

**DELHI APARTMENT OWNERSHIP  
BILL—Contd.**

**SHRI RAM SINGH YADAV:** Mr. Deputy Speaker, Sir, the hon. Minister had announced on 18-12-85 that a National Housing Bank would be established and an amount of Rs. 50 crore has been earmarked in the Seventh Five Year Plan for that Bank. I would like to thank the hon. Minister for this and hope that his announcement would be implemented soon and the acute housing problem in the country would be solved.

Mr. Deputy Speaker, Sir, there is a shortage of 2 crore and 47 lakh houses in the country. Out of this one crore and 88 lakh houses are needed in the rural areas and 59 lakh houses in the urban areas. There are several housing construction companies in the country, besides the Group Housing Societies, State Housing Boards and other Organisations which are engaged in this activity. The hon. Minister has presented some proposals to them and has provided them various facilities. As such, we can hope that the Government would be able to achieve its target of providing houses to all by 2000 A.D. under the leadership of the Prime Minister and the hon. Minister of the country.

In the survey conducted in 1963 in Calcutta, it was found that there were 6 lakh pavement dwellers and according to the survey conducted in Bombay, it was found that out of every 77 people, one person did not have any house to live in. This being so, there were as many as 77,000 people there who did not have houses to live in. This number must have increased further now. Mr. Deputy Speaker, Sir, Food, clothing and shelter are three fundamental needs of the man today, and it is the responsibility of the society to fulfil these basic needs of the people.

Again, we know the condition of the slum dwellers in the big cities of our country. The plight of the people who come to the cities from rural areas to earn their living by pulling rickshaws and working as labourers is all the more pitiable. These people have to live on the pavements and have to endure chilly winters, heavy rains and other difficulties. The Home Minister should formulate a comprehensive housing

project for these people at the national and state levels. A provision has been made for this in Seventh Five Year Plan and in addition, there are self-housing schemes under which the people belonging to the rural areas construct their own houses themselves; they are hardworking and are familiar with masonry skills. At some places, the Harijans, Girijans and Adivasis are given Rs. 750 as incentive for the construction of pucca houses and at other places they are given Rs. 7500. My request is that the Adivasis, Harijans and other deprived classes in every State, who do not possess any house, should get this facility, at least by the year 2000 A.D. A definite arrangement should be made for the Adivasis, Harijans, slum dwellers and others. I hope that a special programme will be drawn up in this regard.

The Bill that you presented, has been accepted first by Maharashtra and West Bengal, my submission is that only Delhi has been brought under this Bill and possibly, some 50,000 apartment dwellers will be benefited, but the benefits of this are not available to persons who have been allotted apartments by the Housing Boards under various Housing Schemes in the State. Hence, I would request through you, Sir, that the Centre should impress upon the States to enact legislations on the analogy of this Bill so that the problem of these apartment owners could be solved. I was an MLA and also a member of the Block Panchayat Samiti and I have noticed particularly in the rural areas, that in spite of the Government's intention of giving land and housing facilities to the Harijans, the influential people of these areas do not like to release that land which is near their own land. Therefore, you must enact such laws as may make it obligatory on the part of the State Governments to grant land to the rural Harijans and it should be included under the Directive Principles. And if there is any need for amending the Constitution for this purpose, it should be done. I have seen at several places that when a notice was served on the concerned people for the acquisition of their land, they approached the High Court and the Supreme Court and thus the position of the Harijans remained the same. I have seen more than one family living in the same hut, the father's family as well as the married son along with his

family would stay in the same hut. This is how they suffer due to the lack of housing facilities. Till you acquire land, there cannot be any solution to this problem. Therefore, it should be incumbent on every State Government to acquire land for the people. If another Bill is needed therefor, the same should be brought forward for the development of the population of villages, towns and cities.

Secondly, in order to overcome this problem, all the construction companies should be registered compulsorily and declared as industries. This way you can have control over their activities and get their full cooperation.

These days people manage to get the land allotted at several places and sell them afterwards. To prevent such activities, a panel may be formed and necessary steps taken. A person purchases apartments at several places, such as one in South Delhi and another in East Delhi and then he sells these at a good premium. You should have a proper record in every town and city in this connection so that justice could be done to every body. This Bill is a progressive Bill and I support it.

SHRI DHARAM PAL SINGH MALIK (Sonepat) : Mr. Deputy Speaker, Sir, I welcome the Apartment Ownership Bill 1986 and congratulate the Hon. Minister on his successful efforts to solve some of the problems relating to the multi-storeyed buildings. It will solve the ownership disputes of multi-storeyed buildings. There are a good number of such buildings, specially in Delhi, which are in the names of some persons but the power of attorney in respect of them is given to others. When these people approach courts for the solution of some problem, they are unable to get justice. My predecessor Mr. Yadav stated that such a Bill should be enacted in every State so that housing problem could be solved and Government may have the necessary data about the number of the houses owned by a person. Generally it is observed that people indulge in benami transactions and instead of getting the house registered in their own names get it registered in the names of others. It was reported in the press that people have been named

after the vegetables such as Aadoo Singh, son of Singhara Singh. Such names are found in the papers... (*Interruptions*)... There are the names which do not exist in the records. This Bill will solve some problems but there are some other drawbacks to which I want to draw the attention of the Hon. Minister. Rules providing for imposition of penalty on persons violating any of the provisions of this Act should be framed under this Bill. There is no provision for penalty in it. A provision should also be made in this bill under which houseowner or the tenant, whosoever lives in the house, should file every year in the concerned court particulars about the rent, the owner and the rented portion of the house. If these particulars are filed every year then a lot of disputes can be avoided. If the house owner and the tenant file the particulars separately then the court should take up that case suo-moto and decide it.

I request that a provision should be made for military personnel as well in this Act. Military personnel who guard the frontiers of our country should be given reservation in jobs so that they may not have to face any difficulty after their retirement from the service. Their houses should be got vacated early as they face great difficulty in getting houses on rent and in getting their own houses vacated. In the multi-storeyed buildings, for which this Bill has been brought forward, nobody knows who owns which storey and the benami transactions are being indulged in. Time Limit should be fixed for the implementation of this Bill so that the purpose of this Bill may be fulfilled.

