

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY -1947**

**Report of the Select Committee
on the Delhi and Ajmer Merwara
Rent Control Bill**

I. List of Reports of Select Committees
presented to the Legislative Assembly
of the Indian Legislature in 1947.

S.No.	Short title of the Bill.	Date of presen- tation.	Date of publica- tion.
1.	The Indian Navy (Discipline) (Amendment) Bill.	3.2.1947.	15.2.1947
2.	The Motor Vehicles (Amendment) Bill.	3.2.1947.	15.2.1947
3.	The Motor Vehicles (Second Amendment) Bill.	3.2.1947.	15.2.1947
4.	The Foreign Exchange Regulation Bill.	3.2.1947.	15.2.1947
5.	The Industrial Disputes Bill.	3.2.1947.	15.2.1947
6.	The Railways (Transport of Goods) Bill.	17.2.1947.	1.3.1947
7.	The Banking Companies Bill.	17.2.1947.	1.3.1947
8.	The Indian Trade Unions (Amendment) Bill.	26.2.1947.	5.4.1947
9.	The Insurance (Second Amendment) Bill.	5.3.1947.	15.3.1947
10.	The Delhi and Ajmer-Merwara Rent Control Bill.	12.3.1947.	22.3.1947
11.	The Imports and Exports (Control) Bill.	12.3.1947.	22.3.1947
12.	The Income-tax and Excess Profits Tax (Amendment) Bill.	19.3.1947.	29.3.1947
13.	The Business Profits Tax Bill.	19.3.1947.	29.3.1947
14.	The Rubber (Production and Marketing) Bill.	1.4.1947.	12.4.1947
15.	The Control of Shipping Bill.	1.4.1947.	12.4.1947
16.	The Capital Issues (Continuance of Control) Bill.	7.4.1947.	12.4.1947

S.No.	Short title of the Bill.	Date of presentation.	Date of publication.
17.	The Taxation on Income (Investigation Commission) Bill.	7. 4.1947.	19. 4.19

II. List of Reports of Select Committees Presented to the ~~Legis~~ Constituent Assembly of India (Legislative) in 1947.

1. The Delhi and Ajmer-Merwara Rent Control (Amendment) Bill. 1. 12.1947. 13.12.19
2. The Delhi Premises (Requisition and Eviction) Bill. 1.12.1947. 13.12.19
3. The Extra-Provincial Jurisdiction Bill. 6.12.1947. 13.12.19

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LEGISLATIVE ASSEMBLY

REPORT OF THE SELECT COMMITTEE ON THE DELHI AND AJMER-MERWARA RENT CONTROL BILL, 1947

We, the undersigned members of the Select Committee to which the Bill to make better provision for the control of rents in certain areas in the Provinces of Delhi and Ajmer-Merwara was referred, have considered the Bill and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

The Long Title and Preamble have been amplified to indicate that the Bill provides not only for the control of rents but also for the control of evictions—*vide* clauses 9 and 10—and for the lease to Government of premises becoming vacant—*vide* clause 11.

Clause 1.—In order to provide as much incentive to private building as possible, we have suggested that the provisions of the Act should not apply to any premises the construction of which is completed after the commencement of the Act.

We feel that the housing situation may improve in some of the outlying areas earlier than in the more central areas, when it will be desirable to remove them from the operation of the Act. The further proviso added to sub-clause (3) will enable the Central Government to do so by a notification in the Gazette.

Clause 2.—The definitions of “landlord” and “tenant” as originally drafted were unnecessarily wide, and we have therefore suggested the omission of certain superfluous words.

A reference to *dharamshalas* has been inserted in the last line of the definition of “premises”. Although rooms in *dharamshalas* are normally intended to be occupied by travellers for short periods, there have been instances of occupants refusing to vacate the rooms and taking cover under the existing rent control laws, for which there is no justification.

The provisions for determining the standard rent of residential and non-residential premises contained in clauses 2 (c) and 4 (1), respectively, of the Bill as introduced in the Assembly have been the subject of acute controversy, particularly in Delhi. The landlords' contention is that the increase of one third and two-thirds, respectively, over the controlled rent of the war period is entirely inequitable, considering the enormous increase in the cost of living in general and of building materials in particular. On the other hand, the tenants have been equally vehement in their protests against any increase of the existing controlled rents. We have attempted to steer a middle course between these two extreme viewpoints. In the revised Second Schedule we have laid down provisions which seem to us to be equitable for determining the standard rent of all premises to which the Bill applies.

