to be taken without permission of the competent authority.--(1) Notwithstanding anything contained in any other law for the time being in force, no person shall, except with the previous permission in writing of the competent authority,--

(a) institute, after the commencement of the Slum Areas (Improvement and Clearance) Amendment Act, (1) [1962] 2 S.C.R. 125.

426

1964, any suit or proceeding for obtaining any decree or order for the eviction of a tenant from any building or land in a slum area; or

(b) Where any decree or order is obtained in any suit or proceeding instituted before such commencement for the eviction of a tenant from any building or land in such area, execute such decree or order.

(2) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such particulars as may be prescribed.

(3) On receipt of such application, the competent authority, after giving an opportunity to the parties of being heard and after making such summary inquiry into the circumstances of the case as it thinks fit, shall by order in writing, either grant or refuse to grant such permission.

(4) In granting or refusing to grant the permission under sub-section (3), the competent authority shall take into account the following factors, namely :--

(a) whether alternative accommodation within the means of the tenant would be available to him if he were evicted;

(b) whether the eviction is in the interest of improvement and clearance of the slum areas;

(c) such other factors, if any, as may be prescribed.

(5) where the competent authority refuses to grant the, permission, it shall

record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant."

"S. 39. Act to override other laws.--The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law."

Having noticed the relevant provisions of the Slum Clearance Act we must refer to the following provisions of the Delhi Rent Act:

"S. 14(1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or Controller in favour of the landlord against a tenant:

Provided that the Controller may, on an application made to him in the prescribed manner, make an order for

427

the recovery of possession off the premises on one or more of the following grounds only, namely :--

(e) that the premises let for residential purposes are required bona fide by the landlord for occupation as a residence for himself or for any member of his family dependent on him, if he is the owner thereof, or for any person for whose benefit the premises are held and that the landlord or such person has no other reasonably suitable residential accommodation;

(6) Where a landlord has acquired any premises by transfer, no application for the recovery of possession of such premises shall lie under sub-section (1) on the ground specified in clause (e) of the proviso thereto, unless a period of five years has elapsed from the date of the acquisition.

(7) Where an order for the recovery of possession of any premises is made on the ground specified in clause (e) of the proviso to sub-section (1) the landlord shall not be entitled to obtain possession thereof before the expiration of a period of six months from the date of the order."

"S. 14A. Right to recover immediate possession of premises to accrue to certain persons.--(1) Where a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government or any local authority is required by, or in pursuance of, any general or special order made by that Government or authority, to vacate such residential accommodation, or in default, to incur certain obligations, on the ground that he owns, in the Union territory of Delhi, a residential accommodation either in his own name or in the name of his wife or dependent child, there shall accrue, on and from the date of such order, to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any

contract (whether express or implied), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him: "

"S.25A. Provisions of this Chapter to have overriding effect.- The provisions of this Chapter or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this Act or in any other law, for the time being in force."

"25B. Special procedure for the disposal of applications for eviction. -- (1) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (e) of the proviso to sub-section (1) of section

428

14, or under section 14A, shall be dealt with in accordance with the procedure specified in this section.

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(5) The Controller shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts' as would disentitle the landlord from obtaining an order for the recovery of possession of the premises on the ground specified in clause (e) of the proviso to sub-section (1) of section 14, or under section 14A.

(6) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing of the application as early as practicable "

"25C. Act to have effect in a modified form in relation to certain persons.-(1) Nothing contained in sub-section (6) of section 14 shall apply to a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government or any local authority is required by, or in pursuance of, an order made by that Government or authority to vacate such residential accommodation, or, in default, to incur certain obligations, on the ground that he owns a residential accommodation either in his own name or in the name of his wife or dependent child in the Union territory of Delhi.

(2) In the case of a landlord who, being a person of the category specified in sub-section (1), has obtained, on the ground speci-

fied in clause (e) of the proviso to subsection (1) of section 14, or under section 14A, an order for the eviction of a tenant from any premises, the provisions of subsection (7) of section 14 shall have effect as if for the words "six months" occurring therein, the words "two months" were substituted".