Very often, it is seen that disputes between the house owners and the tenants continue for years together and at times up to their next generation. Some provision should be made under which a time-limit should be fixed for the settlement of the disputes between a house owner and a tenant.

I also want to draw your attention towards the housing problem of Delhi, specially in old Delhi, where small factories or industries are being run almost in the 3/4th portion of every house. The

[Shri Dharam Pal Singh Malik]

Government should pay attention to this fact. Housing problem is very acute problem in Delhi. People do not have houses to live in. These factories should be legally banned in these areas. This will solve not only the air-pollution problem but also the housing problem. These factories should be shifted to industrial areas. You will hardly find a house in old Delhi which does not have a factory.

People purchase plots or houses by unfair means but black money is not used in constructing a house. If people are given relaxation that their black money would be converted into white money in case they constructed houses with that money within a period of one or two years; it will go a long way to solve the housing problem and people will be able to get houses easily.

As regards apartment ownership problem of Delhi, a perusal of this bill reveals that the Bill will be applicable to the whole of the Union Territory of Delhi including the rural areas. According to one estimate, this Bill will benefit only a limited number of house owners and solve the problem of the house-owners residing in the Municipal territory of New Delhi. But this problem and such disputes also exist in the rural areas of Delhi. The mode of elections, the qualifications and disqualifications of the directors and the members of the Board proposed to be constituted to solve the problems of the people of the common areas should be prescribed so that people do not become its members through unfair means and the problem instead of being resolved is not further aggravated, thereby defeating the very purpose of this Bill.

In the end, I would like to make a submission about Harijans. I come from Harayana State. Harijans are allotted plots there in the rural areas, but they reside in cities also. In villages every Harijan family is allotted a plot of 100 Sq. yards, out of the land belonging to the Gram Panchayat but in cities there is no provision under any Act or law, under which plots and lands could be given to the Harijans. Therefore, I request that

provisions should be made in cities also to allot land and plots to Harijans to solve their housing problem and also houses should be constructed for them. With these words, I support this Bill.

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr. Deputy Speaker, Sir, I rise to support the Delhi Apartment Ownership Bill, 1986. The Bill brought forward by the hon. Minister to solve the housing problem in Delhi, is a welcome step and I congratulate him for it. But merely 50,000 houses cannot solve the housing problem of Delhi. You can solve this problem only by drawing up a big project. In this context, I request you to encourage cooperative sector because individual efforts to construct apartments and multi-storeyed buildings lead to disputes. Just now an hon. Member suggested that if permission was given to construct houses with black money in Delhi, then there was no doubt that big capitalists could construct houses in large numbers. But would it be feasible for us and our country? Then the exploitation of the tenants by the house owners would continue as before? Therefore, you should lay more stress on cooperatives. More people should be allotted land and all arrangements should be made by the Government. At present, while allotting lands to cooperatives, you realise before hand the cost of the plot which they are not in a position to pay in lump sum. You should allow them to pay the amount in instalments and should form cooperatives for lower categories. There is no need for forming cooperatives for the rich and affluent people as it is mainly a problem of middle class, lower middle class and the lowest class. You should allot them land on lease so that they can pay their instalments in time. Provision to provide them Houses should be made in such a way that they can get bank loans easily and construct houses in large numbers, thereby resolving the housing problem in Delhi.

Besides Delhi, there are other metropolitan cities in our country, namely, Calcutta, Bombay and Madras etc. where there is acute housing problem. There is need to make necessary provision in the Bill for these cities also. Such an arrangement already exists in Maharashtra. Provision in this regard has been made at

many places but there are still many such places where no such arrangement exists. As a result, the poor, particularly the slum-dwellers, whether they are in Bombay, Calcutta or any other big city are facing great hardship. As they do not get houses, they are forced to live in slums which are virtually hell. Slushy 'nullahs' flow by the side of these slums, spreading innumerable diseases. There is urgent need to look into these things.

Mr. Deputy Speaker, Sir, there are large number of slum-dwellers in his city as well. Therefore, the Government will have to make adequate provision and launch a country-wide drive so that besides the problem of slum-dwellers in big cities, the hardship, faced by middle class and lower middle class who have to shell out a large amount towards house rent which is beyond their means, is also removed. There is need to make provision in this regard to save them from their miserable plight and solve these problems. Therefore, I urge the hon. Minister to pay particular attention to construction of houses on cooperative basis to solve this problem and hope that he would give all possible cooperation in this regard.

Sir, there are no two opinions that this multi-storied building law has been formulated after due consideration and it will go a long way to solve various problems. But, Sir, you may be aware that in spite of so many provisions in the said law, there has been some lacunae due to which only the apartment-owners can become the president and secretary of the association, and as you pointed out in your speech, they are misusing the parking space and other land around the buildings by renting it out to others. There is urgent need to stop such practices.

The Bill provides for a commercial complex alongwith the apartments which would be managed from the income of the apartments. All this is well intended. But, Sir, you may be aware that in big cities exorbitant 'Pagri' is charged for the commercial complexes and lakhs of rupees change hands as far as the transfer of these complexes is concerned. Sir, there is need to make a provision in this Bill to stop such malpractices. This should be given a serious thought.

Sir, if an owner of a shop in the commercial complex wants to close down his shop or wants to rent it out, he asks for exorbitant security amount (Pagri). This should stop. I hope that adequate provision will be made in this regard.

Mr. Deputy Speaker, Sir, I wanted to say so many things on this subject but as you are giving me little time, with these words, I support the Bill and conclude.

[English]

SHRI SHANTARAM NAIK (Panaji) : Sir, this Bill which has come before this House is really a timely Bill. It is because the Union Territory of Delhi does not have a Body to legislate that this august House has been endowed with this responsibility of enacting this legislation. In fact, as some of my colleagues have said, this Bill should serve as a model to other States and Union Territories also. In fact, I would suggest that a draft of this Bill should be sent or circulated to all the State Governments after it is duly passed by this House.

As I see the Bill, it is some sort of a three-tier Bill in the sense the basic principles of this Bill are enacted in this Bill or the Act which has come.

Secondly, the Bill also empowers the Central Government to frame the rules.

Thirdly, the Bill also empowers the Administrator to prepare model by-laws for the purpose of Board management and for the day-to-day business. It is some sort of three-tier structure. This three-tier structure may create confusion and conflicts.

