

THE DELHI RENT CONTROL (AMENDMENT) ACT, 1988

No. 57 of 1988

[5th October, 1988.]

An Act further to amend the Delhi Rent Control Act, 1958.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short
title
and
commence-
ment.

1. (1) This Act may be called the Delhi Rent Control (Amendment) Act, 1988.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 3.

2. In section 3 of the Delhi Rent Control Act, 1958 (hereinafter referred to as the principal Act),—

59 of 1958.

(i) in clause (a), the word “or” shall be omitted;

(ii) after the proviso, the following clauses shall be inserted, namely:—

“(c) to any premises, whether residential or not, whose monthly rent exceeds three thousand and five hundred rupees; or

(d) to any premises constructed on or after the commencement of the Delhi Rent Control (Amendment) Act, 1988, for a period of ten years from the date of completion of such construction.”

Amend-
ment of
section 6.

3. In section 6 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (A), in sub-clause (2), in item (b),—

(a) for the words “seven and one-half per cent.”, the words “ten per cent.” shall be substituted;

(b) for the word “reasonable”, the word “actual” shall be substituted;

(c) the proviso shall be omitted;

(ii) in clause (B), in sub-clause (2), in item (b),—

(a) for the words “seven and one-half per cent.”, the words “ten per cent.” shall be substituted;

¹ 12-1988; vide Notification No. S. O. 1067(E), dated 21-11-1988, Gazette of India, Extraordinary, 1989, Pt. II; Sec. 3(ii).

(b) for the word "reasonable", the word "actual" shall be substituted;

(c) the proviso shall be omitted;

(b) in sub-section (2),—

(i) in clause (a), the word "and" occurring at the end shall be omitted;

(ii) in clause (b), after the words "the commencement of this Act," the words, brackets and figures "but before the commencement of the Delhi Rent Control (Amendment) Act, 1988" shall be inserted;

(iii) after clause (b), the following clause shall be inserted, namely:—

"(c) in the case of any premises, whether residential or not, constructed on or after the commencement of the Delhi Rent Control (Amendment) Act, 1988 and to which the provisions of this Act are made applicable by virtue of clause (d) of section 3, the rent calculated on the basis of ten per cent. per annum of the aggregate amount of the actual cost of construction of the premises and the market price of the land comprised in the premises on the date of commencement of the construction of the premises shall be deemed to be the standard rent."

4. After section 6 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 6A.

"6A. Notwithstanding anything contained in this Act, the standard rent, or, where no standard rent is fixed under the provisions of this Act in respect of any premises, the rent agreed upon between the landlord and the tenant, may be increased by ten per cent. every three years."

Revision of rent.

5. In sub-section (1) of section 7 of the principal Act, for the words "seven and one-half per cent.", the words "ten per cent." shall be substituted.

Amendment of section 7.

6. In section 9 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

Amendment of section 9.

"Provided that in working out the cost of construction of any premises or the market price of the land comprised in such premises for the purposes of section 6, or the cost of improvement, addition or alteration referred to in section 7, the Controller may take the assistance of any valuer approved by the Central Government in accordance with such rules as may be prescribed and the assessment shall be made by such valuer in the manner prescribed."

7. In section 12 of the principal Act,—

Amendment of section 12.

(i) in clause (b), in the opening portion, after the words "commencement of this Act", the words, brackets and figures "but before

the commencement of the Delhi Rent Control (Amendment) Act, 1988" shall be inserted;

(ii) before the proviso, the following clause shall be inserted, namely:—

“(d) in the case of any premises referred to in clause (c) of sub-section (2) of section 6, within two years from the date of such application:”.

Amend-
ment of
section
14.

8. In the proviso to sub-section (1) of section 14 of the principal Act,—

(i) in clause (h), the word “built,” shall be omitted;

(ii) after clause (h), the following clause shall be inserted, namely:—

“(hh) that the tenant has, after the commencement of the Delhi Rent Control (Amendment) Act, 1988, built a residence and ten years have elapsed thereafter;”.

Insertion of
new sections
14B and
14C.

9. After section 14A of the principal Act, the following sections shall be inserted, namely:—

Right to
recover
immediate
possession
of
premises
to accrue
to
members
of the
armed
forces,
etc.