"S. 54. Nothing in this Act shall affect the provisions of the Administration of Evacuee Property Act, 1950, or the Slum Areas (improvement and Clearance) Act, 1956, or the Delhi Tenants' (Temporary Protection) Act, 1956."

Sections 14A, 25A, 25B, and 25C were introduced into the Delhi Rent Act by Ordinance 24 of 1975 which came into force on December 1, 1975. The Ordinance was later replaced by the Delhi Rent Control (Amendment) Act, 18 of 1976, which was given effect from the date of the ordinance. Sections 25A, 25B and 25C are contained in a newly introduced chapter, IIIA, called "Summary Trial of Certain Applications".

Learned counsel appearing on behalf of the appellants has raised the following points: (1) Section 14A of the Delhi Rent Act does nothing more than to confer a right on a class of landlords to sue for eviction on the ground of bona fide requirement, which right was not available to that class under clause (e) of the proviso to s. 14 of that Act. A person occupying premises allotted to him by the Government could not before the enactment of s. 14A evict his own tenant because, so long as he was in possession of the accommodation allotted to him by the Government he could not satisfy the requirement of clause (e) that he should have no other reasonably suitable residential accommodation; (2) Since s. 14A merely furnishes one more cause of action in addition to the existing ones for which a landlord can obtain possession of the premises let out by him, there is no reason why the application of the Slum Clearance Act should be excluded in regard to proceedings arising out of the right conferred by s. 14A, particularly when the right conferred by the various clauses of the proviso to s. 14(1) is plainly subject to the provisions of the Slum Clearance Act; (3) Section 54 of the Delhi Rent Act expressly saves the operation of the Slum Clearance Act and since s. 14A is incorporated into the Delhi Rent Act, the Slum Clearance Act would prevail over it; (4) In view of the non-obstante clauses contained in ss. 19 and 39 of the Slum Clearance Act and s. 54 of the Delhi Rent Act, every proceeding for eviction of a tenant under the Delhi Rent Act is subject to the provisions of the Slum Clearance Act; (5) The Slum Clearance Act being a special act, the object of which is to afford an additional protection to tenants residing in slum areas,

its provisions must have precedence over the provisions of the Delhi Rent Act which is in the nature of a general enactment governing the landlord-tenant relationship. The Slum Clearance Act applies only to notified localities in Delhi while the Delhi Rent Act is of general application to the entire territory of Delhi; (6) If it were intended that despite the provisions of s. 54 of the Delhi Rent Act, proceedings arising out of a right conferred by s. 14A should not be subordinated to the provisions of the Slum Clearance Act, nothing would have been easier for the legislature than to provide in s. 14A itself or in the newly introduced Chapter IIIA that to such proceedings the provisions of the Slum Clearance Act would have no application; and (7) To deny precedence to the Slum Clearance Act over the Delhi Rent Act in matters arising out of s. 14A or Chapter IIIA is to repeal the former Act by implication, pro tanto. Law disfavours the doctrine of implied repeal.

430

Having considered these submissions carefully we are unable to accept any one of them. It would not be conducive to an adequate exposition or a proper understanding of the issues involved in the case to consider the contentions raised on behalf of the appellants seriatim. The points raised by the appellants' counsel are interdependent and since they depend for their validity on the thesis that the Slum Clearance Act must in any event have precedence over the Delhi Rent Act in all matters arising under the latter Act, it would be helpful to deal straight away with that contention.