The basic power of preparing the model laws has been vested with Administrators. It has been provided that this Board can make certain amendments to the by-laws but they cannot alter the basic structure of the by-laws.

Now on this point itself, you will see that in the course of the year, there will be a host of litigation about what the basic structure means, how far they can amend the by-laws and what powers the Administrator has to accept or not to accept.



[Shri Shantaram Naik]

Therefore, I say that this three-tier structure will create further litigation. Either the power should have been with the Administrator to frame by-laws with no power to any other Body to change them or the Board itself should have been given the powers to frame by-laws. I do not know how this thing has come—'basic structure'. 'Basic structure of the Constitution'—this is the term which has been used by one of the judgements in the Supreme Court and you know what havoc it has made. Till to-day we do not know what the basic structure of the Constitution is and when the judgment was given by the Supreme Court, several judges differed on the point what the basic structure of the Constitution is and till to-day we do not know and this basic structure has come in the way of the entire progress of the country. Do you know that when we want to make any substantial change in the Constitution, we have to first know what the basic structure of the Constitution is. We are scared to-day that the Supreme Court may strike down our reforms because it may go against the basic structure of the Constitution. This term has created havoc. In that light I am saying that this term should not have been used in this Bill because our experience shows that this term may create confusion for want of precise description. I am saying that if it was described what the basic structure means, then it would have been all right. In the absence of a description or definition of the basic structure, this may create problems. This may also be considered.

Secondly, one of the clauses, clause 6 does not confer all the powers which other owners have if the payment by a particular allottee has not been made. Again there will be a problem. If there are 10 persons and one of them has not made the payment or part payment and if he is in possession—he is rightly entitled to be in possession—then his rights will be different from the rights of the other nine. Again what I am saying is that subject to his payment, that man, the person who has also not paid the full amount, should be given the same rights. There are other means of recovering that amount. If that person does not pay within the stipulated time, then he goes.

No doubt about it. But so long as he is in possession, there should be no different kind of ownership and that man also can get the same right.

Clause 7—I will just take you to clause 7 and how it is worded. I do not know how these things are worded. It is an encroachment on other legislations also. It says :

"Each apartment owner shall comply strictly with the bye-laws and with the covenants, conditions and restrictions set forth in the Deed of Apartment, and failure to comply with any of them shall be a ground for action to recover sums due for damages, or for injunctive relief, or both, by the Manager or Board, on behalf of the Association of Apartment Owners, or, in a proper case, by an aggrieved apartment owner."

When an injunctive relief is available or not available, is this the law to see to it? Injunctive reliefs are guided by the Civil Procedure Code and that will decide when a substantive law is violated and whether in a particular case, injunction will be given or not will be decided by the Civil Procedure Code. There is no need. In fact, I may say that it cannot be mentioned without confusion in a substantive law when an injunction will be given or will not be given. This is absolutely a redundant provision that injunction will be given or to say to recover some dues for damages or for injunctive relief the person will be entitled. You may kindly consider this. I am putting these technical points with some substance and you may kindly consider because it apparently does not create any confusion but it may create confusion subsequently.

By and large, Sir, as I said, I welcome this Bill. As far as the Board of Management is concerned, you will see that in the Board of Management which will govern all these things, in case there is a conflict between members and in case there is a conflict between the Management and the Administrator or the management and others, who will decide the matter? There must be some power to the Administrator that is the Lt. Governor to dissolve a Board of Management in case there are

some irregularities or if the Board is not functioning and appoint his own person for the time being till new body is elected. Unless these things are there, it will not function in a proper manner.

Lastly what has been said? If there is some demarcated area for the purpose of a multi-storeyed building, there shall be a single association. This is one of the provisions and rightly so. Demarcated area means what? There are various authorities. There is the Town Authority, there is the Municipal Authority and there are other authorities also. Demarcated area by a particular authority has to be mentioned. If not it will create confusion. These are very simple things. There are various authorities which demarcate planning areas. Demarcated area by the authorities should be mentioned. These are my suggestions. Lastly I will add that I welcome this Bill.

[*Translation*]

SHRI ABDUL GHAFOOR : Will Dagaji not speak ?

[*English*]

SHRI MOOL CHAND DAGA (Pali) : Sir, I have given notice of amendments.

MR. DEPUTY SPEAKER : I will allow you at that time.

[*Translation*]

SHRI ABDUL GHAFOOR : Mr. Deputy Speaker, Sir, eight hon. Members participated in the discussion on the Bill and expressed their views. I listened to them carefully. Most of them referred to four things. There was not even a single Member who opposed this Bill or expressed apprehensions about it. Instead, they said that it should have been brought forward much earlier. I feel that this was the only complaint against the Bill and at the same time I am thankful to all of you for having supported it.

Some hon. Members expressed their views—I will not say misgivings—on the burning problems in India. But I would remind them that this piece of legislation is

for Delhi apartment owners only. This is not applicable to general housing scheme. There is no doubt that we are trying to improve things in that regard.

Almost all the Members desired that this Bill be made applicable throughout the country. But we have our own limitations. I can tell you that the apartment ownership exists in ten States in our country and it is very significant in Bombay and Calcutta. The Apartment Ownership Bill has already been passed in Bombay Assembly. Some people have suggested that this Bill be sent to other States as a model Bill. Even in my State such a Bill does not exist. The people have recently started constructing apartments there. They will feel its necessity soon. I will send this Bill, as per your wishes, to all the States where there is no provision in this regard and try my level best to insist on them either to accept the model Bill or formulate one keeping in view their peculiar difficulties in this respect, so that the problem is solved.

An hon. Member suggested that we should ask the house-owners to reveal the source from where they got money to construct the house. If this is done, those who apprehend that they may be asked and they will be unable to furnish relevant information, may desist from constructing houses. Everybody knows that there is acute shortage of houses and, therefore, the suggestion that has been given..... (*Interruptions*)..... I cannot name them because I have not written their names. I have written your name and the names of Shri Shantaram Naik and Shri Jaiprakash Agarwal. An hon. Member said that the defence personnel should not be asked to reveal the source from where they got money to construct the house. This is such an issue that I am not in a position to comment or say that income-tax officials should not go to them. This is an issue on which anybody can express his opinion. When he spoke, I began to think as to what would happen. Supposing Shri Rama Rao has Rs. 4 crores and he wants to invest them in the construction of a house. If the Government do not ask its source then everything is all right. If we give permission, you can construct houses in the name of your sons, daughters and other relatives. But you should give some houses on rent also.