Since conditions in the Province of Ajmer-Merwara are appreciably different from those prevailing in the Province of Delhi, we have divided the Schedule into two Parts. In Part A, which applies to Delhi, we have broadly speaking taken the existing controlled rent as the basic rent and allowed for an increase ranging from 12½ per cent. to 25 per cent. in the case of premises let for residential purposes or for the purposes of a public hospital, educational institution, public library, reading-room or orphanage, and from 25 per cent to 50 per cent. in other cases. No increase is allowed on the basic rent of premises which were let for the first time after the 2nd June 1944, that is, after the commencement of the Delhi Rent control Ordinance, 1944, since new premises let after that date were let at rents which took into account changed conditions. Incidentally with regard to premises let for business purposes, it will be noticed that the increase permitted under paragraph 4

of Part A is on the "basic rent" of the premises and that in all relevant cases the basic rent as defined will not include the increase permitted by section 4(1) of the Ordinance of 1944.

As regards Ajmer-Merwara, we have maintained the existing position which we understand is satisfactory. The Ajmer-Merwara Control of Rent and Eviction Order, 1946, which came into force on the 12th November, 1946, permitted certain percentages of increase in the pre-war rent, and we have decided to maintain the same percentages with slight modifications.

Clause 4.—Sub-clause (1), which is new, deals with the vexed question of subletting. Although the existing law makes subletting of the whole or any part of the premises without the consent of the landlord a sufficient ground for eviction, it is a matter of common knowledge that such subletting continues in varying degrees of surreptitiousness and that there are a number of instances where the tenants make undue profit at the expense of the sub-tenants and to the prejudice of the landlords. After giving anxious consideration to this problem, our suggestions are embodied in sub-clause (1) of this clause and paragraphs (b) and (c) of sub-clause (1) of clause 9. In the latter sub-clause we have distinguished between residential and non-residential premises, and also between subletting the whole of the premises, and subletting a part of the premises. So far as non-residential premises are concerned, subletting without the consent of the landlord whether in whole or in part and whether before or after the commencement of the Act, will as heretofore entitle the landlord to evict the tenant and also of course any one holding or purporting to hold under him. As regards residential premises we have provided in paragraphs (b) (ii) and (c) for a right of eviction in the event of a subletting of the whole premises, whether before or after the commencement of the Act, or a subletting of a part of the premises after the commencement of the Act, the same time, provision is made in sub-clause (1) of clause 4 for an addition to the standard rent of the portion sublet, half of which will go to the landlord and the other half to the tenant.

Since the "basic rent" of premises as defined in the Second Schedule may in certain cases have already taken into account the cost of improvements and structural alterations in accordance with existing rent control laws, we have amended sub-clause (2) so that in such cases a further increase of standard rent on the same score is not allowed to the landlords.

The proviso added to sub-clause (3) makes it clear that where on account of the increase of rent permitted by this Bill any tax on buildings or land imposed in respect of the premises is increased, and under an existing arrangement the tenant has made himself liable for the tax, his liability to pay the increased tax is not affected.

Clause 5.—The penal provision in the original sub-clause (2) has been revised and included in a subsequent penalty clause. In its place we have put in a provision making it unlawful for a tenant to claim or receive any payment for relinquishing his tenancy, as we understand that this malpractice is spreading fast.

In view of the provision made below in clause 13 (2) for the imposition of a fine not less than the amount unlawfully received by the landlord from the tenant, we have deleted sub-clause (3) of clause 5 as originally drafted.

Clause 8.—We consider that clause 8 as originally drafted serves no useful purpose and is unnecessary. On the other hand, express provision should be made for notice to the tenant (or sub-tenant) in all cases where the rent is sought to be increased by the landlord in consequence of the passing of this Bill. We consider that the increase should be due and recoverable only in respect of the period of tenancy after the end of the month in which a notice in writing is given in the manner provided in section 106 of the Transfer of Property Act, 1882.

Clause 9.—We have made several modifications in this clause. Apart from formal or clarificatory amendments, those of substance which we have proposed in sub-clause (1) are—

- (i) in regard to subletting: *vide* revised paragraphs (b) and (c) to which reference has already been made;

- (ii) in paragraph (e), where we have introduced a further condition in order to debar recent purchasers of premises from evicting tenants ;
- (iii) the addition of new paragraphs (h) and (i) which are self-explanatory; and
- (iv) the insertion of a proviso at the end of the sub-clause with a view to give the tenant some time to find other accommodation when the landlord has obtained a decree for possession on the ground that he requires the premises for himself.

