

Joint Select Committee on the Mysore
Rent Control Bill, 1959 Report



MYSORE LEGISLATURE.

SECOND SESSION 1960.

Report of the Joint Select Committee on the Mysore Rent Control Bill, 1959.

(Presented on 1st September 1960).

We, the Members of the Joint Select Committee to which the Mysore Rent Control Bill, 1959, was referred have considered the several clauses of the Bill and have the honour to submit the following report :—

1. We met on 15th, 16th, 17th, 26th and 27th February, 24th and 25th May and 11th August 1960.

2. We heard the representations of (1) the President, Joint Standing Committee of Rate-payers' Association, (2) the All Mysore Hotels Association and the Bangalore Hotel Association, (3) Sri G. E. Rudrappa and Sri Jingade, Merchants.

3. *Clause 2—(1) Sub-clause (6) (New sub-clause).*—We are of the opinion that the Government should have the power to direct by notification that all or any of the provisions of Part II, III, IV, V and VI, should cease to be applicable to any area and such notification should be laid before both Houses of the Legislature. We have accordingly inserted this sub-clause.

(2) *Sub-clause (7) Original Sub-clause (6).*—We consider that the Act should not be made applicable to buildings belonging to municipalities in the urban areas specified in Schedule I to the Bill. We have, accordingly, amended this sub-clause.

4. *Clause 3—(1) Item (a).*—We are of the opinion that a farm house should be excluded from the operation of this Act. We have accordingly amended the definition of "building" to exclude "farm house".

(2) *Item (c).*—We are of the opinion that the Controller should be an officer not below the rank of a Gazetted Officer. We have accordingly amended the definition of "Controller".

(3) *Item (n) (New Item).*—We are of the opinion that the provisions of the Act relating to eviction should be applicable not

merely to buildings but also to land not used for agricultural purposes. We have accordingly inserted a definition of "premises" to cover both buildings and non-agricultural lands.

(4) *Item (r) Original Item (g).*—We are of the opinion that not only the surviving spouse or any son or daughter of a deceased tenant but also his father or mother should be entitled to continue as tenant in the building occupied by the deceased tenant. We have accordingly amended this item.

5. *Clause 4—(1) Sub-clause (1).*—We consider that instead of seven days, the landlord should be given fifteen days to report the vacancy to the Controller.

(2) *Sub-clause (3).*—We consider that it is not necessary to make a provision for imprisonment for contravention of this clause. A fine which may extend to one thousand rupees is quite adequate. We are however of the opinion that a minimum fine will have to be imposed, and have accordingly provided for a fine of not less than fifty rupees.

6. *Clause 5.*—We consider that the punishment for contravention of this clause should not include rigorous imprisonment. We have, therefore made it clear that the punishment may be simple imprisonment, or fine, or both.

7. *Clause 6.*—We have amended sub-clause (2) to make it clear that the imprisonment may be only simple imprisonment.

8. *Clause 7.*—We consider that the provisions of this clause should not be made applicable to cases other than those relating to leasing of buildings to a public authority. We also consider that the order directing the making of improvements or alterations should be restricted to cases of improvement or alteration which increases the capital value of the building, and the total cost of improvement or alteration should not exceed twelve per cent of the capital cost of the building. We have, accordingly, modified this clause.

9. *Clause 8—Sub-clause (2) (New sub-clause).*—We consider that the Government should have the power to make rules for determining the order of priority in selecting the persons for allotment of buildings, and that the Government and an officer not below the rank of a Deputy Commissioner should have power to direct allotment of any building to any public authority or to any officer of the State Government or the Central Government. We have accordingly inserted this sub-clause.

10. *Clause 9.*—We consider that instead of three days, five days may be given for delivery of possession. This clause has accordingly been amended.

11. *Clause 11.*—We are of the opinion that if an application for permission to convert a residential building for non-residential purposes is made and the Controller does not, within sixty days from the date of receipt of the application, pass any order, he should be deemed to have granted the permission applied for. We are also of the opinion that the punishment for contravention of this clause should be limited to a fine which may extend to five hundred rupees. Necessary modifications have accordingly been made in this clause.

12. *Clause 12.*—We consider that the period for filing the appeal should be thirty days and the appellate authority should be the Deputy Commissioner when the officer passing the order is an officer below the rank of a Deputy Commissioner; and the appellate authority should be the Divisional Commissioner when the officer passing the order is an officer not below the rank of a Deputy Commissioner. We have accordingly amended this clause.