[Shri Abdul Ghafoor]

Income tax can be levied on rent thus got. Supposing Rs. 2 to Rs. 4 crores are invested in constructing a house and Rs. 50 lakhs are earned as rent, income tax may be levied on Rs. 50 lakhs and the source of money should not be asked. Therefore, this point should be considered. I cannot say whether this will solve our problem or not. Dr. Rajendra Kumari Bajpai is present here. When you speak in favour of Harijans that such and such thing should be done for them, they have their compulsion in the matter because their department has sanctioned amount and it cannot spend more than this amount. Similar is the case with me, the Railways and the Education Department. Therefore, I would like to say that political parties like CPI, CPM, Anna D.M.K., Congress should think over it whether it can benefit or not. This is a moot point. I am not in a position to say categorically that Income Tax people should not go there. This is also a scheme like many other schemes. Some rebate is given on the investment made in the rural development and income tax is not levied on this amount. This is a kind of incentive that you invest your money on it and you will not be asked its source. We have limited amount with us and we are moving ahead slowly. They want that this should be done early. In this House, Members represent as many as 5 to 6 lakhs people. If they place their views with majority, I think the Government will have no difficulty in agreeing with them. But here I am not in a position to agree with their views.

Another point has been raised in regard to the military personnel. If the military personnel have apartments, similar thing will take place with them also. Of course, when the Rent Control Bill is brought forward, provision to this effect will be made at that time that if a military man returns from his post, he will not have to go in for litigation to get back his house. We are considering over it. The hon. Defence State Minister has also written a letter. We are considering it but when the Rent Control Bill is brought here, only then something can be done. There is no necessity to pass any such thing in this Bill.

I would like to point out one thing in regard to the housing. A social worker from Gujarat visited me day before yester-

day. He has set up a society named Landless Labourers Association. It builds houses. I felt much pleased to have a talk with him. In my long political life, I have rarely met such people. He belongs to the Constituency of Morarjibhai. Once he fought election on Congress ticket but was defeated by 20 thousand votes. Since then he is engaged in this work. They have constructed 4 lakh houses in a very short period in the rural areas. In the State, which I represent, houses have been built for harijans since independence but they were meant only for Scheduled Castes. But here houses have been built for landless labourers whether they are harijans, muslims or dhobis. When I asked how they construct it, he said that these houses are built with the finance of HUDCO. They say that they come to the HUDCO and submit scheme to them and ask for money for executing the work. They release money to us. We hand over money to the Government. The Government hand it over to Panchayat Parishad. In accordance with the Scheme, the Panchayat Parishad gives it to Taluka Parishad. The social workers go to the people and tell them that those persons, whose houses will be constructed, will have to give Rs. 250 or provide labour equal to that amount. They agree to this proposal happily. They say that if the Members of Parliament want to see, they can come here and see for themselves. I think we should go there and see things for ourselves. The hon. Members say that they go there to see the work for themselves. But nobody appreciates the work in progress there. If every Member forms cooperative landless labour society, he will be too busy to spare time. But it requires will. The HUDCO has money but that is also not utilised fully. We have not got sufficient money so as to undertake the construction works. Who will construct? Suppose society undertakes the construction work but how will they give return? After the construction of the house, return has also to be submitted. They say that 80 per cent of the people whose houses have been constructed earlier have submitted their return last year. Suppose they have to give Rs. 150 and they have paid the instalment of Rs. 150. If we take up the works courageously, a lot of problems can be solved. You should take care of this thing.

The second thing is that those who have

money are not spending it. This aspect should also be considered. They should not think that this is a thinking of the Congress Party or the other party. We will not agree to this. All should think over it. This is a national problem. Housing is not the only national problem. There are many other things on which we can think calmly. What type of housing scheme should be there for the future ?

SHRI JAI PRAKASH AGARWAL (Chandni Chowk) : This Bill is not concerned with the housing problem.

SHRI ABDUL GHAFOOR : That is what I have said. The hon. Members have referred to it and, therefore, I am replying.

SHRI K.S. RAO (Machilipatnam) : Please say something about stamp duty.

SHRI ABDUL GHAFOOR : So far as the stamp duty is concerned, we will have the powers under this Bill to incorporate it in it at the time of framing rule. So there is nothing important in it. Many hon. Members have asked who will be the Inspector or Director. Those who are living in the apartments will be its Members and they will elect Inspector or Director from among themselves. What is the need of litigation in it ? By means of majority, they can get any work done. But if the Government constitute a Board, any one can get the work done through minority or majority. This we do not want. We want that the owners should frame bye-laws and send them. Why was the question of bye-laws raised ? Because if no one comes forward to frame them, the Government will step in. This question was raised to avoid messing up. You frame the bye-laws that are necessary and send them. We are not interested in imposing anything from our side. The bye-laws formulated by the co-operative society are registered with the Government. In that case, how will the Government formulate the bye-laws ? The members of the society can formulate bye-laws as they like. For example, an officer was sent to Bombay. You will be surprised to know that the people there subscribe even Rs. 500 ungrudgingly for its maintenance. An hon. Member referred to basic structure. What comes under basic structure in a flat—staircase. One thing I

want to refer to. You have also referred to... (Interruptions)

[English]

MR. DEPUTY SPEAKER : What about lift ?

[Translation]

SHRI ABDUL GHAFOOR : If the lift goes out of order, many people will suffer heart attack due to climbing up the steps. This is the basic thing.

SHRI JAI PRAKASH AGARWAL : The basic thing is as to why the flat owner should pay for the mistake of the promoter. This is the main question.

SHRI ABDUL GHAFOOR : The builder's work is over after the completion of the work in the flat. He hands over the flat to us and we become its owner. We use it as we like. If you go on breaking the window panes and expect that he will replace them, can he go on doing so the whole life ? This is not so neither in DDA nor anywhere else. You should take care of your house.

SHRI JAI PRAKASH AGARWAL : You are enacting the law for both sides.