We have also modified sub-clause (3) in order to prevent possible abuses of the right given to landlords to evict tenants under paragraphs (e) of sub-clause (1). A new sub-clause (4) has been added to the effect that the provisions of the clause are not to apply to any suit or other legal proceeding for the eviction of a sub-tenant by a tenant. We consider that the period of any sub-tenancy should be left to be regulated by agreement between the tenant and the sub-tenant.

Clause 10.—The salutary provisions of sub-clause (2) should, in our opinion, be extended to all premises in the areas to be notified by the Government under sub-clause (1), and need not be restricted to residential premises in those areas.

Clause 11.—We understand that the main object of this clause is to provide accommodation in New Delhi for foreign embassies, consulates, High Commissioners and Trade Commissioners and also for certain public institutions. We have accordingly restricted the scope of the clause to residential premises within the Municipality of New Delhi, the standard rent of which is not less than Rs. 200/- per month. Besides a few minor modifications, we have provided for the payment of a small amount of compensation to landlords who have to keep the premises unoccupied for a week after giving notice to the Estate Officer of the premises becoming vacant. Any premises, the possession of which has been obtained by the landlord, whether from the Government on derequisitioning or from a tenant, on the ground that the premises are required for his own occupation and use should in our opinion be outside the scope of this clause, and we have provided accordingly in sub-clause (2).

Clause 12.—This is a new provision. It is a grievance of tenants that ever since the advent of rent control most landlords have been neglecting to make the customary annual repairs, and the tenants have no alternative but to carry out those repairs at their own expense. Since the Bill entitles the landlords to increase rents, we consider that every landlords should be bound to keep the leased premises in good and tenantable repair, and if he neglects to make the repairs within a reasonable time after notice given by the tenant, the latter should be empowered to make the repairs himself and deduct from the rent, or otherwise recover from the landlord, the expense of such repairs not exceeding one month's rent.

Clause 13.—We have brought together all the penal provisions in the revised clause 13. Sub-clause (2) provides that when any person is convicted of having made an unlawful exaction contrary to the provisions of clause 5 he shall be punished with a fine, which shall not be less than the amount of that unlawful exaction, and shall also be punishable with simple imprisonment for a term which may extend to three months. Prosecutions for this offence should however be instituted with as little delay as possible as provided in sub-clause (4).

Clause 14.—We consider it very desirable that all suits for eviction of tenants and other suits and legal proceedings, including execution proceeding, involving questions under this Act should be disposed of expeditiously according to small cause court procedure. We have accordingly proposed that all such proceedings should be cognizable by Small Cause Courts.

A few other amendments of a formal or consequential nature have also been made in the Bill.

2. The Bill was published in Part V of the *Gazette of India*, dated the 8th February, 1947.

3. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

JOGENDRA NATH MANDAL.
C. P. LAWSON.
MOHAMMAD YAMIN KHAN.
HAFIZ M. GHAZANFARULLA.
*SHAH NAZAR HASAN.
MOHAN LAL SAKSENA.
SATYA NARAYAN SINHA.
SUKHDEV.
MANU SUBEDAR.
*MANIBEN KARA.
THAKUR DAS BHARGAVA.
B. K. GOKHALE.

NEW DELHI,
Dated the 12th March, 1947.

* Subject to a minute of dissent.

MINUTES OF DISSSENT.

I

Clause 9.—When sub-letting is not allowed in case of other premises than the residential ones, the same principle should have been applied to those as well.

SHAH NAZAR HASAN.

NEW DELHI;

The 12th March, 1947.

II

I have signed the Report of the Select Committee on Delhi Ajmer-Merwara Rent Control Act of 1947 in which I am compelled to record my disagreement on the following points :—

Generally the Bill has undergone a change for the worse and instead of providing any relief to the tenants the Bill as modified by the Select Committee will subject the tenants to a number of new hardships at the hands of a landlord. I indicate below my points of disagreement.

1. I would like to omit from the title and the preamble of the Bill the words "and evictions". It is inequitable to pass any legislation for the purpose of eviction.

2. *Clause 1.*—I suggest the deletion of the last proviso to sub-clause (3).

3. *Clause 4.*—I disapprove of the provision in sub-clause (1) enabling the tenant to recover 25 per cent more than the standard rent and the landlord 12½ per cent of the same.

4. *Clause 7.*—Delete the words "and other relevant considerations".

5. *Clause 9.*—There should be a provision in Sub-clause (1) enabling the tenant to pay the rent in court. As he has to pay the court cost there will be no hardship on the landlord if such a provision is made.

I suggest the deletion of part (iii) of Sub-Clause (b).