Section 14A, and Chapter III A containing ss. 25A, 25B and 25C, were introduced into the Delhi Rent Act by Ordinance 24 of 1975 which was later replaced by the Delhi Rent Control (Amendment) Act, 18 of 1976. The amending Act was given effect from the date on which the ordinance was published, namely, from December 1, 1975. By s. 25B every application by a landlord for the recovery of possession of any premises on the ground specified in clause (e) of the proviso to s. 14(1) or under s. 14A has to be dealt with in accordance with the procedure specified in the section. Section 25A, which is the first of the collocation of sections appearing in Chapter IIIA, provides that the provisions of that Chapter or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in the Delhi Rent Act or in any other law for the time being in force. The marginal note to s. 25A reads: "provisions of this Chapter to have overriding effect." Section 25A may for convenience be split up into two parts, ignoring for the present purpose the reference to rules made under Chapter IIIA. In the first place, that section provides that the provisions of Chapter IIIA containing ss. 25A, 25B and 25C shall have an overriding effect over every other provision of the Delhi Rent Act which is inconsistent with anything contained in Chapter IIIA. Secondly, s. 25A provides that the provisions of Chapter IIIA shall also have overriding effect over anything inconsistent therewith contained in any other law for the time being in force. It is patent that by virtue of the first part of s. 25A, the provisions of Chapter IIIA must prevail over the provisions of s. 54 of the Delhi Rent Act. The reason is that to the extent to which s. 54 saves the opera-

tion of the Slum Clearance Act, it is inconsistent with the provisions of Chapter IIIA which prescribes a special procedure for dealing with applications for eviction filed under clause (e) of the proviso to s. 14(1) or under s. 14A of the Delhi Rent Act. It is equally clear that by reason of the second part of s. 25A also, the provisions of Chapter IIIA would prevail over those of the Slum Clearance Act. The reason is that the relevant provisions of that Act devise an over riding procedure by reason of which no suit or proceeding can be instituted without the previous permission in writing of the competent authority. Sections 19 and 39 of the Slum Clearance Act are to that extent inconsistent with the procedure prescribed by Chapter IIIA of the Delhi Rent Act and have to be subordinated to it.

The object of s. 14A, as shown by its marginal note, is to confer a right on certain landlords to recover "immediate possession of premises" belonging to them and which are in the possession of their

431 tenants. In the significant language of the marginal note, such a right is "to accrue" to a class of persons. The same concept is pursued and clarified in the body of s. 14A by providing that in the contingencies mentioned in the section, a right will accrue to the landlord "to recover immediately possession of any premises let out by him". The argument which was presented to us on the use of the word "immediately" in the body of s. 14A has thus no substance.

The right conferred by s. 14A has to be enforced in accordance with the procedure prescribed by Chapter IIIA. That is the prescription of s. 25B(1). In order expressly to exclude the operation of all provisions inconsistent with Chapter IIIA whether such provisions are contained elsewhere in the Delhi Rent Act or in any other law like the Slum Clearance Act, s. 25A was put on the statute book. That section gives an over-riding effect to the provisions of Chapter IIIA. But the legislature did not rest content by providing merely that the procedural provisions contained in Chapter IIIA would have such over-riding effect. It took the precaution of making an additional provision in s. 14A itself that on and from the date of the order passed by the Central Government or any local authority calling upon a person to vacate the residential accommodation allotted to him, there shall -accrue to such person a right to recover immediately the possession of any premises let out by him, "notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary "The provisions of s. 14A must, therefore, prevail over anything contained elsewhere in the Delhi Rent Act or in the Slum Clearance Act.

In December 1975 when Ordinance 24 of 1975 was promulgated and later when the ordinance was replaced by Act 18 of 1976 the legislature was cognisant that by reason of the provisions contained in s. 54 Of the Delhi Rent Act and further by reason of those contained in ss. 19 and 39 of the Slum Clearance Act, this latter Act would prevail over all other laws. As a result, no proceeding could be instituted for obtaining any decree or order for the eviction of a tenant from any building or land in a slum area nor could any decree or order be executed against the tenant of any such building or land, without the previous permission in writing of the competent authority. The object of the legislature in incorporating the non-obstante clause both in ss. 14A and 25A of the Delhi Rent Act was to free the proceedings arising out of the right newly conferred by s. 14A and

falling within Chapter IIIA, from the restraint imposed by s. 19 of the Slum Clearance Act and from the operation of s. 39 thereof. The reason for releasing such proceedings from the pre-condition imposed by the Slum Clearance Act is that if the Government or the local authority asks a person to vacate the premises allotted to him by it on the ground that he owns a residential accommodation in his own name or in the name of his wife or dependent child, a provision ought to be made to enable such a person to obtain immediately the possession of his own house if it be in the occupation of a tenant. To subject this facility to the provisions of the Slum Clearance Act, under which

