

ACT No. XIX OF 1947

[PASSED BY THE INDIAN LEGISLATURE]

(Received the assent of the Governor General on the 24th March, 1947.)

An Act 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 not completed and which are not let to a tenant before 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 X of 1897. upon the expiry of this Act in any area as if it had then been repealed by a Central Act.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,— Definitions.

(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;

Price anna 1 or 1½d.

- (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 has been sublet by the tenant then, without prejudice to the provisions of section 9,—

- (a) the landlord may increase the rent payable by the tenant—
 - (i) in the case of premises let for residential purposes by an amount not exceeding $12\frac{1}{2}$ per cent. of the standard rent of the part sublet; and
 - (ii) in the case of premises let for other purposes by an amount not exceeding 25 per cent. of the standard rent of the part sublet;
- (b) the tenant may increase the rent payable by the sub-tenant—
 - (i) in the case of premises let for residential purposes by an amount not exceeding 25 per cent. of the standard rent of the part sublet; and
 - (ii) in the case of premises let for other purposes by an amount not exceeding 50 per cent. of the standard rent of the part sublet;

(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 or the tenant or any person acting or purporting to act on behalf of the tenant, to claim or receive, in consideration of the grant, continuance or renewal of a tenancy or sub-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
by landlord or
tenant.

(2) It shall not be lawful for the tenant, or any person acting or purporting to act on behalf of the tenant, or a sub-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 rental charges which exceeds the amount which he is entitled under this Act to realise from the tenant or tenants of the premises.

Limitation of lia-
bility of middle-
men.

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 unfurnished 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 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 :

Provided that no eviction shall be ordered under this clause if the tenant pays in court on the first day of hearing such arrears of rent together with the costs of the suit ; 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

(c) that 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 purely residential premises are required *bona fide* by the landlord who is the owner of such premises for occupation as a residence for himself or his family, that he neither has nor is able 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 2nd day of June, 1944, 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 2nd day of June, 1944 whichever is later ; or

- (f) that the tenant after the commencement of this Act has built, acquired vacant possession of or been allotted a suitable residence ; or
- (g) 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
- (h) 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
- (i) 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 notwithstanding previous notice has 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
- (j) 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 no decree for eviction shall be passed on the grounds set forth in clauses (e) and (i) unless the Court is satisfied after taking all the facts and circumstances into consideration that it is reasonable to allow such eviction :

Provided further 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.

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 Govern-
ment 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.

(5) 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) The landlord shall be bound to keep in good and tenantable repair any premises to which this Act applies except in cases where the tenant has undertaken by agreement to keep the premises in repair. **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. (1) Except as may be otherwise provided by rules made under sub-section (2), any question which under this Act is to be determined by the court may be determined by any court which would have jurisdiction to hear and decide a suit for eviction of a tenant from the premises in respect of which the question arises. **Jurisdiction of courts.**

(2) With the concurrence of the Chief Commissioner, the High Court may make rules to determine the classes of courts which shall have power to hear and decide original cases, appeals and applications for revision and to deal with execution proceedings under this Act and the procedure to be followed by them.

(3) The power conferred by sub-section (2) shall include power to determine in what circumstances the parties shall have a right to appeal or apply for review over revision in cases under this Act, and further to determine how and by what authority it shall be decided whether any particular case shall be deemed to be a case under this Act.

(4) All rules made under sub-section (2) shall be published in the Official Gazette.

(5) The provisions of this Act and of any rules made under sub-section (2) shall, in respect of any case under this Act, have effect notwithstanding anything to the contrary in the Code of Civil Procedure, 1908, or any other law.

V of 1908
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 Ajmer 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;

XXV of 1944.

(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 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 5/8% 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.

5. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are used mainly as residence and incidentally for business or profession, the standard rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4.

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 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 are let for use as a residence, the standard rent of the premises shall be the basic rent increased by—

(a) $8\frac{1}{3}\%$ 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) $18\frac{3}{4}\%$ 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.

5. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 applies, are used mainly as residence and incidentally for business or profession, the standard rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4.

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 period

of 1947.]

Delhi and Ajmer-Merwara Rent Control

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