6. *The Second Schedule.*—I am opposed to any increase in rents. I do not think there is any justification for allowing landlords to increase rents. As a compromise measure I may however suggest a maximum increase of 10 per cent except in the case of small tenements which may be required to pay a smaller increase in rent. I will not object to paragraph 4 if my suggestion with regard to a maximum increase of ten per cent is accepted in paragraph three. The same considerations will apply to part B of the Schedule. I suggest the substitution of the date "Second Day of June 1944" by "1st September 1939" in paragraph 2 of the Second Schedule.

NEW DELHI;
The 12th March, 1947.

MANIBEN KARA.

(BILL AS AMENDED BY THE SELECT COMMITTEE.)

(Words underlined or *sidelined* indicate the amendments suggested by the Committee; asterisks indicate omissions.)

A

BILL

to provide for the control of rents and evictions, and for the lease to Government of premises upon their becoming vacant, in certain areas in the Provinces of Delhi and Ajmer-Merwara.

WHEREAS it is expedient to provide for the control of rents and evictions, and for the lease to Government of premises upon their becoming vacant, in certain areas in the Provinces of Delhi and Ajmer-Merwara ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Delhi and Ajmer-Merwara Rent Control Act, 1947.

Short title, extent, commencement and duration.

(2) It extends to the areas specified in the First Schedule, and such other areas in the Province of Delhi or Ajmer-Merwara as the Central Government may from time to time specify by notification in the official Gazette ; but it shall not apply—

(a) to any premises the construction of which is completed after the commencement of this Act, or

(b) to any premises belonging to the Government, or

(c) to any tenancy or other like relationship created by a grant from the Government in respect of premises taken on lease or requisitioned by the Government.

(3) It shall come into force on the 24th day of March 1947, and shall remain in force for a period of two years :

Provided that the Central Government may, by notification in the official Gazette, direct that it shall remain in force for a further period not exceeding two years.

Provided further that the Central Government may at any time, by notification in the official Gazette, direct that it shall cease to be in force in such areas as may be specified in the notification on such date as may be so specified.

(4) Section 6 of the General Clauses Act, 1897, shall apply upon the expiry of this Act in any area as if it had then been repealed by a Central Act.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "landlord" includes any person who for the time being is receiving or is entitled to receive the rent of any premises, whether on his own account * * * * or as an agent, trustee, guardian or receiver for any other person, or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant ;

(b) "premises" means any building or part of a building which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building, and

(ii) any furniture supplied by the landlord for use in such building or part of a building,

but does not include a room in a dharamshala, hotel or lodging house ;

(c) " standard rent " , in relation to any premises, means—

(i) standard rent of the premises as determined in accordance with the provisions of the Second Schedule, or

(ii) where the standard rent has been fixed by the Court under section 7, the rent as fixed by the Court ;

(d) " tenant " means a person who takes on rent any premises for his own occupation or for the occupation of any person dependent on him * * * * * but does not include a collector of rents or any middleman who takes or has taken any premises on lease with a view to sub-letting them to another person.

Restriction of payments by way of rent.

3. (1) Except where rent is liable to periodical increment by virtue of an agreement entered into before the 1st day of January, 1939, or where rent is payable under a lease entered into before the 1st day of January, 1939, which has not expired before the first day of the period for which the rent is claimed, no tenant shall, notwithstanding anything contained in any contract, be liable to pay to his landlord for occupation of any premises any sum in excess of the standard rent of those premises, unless such sum may lawfully be added to the standard rent in accordance with the provisions of this Act.

(2) Any agreement for the payment of rent in excess of the standard rent shall be null and void and shall be construed as if it was an agreement for payment of the standard rent only.

Lawful increases of, or additions to, standard rent.

4. (1) Where a part of the premises let for use as a residence has been sublet by the tenant then, without prejudice to the provisions of section 9,—

(a) the landlord may increase the rent of the premises by an amount not exceeding twelve and one-half per cent. of the standard rent of the part sublet ;

(b) the tenant may recover from the sub-tenant, in addition to the standard rent of the part sublet, an amount not exceeding twenty-five per cent. thereof ;

(c) the tenant shall, on being so requested in writing by the landlord, supply him within fourteen days thereafter a statement in writing giving full particulars of any subletting including the rent charged.

Explanation.—For the purposes of this sub-section, the standard rent of the part sublet shall be an amount bearing such proportion to the standard rent of the premises as may be reasonable having regard to the extent of the part sublet and other relevant considerations.