432

the competent authority can grant the requisite permission only by applying the tests prescribed in s. 19(4), would be to make illusory the right conferred by s. 14A on the allottee to obtain "immediate possession" of the premises let out by him to his tenant. It is with a view to making that right truly effective that the legislature gave it precedence over anything inconsistent therewith contained in the Delhi Rent Act itself or in any other Act like the Slum Clearance Act.. It is noteworthy that whereas s. 25A gives an overriding effect to the provisions of Chapter IIIA over anything "inconsistent therewith" contained elsewhere in the Delhi Rent Act or in any other law for the time being in force, s. 14A does not qualify the overriding effect of what is contained therein, that is in s. 14A, in reference to anything "inconsistent" therewith contained either in the Delhi Rent Act itself or in any other law. Section 14A provides that there shall accrue a right to the landlord to recover immediately possession of any premises. let out by him notwithstanding "anything" contained elsewhere in the Delhi Rent Act or in any other law for the time being in force. In the context, the word "anything" would ordinarily mean "anything to the contrary", but the point of the matter is that the legislature. has expressed its intention clearly and unequivocally in more than one way, that the provisions of s. 14A and Chapter IIIA of the Delhi Rent Act would have precedence over anything else contained in that Act itself or in any other law.

Section 25C contained in Chapter IIIA points in the same direction. Section 14(6) of the Delhi Rent Act provides that where a landlord has acquired any premises by transfer, no application for the recovery of possession thereof shall lie under sub-section (1) on the ground specified in clause (e) of the proviso thereto unless a period of five years has elapsed from the date of the acquisition. A person who acquires by allotment any premises from the Central Government or a local authority would, by reason of s. 14(6), be disabled from asking for possession of his own house from his tenant under s. 14A, before the expiry of five years from the date of allotment. In order that the object of s. 14A may not be frustrated, s. 25C provides that nothing contained in s. 14(6) shall apply to a landlord who is in possession of premises allotted to him by the Central Government or a local authority and who is required to vacate that residential accommodation. Section 14(7) of the Delhi Rent Act provides that where an order for the recovery of possession is made on the ground specified in clause (e) of the proviso to sub-sec. (1), the landlord shall not be entitled to obtain possession thereof before the expiration of a period of six months from the date of the order. Sub-section (2) of s. 25C reduces the period of six months to 'two months, which again emphasises that the object of the legislature is to confer a real, effective and

immediate right on a class of landlords to obtain possession of premises let out by them to their tenants. Whatever be the merits of that philosophy, the theory is that an allottee from the Central Government or a local authority should not be at the mercy of law's delays while being faced with instant eviction by his landlord save on payment of what in practice is penal rent. Faced with a Hobson's choice, to quit the official residence or pay the market rent for it, the allottee had in turn to be afforded

433

a quick and expeditious remedy against his own tenant. With that end in view it was provided that nothing, not even the Slum Clearance Act, shall stand in the way of the allottee from evicting his tenant by resorting to the summary procedure prescribed by Chapter IIIA. The tenant is even deprived of the elementary right of a defendant to defend a proceeding brought against him, save on obtaining leave of the Rent Controller. If the leave is refused, by s. 25B(4) the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the landlord is entitled to an order for eviction. No appeal or second appeal lies against that order. Section 25B(8) denies that right and provides instead for a revision to the High Court whose jurisdiction is limited to finding out whether the order complained of is according to law.