13. *Clause 14.*—We are of the opinion that since uniform law is being enacted, the provision for fixation of fair rent should also be uniform in the whole State.

We have carefully considered the basic period to be taken into account for fixation of fair rent in the case of old buildings and have come to the conclusion that it should be the period of twelve months before the 1st day of April 1947.

In view of the increase in the value of buildings since then, we consider that it is necessary to fix the fair rent after increasing the rate of rent or rental value during the basic period, up to certain percentages, the actual percentage in each case being determined by the Controller. In the case of a residential building, if the rate of rent or rental value during the basic period does not exceed Rs. 50 per mensem, an increase not exceeding 25 per cent on such rate or rental value may be allowed, and if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 50 per cent of such rate or rental value may be allowed. In the case of a non-residential building, if the rate of rent or rental value of the building during the basic period does not exceed Rs. 50, an increase not exceeding 50 per cent of such rate or rental value may be allowed, and, if the rate of rent or rental value exceeds Rs. 50 per mensem, an increase not exceeding 100 per cent of such rate or rental value may be allowed. For the purpose of fixing the fair rent for buildings constructed after 1st day of April 1947, the rental value of the building as entered in the property tax assessment book of the local authority for the year in which the building was constructed, will have to be taken into account, and, if no such records are available, the fair rent will have to be fixed calculated on

the basis of 6 per cent per annum of the aggregate amount of the reasonable cost of construction and the market price of the land comprised in the building on the date of commencement of construction. We have also made it clear that in fixing the fair rent, the Controller should specify the date from which the fair rent shall have effect; but such date should in no case be earlier than the date of filing the application for the fixation of fair rent. As regards the period during which applications for fixation of fair rent may be made, we consider that a provision should be made that such an application should be made within one year from the date of coming into operation of Part III of this Bill in the case of existing premises in respect of which fair rent has not already been fixed, and in the case of any premises let after the date of coming into operation of this Part, within one year from the date of commencement of the tenancy. Provision has also been made that if the Controller is satisfied that the applicant was prevented by sufficient cause from filing the application in time, the Controller may entertain the application after the period of one year.

14. *Clause 15—(New clause).*—We consider that provision on the lines of Section 3-B of the Mysore House Rent and Accommodation Control Act, 1951, relating to the restriction on sale or hire of furniture in any house let to a tenant should be included in the Bill. We have, accordingly, inserted this clause.

15. *Clause 18—(Original clause 17).*—We consider that it is necessary to prohibit the receipt of not merely money in the form of premium or pegree, but also any consideration whatsoever in cash or in kind in addition to the rent in consideration of the grant or continuance of a tenancy, or as a condition of relinquishment, transfer or assignment of a tenancy. We are also of the opinion that the fine payable should not be less than the amount of premium or pegree or the value of the consideration. We have accordingly modified this clause.

16. *Clause 21—(Original clause 20)—(1) Sub-clause (1) Proviso (a).*—We consider that this clause should be amplified clearly specifying the manner of service of notice referred to in Section 106 of the Transfer of Property Act, 1882.

(2) *Sub-clause (1) Proviso (f).*—We consider that a tenant should not be liable to eviction from a premises on account of sub-letting before the commencement of the Act unless such sub-letting was made contrary to any provision of law then in force.

(3) *Sub-clause (1) Proviso (1) (new proviso).*—Since Part V is applicable to vacant non-agricultural lands which have been leased, provision has to be made for eviction from any such land when the

land is reasonably and *bona fide* required by the landlord for the erection of a new building.

(4) *Sub-clause (3)*.—We have clarified the wording of paragraph (b) of this sub-clause.

(5) *Sub-clause (6) (new sub-clause)*.—We are of the opinion that the landlord should give notice to the tenant in cases of alleged misuse of the premises requiring him to stop the misuse and no application for eviction should be made unless the tenant has refused or failed to comply with such requirement within thirty days from the date of service of notice. We also consider that no order for eviction of such tenant should be made unless the Court is satisfied that the misuse of the premises is of such a nature that it is a public nuisance or that it causes damage to the public or is otherwise detrimental to the interests of the landlord. A new sub-clause has accordingly been inserted.