(2) Where the landlord has at any time whether before or after the commencement of this Act, incurred expenditure on any improvement or structural alteration of the premises not being expenditure on decoration or normal repairs, and the cost of that improvement or structural alteration has not been taken into account in determining the standard rent of the premises, he may increase the rent per year by an amount not exceeding six and one-quarter per cent. of such cost.

(3) Where the landlord pays in respect of the premises any charge for electricity or water consumed in the premises, or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant any amount so paid by him; but * * * * * no landlord shall recover from his tenant, whether by means of an increase in rent or otherwise, the amount of any tax on buildings or land imposed in respect of the premises occupied by the tenant:

Provided that nothing in this sub-section shall affect the liability of any tenant under an agreement, express or implied, to pay from time to time the amount of any such tax as aforesaid.

5. (1) It shall not be lawful for the landlord or any person acting or purporting to act on behalf of the landlord, to claim or receive, in consideration of the grant, continuance or renewal of a tenancy of any premises payment of any fine, premium, advance or other like sum in addition to rent, or, save as otherwise provided in section 4 or section 7, any rent in excess of the standard rent of the premises. Unlawful charges acting or purporting to act on behalf of the landlord, to claim or receive, in consideration of the grant, continuance or renewal of a tenancy.

(2) It shall not be lawful for the tenant, or any person acting or purporting to act on behalf of the tenant, to claim or receive any payment in consideration of the relinquishment of his tenancy of any premises.

* * * * *

(3) Nothing in this section shall apply to any payment made in pursuance of an agreement entered into before the 1st day of November, 1939.

6. No collector of rents or middleman shall be liable to pay to his principal in respect of any premises any sum by way of charges which exceeds the amount which he is entitled to realise from the tenant or tenants of the premises. Limitation of liability of middlemen.

7. (1) If any dispute arises regarding the standard rent payable in respect of any premises it shall be determined by the Court. Determination of disputes regarding rent.

(2) Where for any reason it is not possible to determine the standard rent of any premises on the principles set forth in the Second Schedule, the court may, on the application of any person interested or of its own motion, determine the standard rent, and in so doing shall have regard to the standard rents of * similar premises in the same locality and other relevant considerations.

(3) Where the standard rent of any premises has been settled on the basis of a lease for a period of one year or more and the court has to determine the standard rent of the same premises on a lease for a period of less than one year or *vice versa*, the standard rent shall be calculated in accordance with the Third Schedule.

(4) Where the court determines the standard rent of any premises under this section, the court shall determine the standard rent of the premises in an unfinished state, but may also determine an additional charge to be payable on account of fittings or furnishings included in the lease, and it shall be lawful for the landlord to recover such additional charge from the tenant.

(5) In every case in which the court determines the standard rent of any premises under this section it shall appoint a date from which the standard rent so determined shall be deemed to have effect.

Notice of increase
of rent.

8. (1) Where the landlord wishes to increase the rent of any premises he shall give the tenant notice of his intention to make the increase, and, in so far as such increase is permissible under this Act, it shall be due and recoverable only in respect of the period of tenancy after the end of the month in which the notice is given.

IV of 1882

(2) Every notice under sub-section (1) shall be in writing signed by or on behalf of the landlord and given in the manner provided in section 106 of the Transfer of Property Act, 1882.

(3) For the avoidance of doubt it is hereby declared that the provisions of this section apply equally to any increase in the rent payable by a sub-tenant.

Eviction of tenants.

9. (1) Notwithstanding anything contained in any contract, no court shall pass any decree in favour of a landlord, or make any order, in favour of a landlord whether in execution of a decree or otherwise, evicting any tenant, whether or not the period of the tenancy has terminated, unless it is satisfied either—

IV of 1882.

(a) that the tenant has not neither paid nor tendered the whole of any arrears of rent due, within one month of the service on him in the manner provided in section 106 of the Transfer of Property Act, 1882, of a notice of demand by the landlord ; or

(b) that the tenant * without the consent of the landlord, has, whether before or after the commencement of this Act,—

(i) used the premises for a purpose other than that for which they were let, or

(ii) assigned, sublet, or otherwise parted with the possession of, the whole of the premises, or

(iii) where the premises were let for a purpose other than use as a residence, sublet any part of the premises ; or

(c) that the premises having been let for use as a residence, the tenant without the consent of the landlord has, after the commencement of this Act, sublet any part of the premises ; or

(d) that the premises were let for use as a residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of the institution of the suit for eviction ; or