SHRI ABDUL GHAFOOR : It is not for both sides. What we say is that the builder has constructed the flat and you have taken it over and have become its owner. Is the builder to look after it day and night ? You should look after it. If you do not want it, you leave the flat. The builder has done his work and now he will take another assignment and then he will construct third and fourth building and earn some income. The builder does not take up the work for the sake of service. They work hard and earn profit. If you ask the builder to go on repairing, no builder is going to do it. If we break chairs and window-panes daily and ask them to repair it, it will be a wrong thing. These are the main things which I have referred to.

The hon. Member has taken much interest in it. But I think there is no particular need to amend it. The framers of the Bill have framed it after giving due thought



[Shri Abdul Ghafoor]

to it. I could have one-line is to no given one-line answers to so many questions but I do not consider it necessary. One thing, he has mentioned about registration. As I said earlier, when we frame rules later on, then we will see it.

[English]

SHRI K. S. RAO : Registration Act is there. It cannot be done under a rule. (Interruptions)

SHRI ABDUL GHAFOR : Clause 25 gives power to Central Government to make provision in this regard. This will be examined subsequently.

SHRI K. S. RAO : Through Clause 2 you are once again enforcing Registration Act 1908. It is contradictory. You cannot make a provision in the rule to avoid registration because earlier when you registered the land you did not charge the registration fee for building but now when you register the flat you will be imposing 11 per cent extra. So they are being penalised.

[Translation]

SHRI ABDUL GHAFOR : We will keep in it mind.

[English]

Don't worry about that. I have given land to more than 80 per cent of the Members of Parliament. They are constructing under Group Housing. Why do you worry about that ?

[Translation]

Therefore, I think it is a very simple Bill and it has received praise from every section.

SHRI JAI PRAKASH AGRAWAL : The real trouble is that it is a very simple Bill.

SHRI ABDUL GHAFOR : It is the duty of the law. As has been said by Shri Daga, but he understood notwithstanding.

[English]

You make the law very simple so that even the commoner could understand it.

[Translation]

Otherwise he knows it already. They people said :

[English]

It is the fools who make the lawyers rich.

[Translation]

We have not become fool in it but we have made it cleverly. With these words, I request you all to pass it.

[English]

MR. DEPUTY SPEAKER : The question is :

"That the Bill to provide for the ownership of an individual apartment in a multi-storeyed building and of an undivided interest in the common areas and facilities appurtenant to such apartment and to make such apartment and interest heritable and transferable and for matters connected therewith or incidental thereto be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER : Now, we will take up Clause by Clause consideration of the Bill.

#### Clause 2

MR. DEPUTY-SPEAKER The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

#### Clause 3 (Definitions)

SHRI K.S. RAO (Machilipatnam) : beg to move ;

Page 2, line 37,—

*add at the end—*

“and as specified in the Deed of Apartment.”(1)

Page 3, line 19,—

*add at the end—*

“as may be prescribed for common use by the promoter in the Deed of Apartment.” (2)

Page 3, line 21,—

*add at the end—*

“as may be prescribed for common use by the promoter in the Deed of Apartment.”(3)

Page 3, line 32,—

*add at the end—*

“as may be prescribed for common use by the promoter in the Deed of Apartment.”(4)

Page 4,—

*for lines 33 and 34, substitute—*

“(u) “person” includes an individual, a joint family, an association of persons a firm, a company and also includes a group housing co-operative society.”(5)

Page 4,—

*for lines 36 to 38, substitute—*

“(w) “promoter” means the authority or individual or a joint family or an association of persons or a firm or a company or a group housing co-operative society, as the case may be, by which, or by whom, any multi-storeyed building been constructed.”(6)

SHRI MOOL CHAND DAGA (Pali) :

I beg to move :

Page 3, line 40,—

*add at the end—*

“or the Housing Cooperative Society.”(15)

Page 4, line 23,—

*for “four” substitute “two”.(16)*

MR. DEPUTY SPEAKER : Mr. Rao, have you got any points to make on your amendments to Clause 3 ?

SHRI K.S. RAO : Yes, Sir. Sir, in the Clause 3, my amendment is not a very difficult one. In the Bill, they themselves have provided in the Sub-Section (e) under ‘Definition’ in the last line as “specified in the Deed of Apartment.” This clearly indicates that they also feel that this sentence is required in order not to create any problem to the purchaser. So, I wish that the same thing should be incorporated in the Sub-Section 2(c). The intention is very clear. They have got the same intention of clarifying the rights of the owner. Sir, let him go through the Clause-3 where they have mentioned “specified in the Deed of Apartment” and I want the same thing to be mentioned under 2(c).

SHRI MOOL CHAND DAGA (Pali) : Sir, I say that the multi-storeyed building means building containing even two-storeys, not necessarily only four-storeys. It can be two-storeyed building also.

[*Translation*]

If it is two storeyed building, one apartment can be owned by one person and the second apartment by another person. Why have you mentioned the word only ‘four’ in it ? When your purpose is only to give right of ownership then in clause 3, why have you mentioned only ‘Four’ for the multi-storey building ? Therefore, you should substitute the word ‘four’ by ‘two’. You want to enact a simple law but you have inserted the word ‘four’. Will only the person who constructs four-storeyed building be the owner and not the one who constructs only two storeyed building ? There may be one apartment on the other, so if you agree, substitute the word ‘four’ by ‘two’.

SHRI ABDUL GHAFUOR : You want that in clause 3, the word 'four' should be substituted by the word 'two'.

[English]

"multi-storeyed building" means a building constructed on any land, containing four or more apartments, or two or more buildings..."

[Translation]

SHRI MOOL CHAND DAGA : One house is constructed and then another storey is constructed on it.

[English]

MR. DEPUTY SPEAKER : Mr. Daga, you can understand this.

[Translation]

SHRI MOOL CHAND DAGA : One apartment is constructed by you and another by your State Minister.

MR. DEPUTY SPEAKER : Mr. Rao, are you withdrawing your amendments ?

SHRI K.S. RAO : Yes, Sir.

MR. DEPUTY SPEAKER : Is it the pleasure of the House that the amendments to Clause 3 moved by Shri K.S. Rao be withdrawn ?

SOME HON. MEMBERS : Yes.

Amendments Nos. 1 to 6 were, by leave, withdrawn.

MR. DEPUTY SPEAKER : Mr. Daga, are you withdrawing your amendments ?

SHRI MOOL CHAND DAGA : Yes, Sir.