17. *Clause 24—(Original clause 23)*.—We have made certain verbal amendments in sub-clauses (2) and (3). We are of the opinion that there should be no punishment of imprisonment for contravention of this clause. We have accordingly amended sub-clause (4) and have specified that the maximum fine may be one thousand rupees.

18. *Clause 25—(Original clause 24)*.—We consider that three months' time should be given to the landlord for occupation of the premises instead of one month. We also consider that there should be no punishment of imprisonment for contravention of this clause. A fine which may extend to five hundred rupees is in our opinion, quite adequate. We have accordingly amended this clause.

19. *Clause 26—(Original clause 25)*.—We are of the opinion that there should be no punishment of imprisonment for contravention of this clause. Accordingly in sub-clause (3), we have provided that the punishment may be a fine which may extend to five hundred rupees.

20. *Clause 28—(Original clause 27)*.—The punishment for contravention of this clause should also be only a fine. We have accordingly amended sub-clause (2) (b) and provided for a fine which may extend to five hundred rupees.

21. *Clause 31—(Original clause 30)*.—We have carefully considered whether it is necessary to have provision for the control of hotels and lodging houses. We are of the opinion that statutory provision for such control is absolutely necessary in the interests of the public. We consider that it is not necessary to fix the percentage of accommodation for daily and monthly lodgers in a hotel or

lodging house. So far as the number of lodgers to be accommodated in a hotel or lodging house is concerned, we are of the opinion that when a person is accommodated in any room, the members of his family may also be accommodated in the same room although the total number of members who are accommodated may exceed the number fixed for a particular room. We have, accordingly, made suitable provision in this clause.

22. *Clause 32—(Original clause).*—We consider that this clause is unnecessary and have accordingly deleted it.

23. *Clause 37—(New clause).*—We are of the opinion that in order to enable the competent authority to take necessary action under Part VI in respect of hotels and lodging houses, the managers of hotels and owners of lodging houses should be required to submit to the competent authority statements indicating the particulars relating to such hotels and lodging houses. We have accordingly inserted this clause.

24. *Clause 38—(Original clause 37)—(1) Sub-clause (1).*—We consider that there should be no punishment of imprisonment for contravention of the provisions of Part VI. We are however of the opinion that the fine may extend to one thousand rupees and where a fine, premium or other sum has been received by the Manager of the hotel or owner of the lodging house, the fine should not be less than twice the amount of fine, premium or other sum. When a person is convicted for receiving a fine, premium or other like sum, the Magistrate should, out of the fine levied, direct payment to the lodger of an amount equal to the fine, premium or other like sum received from the lodger.

(2) *Sub-clause (2).*—We have amended this sub-clause making it clear that the punishment may be only fine which may extend to five hundred rupees.

(3) *Sub-clause (5)—(New sub-clause).*—This sub-clause provides for punishment with fine which may extend to one thousand rupees for contravention of clause 37.

25. *Clause 42—(Original Clause 41).*—We are of the opinion that the daily fine under sub-clause (5), for the default under this clause may be fifty rupees instead of one hundred rupees. The maximum fine which may be imposed under sub-clause (6) may be five hundred rupees. We have accordingly amended sub-clauses (5) and (6).

26. *Clause 47—(Original Clause 46).*—We are of the opinion that the time within which an appeal may be preferred should be thirty days instead of fifteen days. We have accordingly amended this clause.

27. *Clause 52—(Original Clause 51).*—We are of the opinion that punishment under sub-clause (2) should be limited to a fine which may extend to five hundred rupees. We have accordingly amended the sub-clause.

28. *Clause 56—(New Clause).*—We consider it necessary to empower magistrates of the first class to impose fine exceeding two thousand rupees in respect of offences punishable under this bill, as imposition of fine exceeding two thousand rupees may become necessary under clause 18 when the premium or pugree received exceeds that amount. We have accordingly inserted this clause.

29. *Clause 58—(Original Clause 56).*—We consider that contravention of any rule may be made punishable with fine which may extend to five hundred rupees instead of with fine which may extend to one thousand rupees. We have accordingly amended sub-clause (3) of this clause.

30. *Schedule I.*—We consider that Aland in Gulbarga District and Koppa in Chickmagalur District should be included in this Schedule. We have accordingly amended the Schedule.

31. *Schedule III.*—We consider that the Hubli Municipal Borough and the Mangalore Municipality should be included in this Schedule. We have accordingly amended the Schedule.