(e) that the premises are required *bona fide* by the landlord for occupation as a residence for himself or his family, that he is unable to secure other suitable accommodation, and that he has acquired his interest in the premises at a date prior to the beginning of the tenancy or the 1st day of January, 1943, whichever is later or, if the interest has devolved on him by inheritance or succession, his

- predecessor had acquired the interest at a date prior to the beginning of the tenancy or the 1st day of January, 1943, whichever is later; or
- (f) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment; or
- (g) that the tenant has been guilty of conduct which is a nuisance or annoyance to the occupiers of neighbouring premises or other occupiers of the same premises; or
- (h) that the tenant has, whether before or after the commencement of this Act, caused or permitted to be caused substantial damage to the premises, or used or dealt with the premises in a manner contrary to any condition imposed by the Government or the Delhi Improvement Trust on the landlord while giving him a lease of the land on which the premises are situated; or
- (i) that the landlord requires the premises in order to carry out any building work—
- (i) at the instance of the Government or the Delhi Improvement Trust in pursuance of an improvement scheme, or development scheme, or
 - (ii) because the premises have become unsafe or unfit for human habitation;

Provided that where a decree evicting a tenant is made on the grounds set forth in clause (e), the landlord shall not be entitled to obtain possession of the premises by process of the Court issued in execution, before the expiration of a period of three months after the date of the decree.

(2) For the purposes of clause (b) or clause (c) of sub-section (1), a court may presume that premises let for use as a residence were or are sublet by the tenant in whole or in part to another person, if it is satisfied that such person, not being a servant of the tenant or a member of the family of such servant, was or has been residing in the premises or any part thereof for a period exceeding one month otherwise than in commensality with the tenant.

(3) Where a decree or order evicting a tenant is made on the grounds set forth in clause (e) of sub-section (1) and the landlord fails to occupy and use the premises as a residence for himself or his family within two months of obtaining possession thereof, or at any time within one year of obtaining possession of the premises lets the whole or any part thereof to any person other than the evicted tenant, the Court may on the application of the evicted tenant place him in possession of the premises and award such damages as it thinks fit against the landlord.

(4) Nothing in this section shall apply to any suit or other legal proceeding for the eviction of a sub-tenant by a tenant.

10. (1) The provisions of this section shall apply notwithstanding anything contained in section 9, but only in relation to premises in such areas as the Central Government may from time to time specify by notification in the official Gazette.

Special provision regarding vacant building sites.

(2) Where any premises which have been let comprise vacant grounds upon which it is permissible under the building regulations or other municipal bye-laws for the time being in force to erect

another building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of those grounds from the tenant by agreement with him, the landlord may apply to the Court, and the Court may, if it is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant grounds from the rest of the premises will not cause undue hardship to the tenant,—

(a) direct such severance,

(b) place the landlord in possession of the vacant grounds,

(c) determine the rent payable by the tenant thereafter in respect of the rest of the premises, and

(d) make such other orders as it thinks fit in the circumstances of the case.

Lease to Government of premises becoming vacant.

11. (1) The provisions of this section shall apply only in relation to premises within the Municipality of New Delhi which are, or are intended to be, let for use as a residence.

(2) Whenever any premises the standard rent of which is not less than two thousand and four hundred rupees per year becomes vacant, either by the landlord ceasing to occupy the premises or by the termination of a tenancy or by the eviction of a tenant or by the release of the premises from requisition or otherwise,—

(a) the landlord shall, within seven days of the premises becoming vacant, give intimation thereof in writing to the Estate Officer to the Government of India ;

(b) whether or not such intimation is given, the Estate Officer may serve on the landlord by post or otherwise a notice—

(i) informing him that the premises are required by the Government for the duration of this Act or for such shorter period as may be specified in the notice, and

(ii) requiring him, and every person claiming under him, to deliver possession of the premises forthwith to such officer or person as may be specified in the notice :

Provided that where the landlord has given the intimation required by clause (a) no notice shall be issued by the Estate Officer under clause (b) more than seven days after the delivery to him of the intimation :

Provided further that nothing in this sub-section shall apply in respect of any premises the possession of which has been obtained by the landlord on the basis of a decree or order made on the grounds set forth in clause (e) of sub-section (1) of section 9 or in respect of any premises which have been released from requisition for the occupation and use of the landlord himself.

(3) Upon the service of a notice under clause (b) of sub-section (2) the premises shall be deemed to have been leased to the Government for the period specified in the notice, as from the date of the delivery of the intimation under clause (a) of sub-section (2) or in a case where no such intimation has been given, as from the date on which possession of the premises is delivered in pursuance of the notice, and the other terms of the lease shall be such as may be agreed upon between the Government and the landlord or in default of agreement as may be determined by the court, in accordance with the provisions of this Act.