MR. DEPUTY SPEAKER : Is it the pleasure of the House that the amendments to Clause 3 moved by Shri Mool Chand Daga be withdrawn ?

SOME HON. MEMBERS : Yes.

Amendments Nos. 15 and 16 were, by leave, withdrawn.

[English]

MR. DEPUTY SPEAKER : The question is :

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(Ownership of apartments)

SHRI K.S. RAO : I beg to move :

Page 5, line 20,—

add at the end—

"when the multi-storeyed building has been finally completed."(7)

Page 5, line 22 and 23,—

for "have a permanent character"

substitute—

"attain a permanent character only after final completion of the multi-storeyed building."(8)

Page 5, lines 23 and 24,—

for "all the apartment owners"

substitute "Board"(9)

SHRI MOOL CHAND DAGA : I beg to move :

Page 5, line 23 and 24,—

for "all the apartment owners" substitute—

"the promoters,"(17)

Page 5, line 42,—

After "Apartment Owners" insert—

"or the Housing Cooperative Societies."(18)

SHRI K. S. RAO : Clause 4(3) says :

"Every person who becomes entitled to the exclusive ownership and

possession of an apartment under sub-section (1) or sub-section (2) shall be entitled to such percentage of undivided interest in the common areas and facilities as may be specified in the Deed of Apartment and such percentage shall be computed by taking, as a basis, the value of the apartment in relation to the value of the property."

It the percentage of undivided interest in the common areas and facilities is decided right before the completion of the building, then it will not be correct. Some more building may be added later on. It would lead to unnecessary litigation among the apartment owners and our purposes will not be served. I, therefore, want that you add at the end :

"when the multi-storeyed building has been finally completed."

This would be in the interest of reducing the litigation and unnecessary quarrel among the persons in the same building, who would otherwise be able to live with friendship and fraternity. As it is, it will create enmity among them on the question of percentage of right over the common areas.

15.08 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

In view of this, I want the words as indicated in my amendment should be added on page 5, clause 4 sub-section 3 at the end.

The promoters will be selling the apartments right from the commencement of the construction. The price at which he sells at the beginning may not be the same later. The sale price would vary from time to time depending upon the demand and for other reasons during the period of construction itself. And, therefore, if you decide the percentage of interest in the common areas in the Deed of Apartment before final completion, it will lead to unnecessary quarrel and litigation. I, therefore, request that my amendment may be accepted.

SHRI MOOL CHAND DAGA : Sir, I have moved these two amendments to Clause 4. Clause 4(a) reads :

"The percentage of the undivided interest of each apartment owner in the common areas and facilities shall have a permanent character, and shall not be altered without the written consent of all the apartment owner."

I want that the words 'all apartment owners' should be substituted by the words "the promoters". Suppose there is a promoter or a housing society or any association, who have constructed a five-story building. They are the promoters. If one person wants to make any changes, he must seek the permission of the promoter. How can the written consent of all the apartment owners be possible? It is not possible because the common areas will have a permanent character. That is why I say that it shall not be altered without the written consent of the promoters. After all you should seek the permission of the promoter. Otherwise you will change the whole building. Suppose there are six apartments and three of the owners want to change it. Then they must seek the permission of the promoter.

SHRI ABDUL GHAFOOR : Why?

SHRI MOOL CHAND DAGA : Because he is the main person. He has not transferred the whole of the apartment. What will happen if his permission is not sought?

[*Translation*]

SHRI ABDUL GHAFOOR : Dagaji is going too far. It is only Delhi Apartment Ownership Bill. Once the people purchase these apartments and ownership is transferred to them, then they will have their separate rights. Suppose one builder has to construct a ten-storeyed building and he has completed for storeys and further construction is going on and the people have occupied it upto fourth storey and let it out...(*Interruptions*)

[*English*]

MR. CHAIRMAN : Let the Minister reply please.



[*Translation*]

SHRI ABDUL GHAFOR : If you restrict, he would stop further construction.

(*Interruptions*)

You listen to me.

[*English*]

SHRI K.S. RAO : You cannot give a permanent character then.

[*Translation*]

SHRI ABDUL GHAFOR : You can also restrict it for ever. If after selling the four apartments, the further construction is stopped for next ten years, the real owners will be those who have occupied these apartments.

[*English*]

They are the real owners of the multi-storied building.

[*Translation*]

Shri Dagaji has no problem because he has received back his deposited money.

[*English*]

SHRI K.S. RAO : Sir, you have not understood the issue.

SHRI MOOL CHAND DAGA : The answer has not come. I still plead that after the words "Apartment Owners", you must insert the words "or the Housing Cooperative Societies", because there are so many housing societies and if you do not put these words, it will create a problem.

SHRI ABDUL GHAFOR : The cooperative societies have got their own rules and regulations, registered under the Government Act.

[*Translation*]

It also applies to those who have constructed or purchased their own apart-

ments as individuals and not as members of co-operative society. The same will be applicable to the single housing group society and the individual as well. If all the members of the Co-operative society want to manage it in a particular way—

[*English*]

—they are entitled for that. They have the liberty, as you have your own liberty. Any individual can benefit. This is such a simple thing.

(*Interruptions*)

MR. CHAIRMAN : No discussion like this please ! No further discussion. Mr. Rao, are you withdrawing your amendment or do you want me to put it to the vote of the House ? What do you say ?

Mr. Daga are you withdrawing your Amendments ?

SHRI MOOL CHAND DAGA : Yes, Sir.

MR. CHAIRMAN : Is it the pleasure of the House that the two Amendments 17 and 18 be withdrawn ?

SOME HON. MEMBERS : Yes, Sir.

Amendments Nos. 17 and 18 were, by leave, withdrawn.

MR. CHAIRMAN : Mr. Rao, are you withdrawing your Amendments ?

SHRI K.S. RAO : Yes, Sir.

MR. CHAIRMAN : Is it the pleasure of the House that the three Amendments 7, 8 and 9 be withdrawn ?

SOME HON. MEMBERS : Yes, Sir.

Amendments Nos. 7, 8 and 9 were, by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That Clause 4 stand part of the Bill."

The Motion was adopted.

Clause 4 was added to the Bill.

Clause 5 (Apartment to be heritable and transferable)

MR. CHAIRMAN : Mr. Daga, are you moving your Amendment ?