32. We considered whether provisions may be made in the Bill to give protection to tenants who have constructed buildings on lands belonging to others, and in this connection examined the provisions included in the Bangalore City Tenants' Protection Bill, 1959, which had been brought up before the Legislative Assembly. We are of the opinion that there is no justification to interfere with the contractual rights between the owners of the lands and their tenants, except to the extent provided in this Bill.

33. The other amendments made in the Bill are either consequential or intended to improve the provisions.

34. The Bill was published in the *Mysore Gazette Extraordinary*, dated 15th May 1959.

35. We recommend that the Bill as amended be passed.

36. In our opinion, the Bill has not been so altered as to require circulation.

Sriyuths.—

Kadidal Manjappa (*Chairman*)

C. K. Rajaiah Shetty.

H. V. Kaujalgi.

D. T. Seetharama Rao.

Kumara Naik.

M. R. Lakshamma.

F. H. Mohshin.

G. N. Puttanna.

R. C. Patil.

B. V. Banumiah.

T. D. Maranna

Tejsingh Rathod.

T. Parthasarathy.

M. L. Sreekantaiah.

K. S. Suryanarayana Rao.

K. T. Jambanna.

T. Hanumaiah

The Minister for Law, Labour and Local Self-Government an *Ex-officio* Member of the Committee did not attend the meetings of the Committee.

Sriyuths: H. F. Kattimani and K. Sanjeeva Reddy ceased to be members of the Select Committee on account of the expiration of their term of membership of the Council from the 14th May 1960.

G. S. VENKATARAMANA IYER,
Secretary.

[AS AMENDED BY THE JOINT SELECT COMMITTEE.]

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE RENT CONTROL BILL, 1960.

A Bill to provide for the control of rents and evictions, for the leasing of buildings, to control rates of hotels and lodging houses and for certain other matters in the State of Mysore.

WHEREAS it is expedient to provide for the control of rents and evictions, for the leasing of buildings, to control rates of hotels and lodging houses and for certain other matters:

BE it enacted by the Mysore State Legislature in the Eleventh Year of the Republic of India as follows:—

PART I.

PRELIMINARY.

1. Short title, extent, commencement and duration.—(1) This Act may be called the Mysore Rent Control Act, 1960.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may by notification appoint.

(4) It shall remain in force up to and inclusive of thirty-first December, 1970, and upon the expiry of this Act, section 6 of the Mysore General Clauses Act, 1899, shall apply as if this Act were a permanent Mysore Act and had been repealed by a Mysore Act immediately before its expiry.

2. Application of the Act.—(1) Parts I and VII of this Act shall be applicable to the whole of the State of Mysore.

(2) Parts II and III of this Act shall be applicable to the areas specified in Schedule I:

Provided that the said parts shall not apply to a building constructed after the first August 1957 for a period of five years from the date of construction of such building.

(3) Parts IV and V of this Act shall be applicable to the areas specified in Schedule II.

(4) Part VI of this Act shall be applicable to the areas specified in Schedule III.

(5) The State Government may by notification apply all or any of the provisions of Parts II, III, IV, V or VI to such other areas from such dates as may be specified in the notification.

(6) The State Government may at any time by notification direct that all or any of the provisions of Parts II, III, IV, V or VI shall cease to be applicable to any area whether specified in Schedule I, II or III or not, on such date as may be specified in the notification; and on that date the said provisions shall cease to be applicable to such area:

Provided that section 6 of the Mysore General Clauses Act, 1899, shall apply when any provision of this Act ceases to be applicable to any area, as if it had then been repealed by a Mysore Act:

Provided further that the issue of a notification under this sub-section shall not preclude the issue of a notification under sub-section (5) applying all or any of the provisions of the said Parts to such area.

(7) Nothing in this Act shall apply—

(a) to any building belonging to the State Government or the Central Government; or

(b) to any building belonging to a municipal corporation, municipal council or other municipal body having jurisdiction in any area specified in Schedule I; or

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

3. Definitions.—In this Act, unless the context otherwise requires—

(a) “building” means any building or hut or part of a building or hut other than a farm house, let or to be let separately for residential or non-residential purposes and includes—

(i) the garden, grounds and out-houses, if any, appurtenant to such building, hut or part of such building or hut and let or to be let along with such building or hut or part of building or hut,

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

(iii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof,

but does not include a room or other accommodation in a hotel or a lodging house;