(4) In every case where the landlord has in accordance with the provisions of sub-section (2) given intimation of any premises becoming vacant and the premises are not taken on lease by the Government under this section, the Government shall pay to the landlord a sum equal to one-fiftysecond of the standard rent per year of the premises.

(3) Any premises taken on lease by the Government under this section may be put to any such use as the Government thinks fit, and in particular the Government may permit the use of the premises for the purposes of any public institution or any foreign embassy, legation or consulate or any High Commissioner or Trade Commissioner, or as a residence by any officer in the service of the Government or of a foreign embassy, legation or consulate or of a High Commissioner or Trade Commissioner.

12. (1) Notwithstanding anything contained in any contract, the landlord shall be bound to keep in good and tenantable repair any premises to which this Act applies.

Landlord's duty to keep premises in good repair.

(2) If the landlord neglects to make, within a reasonable time after notice, any repairs which he is bound to make under sub-section (1), the tenant may make the same himself, and deduct the expenses of such repairs from the rent, or otherwise recover it from the landlord :

Provided that the amount so deducted or recoverable in any year shall not exceed one twelfth of the rent payable by the tenant for that year.

13. (1) If any person fails to comply with the provisions of clause (c) of sub-section (1) of section 4, or supplies under that clause a statement which is false in any material particular, he shall be punishable with fine which may extend to one thousand rupees.

Penalties.

(2) If any person receives any payment prohibited by sub-section (1) or sub-section (2) of section 5, he shall be punished with fine which shall not be less than the amount so received by him but shall not exceed that amount by more than one thousand rupees, and shall also be punishable with simple imprisonment for a term which may extend to three months.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any Magistrate of the first class may pass a sentence of fine exceeding one thousand rupees on a person convicted of an offence punishable under sub-section (2) of this section.

V of 1898.

(4) No court shall try any person for an offence punishable under sub-section (2) of this section after the expiry of three months from the date of the commission of the offence unless complaint in respect of the offence has been made to a Magistrate within those three months.

(5) If any person contravenes the provisions of clause (a) of sub-section (2) of section 11, or fails to comply with a requirement under clause (b) thereof, he shall be punishable with fine which may extend to one thousand rupees.

14. Notwithstanding anything contained in section 15 of the Provincial Small Cause Courts Act, 1887, or in any other law for the time being in force, any suit for the eviction of a tenant

Suits, etc., under Act cognizable by small cause courts. IX of 1887.

from any premises to which this Act applies and any other suit or proceeding of a civil nature involving a question which under this Act is to be determined by the Court shall be cognizable by the Court of Small Causes, and that Court shall have jurisdiction to deal with any execution proceedings arising out of any such suit as aforesaid.

**Repeals and sav-
ings.**

XXV of 1944.

15. (1) The Delhi Rent Control Ordinance, 1944, the New Delhi House Rent Control Order, 1939, and the Ajmer-Merwara Control of Rent and Eviction Order, 1946 are hereby repealed; but the repeal shall not affect —

**Punjab Act
X of 1941.**

(a) the previous operation of, or anything duly done or suffered to be done under, the said Ordinance or Orders; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Ordinance or orders; or

(c) any penalty, forfeiture or punishment incurred in respect of any contravention of the said Ordinance or Orders; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if the said Ordinance and Orders had not been repealed, and had been duly made and continued in force.

**Punjab Act X of
1941.**

(2) The Punjab Urban Rent Restriction Act, 1941, shall cease to have effect in the Province of Delhi.

THE FIRST SCHEDULE

[See section 1 (2)]

AREAS TO WHICH THE ACT EXTENDS.

A. *The Province of Delhi—*

1. The Municipality of Delhi;
2. The Municipality of New Delhi;
3. The Cantonment of Delhi;
4. The Notified Area of the Civil Station, Delhi;
5. The Municipality of Shahdara.

B. *The Province of Ajmer-Merwara—*

1. The Municipality of Amjer and all land within one mile of the limits of that Municipality;
2. The Municipality of Beawar and all land within one mile of the limits of that Municipality;
3. The Cantonment of Nasirabad and all land within one mile of the limits of that Cantonment.

THE SECOND SCHEDULE.

[See section 2 (c)]

PART A.

PROVISIONS FOR DETERMINING THE STANDARD RENT OF PREMISES IN THE PROVINCE OF DELHI.