SHRI MOOL CHAND DAGA : Yes, Sir, I beg to move :

Page 6, line 1,—

after "section 6" insert—

"notwithstanding any thing contained in the Transfer of Property Act, 1882,"(19)

The Bill says that "Subject to the provisions of Section 6, each apartment together with the undivided interest in the common areas and facilities appurtenant to such apartment, shall, for all purposes constitute as a heritable and transferable immovable property" Instead of that, I say you please insert "notwithstanding any thing contained in the Transfer of Property Act, 1882". Unless and until a man again sells his own house and unless there is a partition suit before a Civil Court and the Civil Court decides it that this is part is the property of 'X', this part is the property of 'Y' and so on, you kindly insert. "notwithstanding any thing contained in the Transfer of Property Act." If you do not create it, then it will create more litigation, and more people will have to go to the Court. So kindly put this word. It will not harm anybody.

SHRI ABDUL GHAFOOR : In Clause 24, which is a general Clause... (Interruptions)

SHRI MOOL CHAND DAGA : It is not a general Clause.

SHRI ABDUL GHAFOOR : In Clause 24, which is a general Clause, it is laid down that the provisions of this Act shall have effect "notwithstanding anything" in consistent with any other law for the time being in force." The Amendment does not,

therefore appear to be necessary and may not be accepted.

SHRI MOOL CHAND DAGA : You must be understanding that, it is a very small thing. Nobody can transfer his property unless... (Interruptions)

MR. CHAIRMAN : I hope you are withdrawing it.

SHRI MOOL CHAND DAGA : Yes.

MR. CHAIRMAN : Is it the pleasure of the House that the Amendment (19) be withdrawn ?

SOME HON. MEMBERS : Yes, Sir.

Amendment No. 19 was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That Clause 5 stand part of the Bill."

The Motion was adopted.

Clause 5 was added to the Bill.

Clause 6 and 7 were added to the Bill.

Clause 8 (Right of re-entry)

SHRI K.S. RAO : I beg to move :

Page 7, lines 4 and 5—

"for "Three months from such commencement, or" substitute—

"three months from the date on which the possession of the apartment in such multi-storied building is delivered to him, or"(10)

Page 7,—

omit lines 10 to 14(11)

Clause 8(a), in the case of multi-storied buildings constructed before the commencement of this Act, within three months from such commencement, but even if you read the same Clause 8(b), in the case of multi-storied building constructed

[Shri K.S. Rao]

after the commencement of this Act within three months from the date of which the possession of any apartment in such multi-storeyed building is delivered to him. That is correct, *i.e.* unless the possession is delivered to him, how can the sub-lease agreement be executed with the prospective purchaser? It is impossible. So, once he executes his sub-lease agreement without delivering, and before registration, it will lead to complications. So, I said that after :

“in the case of a multi-storeyed building constructed before the commencement of this Act...”

instead of the words “within three months from such commencement” we should have :

“three months from the date on which the possession of the apartment in such multi-storeyed building is delivered to him, or”

I request the Minister to go into the rationality of it, and not to insist on passing the Bill without amendments. (*Interruptions*) Let it be taken as his own amendment. Let him see that it is done. It is in the interests of the apartment owners. So, the Minister must honour it. It is not a question of our enforcing it. If necessary, let it be introduced by him, and then let us accept it. Why should we create problems for them tomorrow? (*Interruptions*) I am talking about clause 8, line 4 at page 7.

SHRI ABDUL GHAFOR : Please clause 8(1)(a) and (b) where the word ‘commencement’ is used.

SHRI K.S. RAO : Yes, it relates to the commencement of this Act. If it is delivered already, you can enforce within three months. If it is not delivered already,...

MR. CHAIRMAN : No private conversations like this. You address the Chair; move your amendment, and please sit down.

SHRI ABDUL GHAFOR : I just wanted to know, Sir, what he wants, and

where. This clause is in respect of old apartments which were in existence before the commencement of the proposed Act.

SHRI K.S. RAO : Yes, but which are under construction, and not yet completed.

SHRI ABDUL GHAFOR : The provision contained in the Bill seems more appropriate than what you propose. So, this amendment may not be accepted.

MR. CHAIRMAN : Mr. Rao, do you withdraw your amendment?

SHRI K.S. RAO : Yes.

MR. CHAIRMAN : Does Mr. Rao have the leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS : Yes.

Amendments Nos. 10 and 11 were, by leave, withdrawn.

MR. CHAIRMAN : The question is :

“That Clause 8 stand part of the Bill.”

The Motion was adopted.

Clause 8 was added to the Bill.

MR. CHAIRMAN : For clauses 9 and 10 there are no amendments. The question is :

“That Clauses 9 and 10 stand part of the Bill.”

The Motion was adopted.

Clauses 9 and 10 were added to the Bill.

Clause 11 (*Certain Works Prohibited*)

SHRI K.S. RAO : I beg to move :

Page 10, line 27,—

for “all the other apartment owners”

substitute—

“the Board” (12)

It is said in line 24 at page 10 of the Bill :

"No apartment owner shall do any work which would be prejudicial to the soundness."

and then :

"...or excavate any additional basement or cellar without first obtaining the consent of all the other apartment owners."

Now, in a democracy, you are yourself accepting either a majority decision or a two-thirds or three-fourths majority decision. If, out of the 200 apartment owners, one apartment owner wants to create a problem to the entire complex, he can do an extensive damage. I am not against acceptance by a clear majority. When the apartment owners themselves are constituting a Board of their own, you can insist on a separate clause, if necessary, saying that four-fifths of the apartment owners must agree to it. But you cannot say that all the apartment owners must agree. We have got experience in that direction; and if you insist that all the apartment owners should agree in respect of all these things, you will be once again creating tension amongst them. So, once again I make this request : Please agree to the incorporation of the word 'Board'. If you are not satisfied with the Board, you at least bring in some other amendment. (*Interruptions*) The Board is constituted by the majority of the apartment owners.

SHRI ABDUL GHAFOOR : The Board has been constituted by the apartment owners. Let them face the difficulties, because it is they, who have created the Board. Why should we worry about it ? Suppose one owner wants to create mischief; then what is the meaning of democracy ? Let them decide and do whatever they want to do by a majority.