Speaking generally, the object and purpose of a legislation assume greater relevance if the language of the law is obscure and ambiguous. But, it must be stated that we have referred to the object of the provisions newly introduced into the Delhi Rent Act in 1975 nor for seeking light from it for resolving an ambiguity, for there is none, but for a different purpose altogether. When two or more laws operate in the same field and each contains a non-obstante clause stating that its provisions will over-ride those of any other law, stimulating and incisive problems of interpretation arise. Since statutory interpretation has no conventional protocol, cases of such conflict have to be decided in reference to the object and purpose of the laws under consideration. A piquant situation, like the one before us, arose in *Shri Ram Narain v. The Simla Banking & Industrial Co. Ltd.*, (1) the competing statutes being the Banking Companies Act, 1949 as amended by Act 52 of 1953, and the Displaced persons (Debts Adjustment) Act, 1951. Section 45A of the Banking Companies Act, which was introduced by the amending Act of 1953, and s. 3 of the Displaced Persons Act 1951 contained each a non-obstante clause, providing that certain provisions would have effect "notwithstanding anything inconsistent therewith contained in any other law for the time being in force". This Court resolved the conflict by considering the object and purpose of the two laws and giving precedence to the Banking Companies Act by observing: "It is, therefore, desirable to determine the overriding effect of one or the other of the relevant provisions in these two Acts, in a given case, on much broader considerations of the purpose and policy underlying the two Acts and the clear intendment conveyed by the language of the relevant provisions therein." (p. 615). As indicated by us the special and specific purpose which motivated the enactment of s. 14A and Chapter IIIA of the Delhi Rent Act would be wholly frustrated if the provisions of the Slum Clearance Act requiring permission of the competent authority were to prevail over them. Therefore, the newly introduced provisions of the Delhi Rent Act must hold the field and be given full effect despite anything to the contrary contained in the Slum Clearance Act.

For resolving such inter se conflicts, one other test may also be applied through the persuasive force of such a test is but one of the

(1) [1956] S.C.R. 603.

434

factors which combine to give a fair meaning to the language of the law. That test is that the later enactment must prevail over the earlier one. Section 14A and Chapter IIIA having been enacted with effect from December 1, 1975 are later enactments in reference to s. 19 of the Slum Clearance Act which, in its present form, was placed on the statute book with effect from February 28, 1965 and in reference to s. 39 of the same Act, which came into force in 1956 when the Act itself was passed. The legislature gave overriding effect to s. 14A and Chapter IIIA with the knowledge that ss. 19 and 39 of the Slum Clearance Act contained non-obstante clauses of equal efficacy. Therefore the later enactment must prevail over the former. The same test was mentioned with approval by this Court in Shri Ram Narain's case (Supra) at page 615.

Relying strongly on the finding at p. 151 in Jyoti Prasad's case (supra) that "the provisions of the special enactment, as the Act is, will in respect of the buildings in areas declared slum areas operate in addition to the Rent Control Act," counsel for the appellants argues that the question of precedence as between the two Acts is concluded by that decision and we must therefore hold that the conflicting provisions of the two Acts must operate together with equal efficacy, with the result that the previous permission of the competent authority under the Slum Clearance Act must be obtained before instituting any proceeding under Chapter IIIA of the Delhi Rent Act. This submission overlooks that in Jyoti Prasad's case (supra) which was decided in 1961, the Court did not have before it the amendments introduced into the Delhi Rent Act by the amending Act of 1976, and therefore no question arose as to the effect of the non-obstante clauses contained in ss. 14A and 25A of the Delhi Rent Act. The decision is therefore not an authority for the proposition for which the appellants contend and the question arising before us cannot be held to be concluded by that decision.

The argument of implied repeal has also no substance in it because our reason for according priority to the provisions of the Delhi Rent Act is not that the Slum Clearance Act stands impliedly repealed protanto. Bearing in mind the language of the two laws, their object and purpose, and the fact that one of them is later in point of time and was enacted with the knowledge of the non-obstante clauses in the earlier law, we have come to the conclusion that the provisions of s. 14A and Chapter IIIA of the Rent Control Act must prevail over these contained in ss. 19 and 39 of the Slum Clearance Act.

We understand that the view which we are taking has been consistently taken by the learned Judges of the Delhi High Court in various cases. They are right in their conclusion and accordingly, we uphold the judgment of the High Court and dismiss this appeal. In the circumstances, there will be no order as to costs.

P.B.R.

Appeal

dismissed.

435