1. In this Part of this Schedule, "basic rent" in relation to any premises means—

(a) where the fair rent of the premises has been determined or re-determined under the provisions of the New Delhi House Rent Control Order, 1939, the rent as so determined, or as the case may be, re-determined;

(b) where the standard rent of the premises has been fixed by the Court under section 7 of the Delhi Rent Control Ordinance 1944, the rent as so fixed;

(c) in any other case,—

(i) the rent at which the premises were let on the 1st day of November, 1939, or

(ii) if the premises were not let on that date, the rent at which they were first let after that date.

2. Where the premises in respect of which rent is payable were first let, for whatever purpose, after the 2nd day of June, 1944, the standard rent of the premises shall be the same as the basic rent thereof.

3. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are let for the purpose of being used as a residence or for any of the purposes of a public hospital, an educational institution, a public library or reading-room or an orphanage, the standard rent of the premises shall be the basic rent increased by—

(a) 12½% thereof, if the basic rent per annum is not more than Rs. 300,

(b) 15.8% thereof, if the basic rent per annum is more than Rs. 300, but not more than Rs. 600,

(c) 18½% thereof, if the basic rent per annum is more than Rs. 600, but not more than Rs. 1,200, or

(d) 25% thereof, if the basic rent per annum is more than Rs. 1,200.

4. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are let for any purpose other than those mentioned in paragraph 3, the standard rent of the premises shall be the basic rent increased by twice the amount by which it would be increased under paragraph 3 if the premises were let for a purpose mentioned in that paragraph.

PART B.

PROVISIONS FOR DETERMINING THE STANDARD RENT OF PREMISES IN THE PROVINCE OF AJMER-MERWARA.

1. In this Part of this Schedule, "basic rent" in relation to any premises means—

(a) where the fair rent of the premises has been determined or re-determined under the provisions of the Ajmer House Rent Control Order, 1943, the rent as so determined, or, as the case may be, re-determined ;

(b) in any other case,—

(i) the rent at which the premises were let on the 1st day of September, 1939, or

(ii) if the premises were not let on that date, the rent at which they were first let after that date.

2. Where the premises in respect of which rent is payable were first let, for whatever purpose, after the 12th day of November, 1946, the standard rent of the premises shall be the same as the basic rent thereof.

3. Where the premises in respect of which rent is payable are let for use as a residence, the standard rent of the premises shall be the basic rent increased by—

(a) $8\frac{1}{2}\%$ thereof, if the basic rent per annum is not more than Rs. 300,

(b) $12\frac{1}{2}\%$ thereof, if the basic rent per annum is more than Rs. 300 but not more than Rs. 600,

(c) $18\frac{1}{2}\%$ thereof if the basic rent per annum is more than Rs. 600, but not more than Rs. 1,200, or

(d) 25% thereof if the basic rent per annum is more than Rs. 1,200.

4. Where the premises in respect of which rent is payable are let for any purpose other than use as a residence, the standard rent of the premises shall be the basic rent increased by—

(a) 25% thereof, if the basic rent per annum is not more than Rs. 600,

(b) $37\frac{1}{2}\%$ thereof, if the basic rent per annum is more than Rs. 600, but not more than Rs. 1,200, or

(c) 50% thereof, if the basic rent per annum is more than Rs. 1,200.

THE THIRD SCHEDULE

[See section 7 (3)]

METHOD OF CALCULATING STANDARD RENTS IN THE CASES REFERRED TO IN SUB-SECTION (3) OF SECTION 7

If the standard rent of premises for a tenancy of twelve months or more is R, the standard rent for any of the shorter periods

specified in column 1 shall be as set forth in column 2 of the following table, and *vice versa*, namely :—

Period of Tenancy	Standard Rent
More than 11 months, but not more than 12 months	R
More than 10 months, but not more than 11 months	R × $\frac{1188}{1200}$
More than 9 months, but not more than 10 months	R × $\frac{1160}{1200}$
More than 8 months, but not more than 9 months	R × $\frac{1116}{1200}$
More than 7 months, but not more than 8 months	R × $\frac{1040}{1200}$
More than 6 months, but not more than 7 months	R × $\frac{980}{1200}$
More than 5 months, but not more than 6 months	R × $\frac{900}{1200}$
More than 4 months, but not more than 5 months	R × $\frac{800}{1200}$
More than 3 months, but not more than 4 months	R × $\frac{680}{1200}$
More than 2 months, but not more than 3 months	R × $\frac{540}{1200}$
More than 1 month, but not more than 2 months	R × $\frac{380}{1200}$
Not more than 1 month	R × $\frac{190}{1200}$