14B. (1) Where the landlord—

(a) is a released or retired person from any armed forces and the premises let out by him are required for his own residence; or

(b) is a dependent of a member of any armed forces who had been killed in action and the premises let out by such member are required for the residence of the family of such member,

such person or, as the case may be, the dependent may, within one year from the date of his release or retirement from such armed forces or, as the case may be, the date of death of such member, or within a period of one year from the date of commencement of the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

(2) Where the landlord is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him are required for his own residence after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of only one of the premises chosen by him.

Explanation.—For the purposes of this section, “armed forces” means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under section 3 of the Delhi Police Act, 1973.

14C. (1) Where the landlord is a retired employee of the Central Government or of the Delhi Administration, and the premises let out by him are required for his own residence, such employee may, within one year from the date of his retirement or within a period of one year from the date of commencement of the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

Right to recover immediate possession of premises to accrue to Central Government and Delhi Administration employees.

(2) Where the landlord is an employee of the Central Government or of the Delhi Administration and has a period of less than one year preceding the date of his retirement and the premises let out by him are required by him for his own residence after his retirement, he may, at any time within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

(3) Where the landlord referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of only one of the premises chosen by him.

14D. (1) Where the landlord is a widow and the premises let out by her, or by her husband, are required by her for her own residence, she may apply to the Controller for recovering the immediate possession of such premises.

Right to recover immediate possession of premises to accrue to a widow.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to her to make an application under that sub-section in respect of any one of the premises chosen by her.

10. In sub-section (1) of section 19 of the principal Act, after the word and figures "section 14", the words, figures and letters "or under sections 14A, 14B, 14C, 14D and 21" shall be inserted.

Amendment of section 19.

11. Section 21 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

Amendment of section 21.

"(2) While making an order under sub-section (1), the Controller may award to the landlord such damages for the use or occupation of the premises at such rates as he considers proper in the circumstances of the case for the period from the date of such order till the date of actual vacation by the tenant."

12. In the *Explanation* to section 22 of the principal Act, the words "but does not include any such institution set up by any private trust" shall be added at the end.

Amendment of section 22.

13. In section 25B of the principal Act, in sub-section (1), after the words, figures and letter "or under section 14A" the words, figures and letters "or under section 14B or under section 14C or under section 14D" shall be inserted.

Amendment of section 25B.

14. In section 26 of the principal Act,—

Amendment of section 26.

(a) in sub-section (1), the words "and where any default occurs in the payment of rent, the tenant shall be liable to pay simple in-

interest at the rate of fifteen per cent. per annum from the date on which such payment of rent is due to the date on which it is paid" shall be added at the end;

(b) to sub-section (2), the following proviso shall be added, namely:—

"Provided that it shall be open to the tenant to remit the rent to his landlord by postal money order."

Amend-
ment of
section
27.

15. In section 27 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that in cases where there is a *bona fide* doubt as to the person or persons to whom the rent is payable, the tenant may remit such rent to the Controller by postal money order."

Amend-
ment of
section
38.

16. In sub-section (1) of section 38 of the principal Act,—

(a) after the words "made under this Act", the words "only on questions of law" shall be inserted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that no appeal shall lie from an order of the Controller made under section 21."

Omission
of section
39.

17. Section 39 of the principal Act shall be omitted.

Amend-
ment of
section
48.

18. For sub-section (3) of section 48 of the principal Act, the following sub-section shall be substituted, namely:—

"(3) If any landlord re-lets or transfers the whole or any part of any premises in contravention of the provisions of sub-section (1) or sub-section (2) of section 19 he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both."

Amend-
ment of
section
49.

19. In section 49 of the principal Act,—

(a) for the words "magistrate of the first class" at both the places where they occur, the words "Metropolitan Magistrate" shall be substituted;

(b) for the words and figures "section 32 of the Code of Criminal Procedure, 1898", the words and figures "section 29 of the Code of Criminal Procedure, 1973" shall be substituted;

(c) for the words "two thousand rupees", the words "five thousand rupees" shall be substituted.

Amend-
ment of
section
56.

20. In sub-section (2) of section 56 of the principal Act, clause (a) shall be relettered as clause (aa) thereof, and before the clause as so relettered, the following clause shall be inserted, namely:—

"(a) the manner of approval of valuers and the procedure to be followed by such valuers under the proviso to sub-section (2) of section 9;"