SHRI K.S. RAO : I agree by a majority, not what you said all the apartment owners.

SHRI ABDUL GHAFOOR : When the Board has been created by those apartment owners, it is the responsibility of the Board.

MR. CHAIRMAN : Has Mr. K.S. Rao leave of the House to withdraw his amendment no. 12 ?

SEVERAL HON. MEMBERS : Yes.

Amendment No. 12 was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That Clause 11 stand part of Bill."

The motion was adopted.

Clause 11 was added to the Bill.

MR. CHAIRMAN : Mr. Mool Chand Daga, are you moving your amendment no. 12 to clause 12 ?

SHRI MOOL CHAND DAGA : No.

MR. CHAIRMAN : The question is :

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 (Contents of Deed of Apartment)

SHRI K.S. RAO : I beg to move :

- (i) Page 11, line 29,—omit "allotment,"
- (ii) line 31,—

omit "an allotment,"

- (iii) line 33, omit "allotment,"

- (iv) line 34,—

omit "allotment," (13)

Page 12, lines 30 and 31,—

for "not exceeding six months" substitute—

"as competent authority feel proper,"(14)

MR. CHAIRMAN : Do you want to press or withdraw them ?



SHRI K.S. RAO : I want to withdraw them.

MR. CHAIRMAN : Has Mr. K.S. Rao leave of the House to withdraw his amendment nos. 13 and 14 ?

SEVERAL HON. MEMBERS : Yes.

Amendments Nos. 13 and 14 were, by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

MR. CHAIRMAN : There is no amendment to Clause 14. I put it to the vote of the House. The question is :

"That Clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

MR. CHAIRMAN : Mr. Mool Chand Daga, are you moving your amendment to Clause 15 ?

SHRI MOOL CHAND DAGA : No.

MR. CHAIRMAN : The question is :

"That Clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

MR. CHAIRMAN : There are no amendments to Clauses 16 to 27. I put them to the vote of the House. The question is :

"That Clauses 16 to 27 stand part of the Bill."

The motion was adopted.

Clauses 16 to 27 were added to the Bill.

MR. CHAIRMAN : The question is :

"That Clause 1, Enacting Formula, and Title stand part of the Bill."

The motion was adopted.

Clause 1, Enacting Formula and Title were added to the Bill.

SHRI ABDUL GHAFOOR : I beg to move :

"That the Bill be passed."

SHRI MOOL CHAND DAGA : I want to speak.

MR. CHAIRMAN : Motion moved :

"That the Bill be passed."

SHRI RAJ MANGAL PANDE (Deoria) : I am on a point of propriety. The hon. member who has moved his amendments and subsequently withdrawn them has no right to speak on the subject. (*Interruptions*) You have not given your judgement in this case whether he is doing an act of propriety or not.

MR. CHAIRMAN : There is no question of propriety here. I have allowed him to speak.

[*Translation*]

SHRI MOOL CHAND DAGA : Mr. Chairman, Sir, first of all I would like to say that if even now you consider it proper, it has been mentioned under Rule 57 :

[*English*]

"Every rule made under this Act shall be laid on the Table of the House".

[*Translation*]

And you have made all the bye-laws clause, by clause, so I would like to say that.....

[*English*]

"Rule and bye law...those should be....." (*Interruptions*) You see 234.

It reads as follows :

“Where a regulation or rule or sub-rule”.

So, he must insert this word ‘byelaw’ also, sub-rule also. Otherwise, what will happen is this. The bye-laws will be framed under this Act, and if they will not be laid on the Table of the House, it is my duty to bring it to the notice that the hon. Minister should be allowed to move this at least bye-law; that should be inserted in this Bill because it is very necessary. Otherwise, it will create a problem. So, he must move it. What is the harm? If anybody advises him, it is good. The Law Department is here. They can advise him.

[*Translation*]

SHRI ABDUL GHAFOOR : It is a matter of law, it should be considered carefully. I have now followed Daga Sahib, he has mentioned something about bye-laws. Bye-laws will be drafted by the house owners and cooperative societies.

[*English*]

They will only be model bye-laws. Model bye-law does not mean that it is a real bye-law.

SHRI MOOL CHAND DAGA : Bye-laws mean bye-laws made under this Act. These bye-laws will be under this Act and they will be laid on the Table. You have not inserted that in the Clause.

SHRI ABDUL GHAFOOR : They will be laid on the Table of the House. Even an individual living in the house...  
(*Interruptions*)

[*Translation*]

SHRI MOOL CHAND DAGA : Please listen to me.

[*English*]

Under the Act if the rules and bye-laws are framed, they must be laid on the Table of the House. Clause 23 says that every rule made under the Act will be laid on the Table of the House. I say

please insert in it ‘bye-laws’ also. Rule 234 of the Rules of Procedure says that every rule, regulation, bye-law shall be laid on the Table of the House. It is a mandatory provision. Otherwise, the Committee on Subordinate Legislation will bring this to your notice and you will have to amend this.

MR. CHAIRMAN : The question is :

‘That the Bill be passed.’

The motion was adopted.

15.32 hrs.

STATUTORY RESOLUTION RE :  
MINISTERS (ALLOWANCES,  
MEDICAL TREATMENT AND  
OTHER PRIVILEGES) AMEND-  
MENT RULES, 1986

[*English*]

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM NIWAS MIRDHA) : The salaries, allowances and other privileges of Central Ministers are governed by the Salaries and Allowances of Ministers Act, 1952 and rules framed thereunder, namely, the Ministers’ (Allowances, Medical Treatment and other Privileges) Rules, 1957.

Rule 3 of the Ministers’ (Allowances, Medical Treatment and other Privileges) Rules, 1957 provided that “there shall be granted with effect from the 28th May, 1964 to the Prime Minister and with effect from the 12th August, 1952 to every other Minister who is a member of the Cabinet a Sumptuary Allowance of Rs. 500 per mensem.”

As a result of coming into force of the Salaries and Allowances of Ministers (Amendment) Act, 1985 (76 of 1985) with effect from 26.12.1985, the Prime Minister, a Cabinet Minister, a Minister of State and a Deputy Minister are now entitled to sumptuary Allowance at the rate of Rs. 1500, Rs. 1000, Rs. 500 and Rs. 300 p.m. respectively. As such, Section 1 and