(b) "Competent authority" means any officer authorised by the State Government by notification to perform the functions of the competent authority under Part VI of this Act;

(c) "Controller" means in respect of any local area, any officer not below the rank of a Gazetted Officer appointed by the State Government to perform the functions of the Controller under this Act;

(d) "Court" means, in respect of any local area, any civil court which may be specially authorised by the State Government by notification in this behalf, or where no civil court is so authorised,

(i) the court of the Civil Judge (Junior Division) in the Bombay Area,

(ii) the court of the District Munsiff in the Madras Area and

(iii) the court of the Munsiff in Coorg District, Hyderabad Area and Mysore Area,

having territorial jurisdiction in such area;

(e) "fair rate" means the rate fixed under section 31 and includes the rate as revised under section 32;

(f) "fair rent" means the fair rent fixed under section 14 and includes the fair rent or standard rent fixed under any Act repealed by section 60;

(g) "hotel" or "lodging house" means a building or a part of a building where lodging with or without board or other service is by way of business provided for a monetary consideration;

(h) "landlord" means any person who is for the time being, receiving or entitled to receive, rent in respect of any premises whether on his own account or on account, or on behalf, or for the benefit of any other person or as a 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; and includes any person not being a tenant who from time to time derives title under a landlord; and further includes in respect of his sub-tenant a tenant who has sub-let any premises;

(z) "local authority" means—

- (i) in the City of Bangalore, the Corporation of the City of Bangalore ;
- (ii) in any urban area, the municipality or the borough municipality or the municipal committee or the municipal council or the cantonment board or the sanitary board or the town board or the trust board, as the case may be, and
- (iii) in any rural area, the * panchayat concerned ;

(j) "manager of a hotel" includes any person in charge of the management of a hotel ;

(k) "notification" means a notification published in the official Gazette ;

(l) "owner of a lodging house" includes any person who receives or is entitled to receive, whether on his own account or on behalf of himself and others or as an agent or trustee, any monetary consideration from any person on account of board, lodging or other service ;

(m) "person" includes the State Government or the Central Government ;

(n) "premises" means—

- (i) a building as defined in clause (a) ;
- (ii) any land not used for agricultural purposes ;

(o) "prescribed" means prescribed by rules made under this Act ;

(p) "public authority" means the State Government or the Central Government or a local authority, or a Corporation established by a Central Act or a Mysore Act, or a Government Company.

Explanation.—"Government Company" means a Government company within the meaning of section 617 of the Companies Act, 1956 (Central Act 1 of 1956) ;

(q) "Schedule" means a Schedule to this Act ;

(r) "tenant" means any person by whom or on whose account rent is payable for a premises and includes the surviving spouse or any son or daughter or father or mother of a deceased tenant who had been living with the tenant in the premises as a member of the tenant's family up to the death of the tenant and a person continuing in

possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a premises by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter-house or of rents for shops has been farmed out or leased by a local authority.

PART II.

LEASE OF BUILDINGS

4. Intimation of vacancy by landlords.—(1) Every landlord shall, within fifteen days after the building becomes vacant by his ceasing to occupy it or by the termination of a tenancy or by the eviction of the tenant or by the release of the building from requisition, or otherwise, give intimation by registered post to the Controller:

Provided that this sub-section shall not apply to a building in respect of which the landlord has obtained an order for possession on any of the grounds specified in clause (h) of the proviso to sub-section (1) of section 21 or to any building which has been released from requisition for the use and occupation of the landlord himself.

(2) A landlord shall not, without the permission of the Controller let, occupy or permit to be occupied a building referred to in sub-section (1) without giving intimation and for a period of fifteen days from the date on which the intimation is received by the Controller or within a period of one week after the termination of the proceedings under section 8, if any, whichever is later.

(3) Any landlord who contravenes the provisions of sub-section (1) or (2) shall, on conviction, be punished with fine which may extend to one thousand rupees; provided that such fine shall not be less than fifty rupees.

(4) Nothing contained in this section shall apply—

(i) to a residential building the monthly rent of which does not exceed fifteen rupees per month or the annual rental value of which does not exceed one hundred and eighty rupees; or

(ii) to a non-residential building the monthly rent of which does not exceed twenty-five rupees or the annual rental value of which does not exceed three hundred rupees; or

(iii) to any building in any city, town or village owned by any local authority, company, association or firm, whether

incorporated or not, and *bona fide* intended solely for the occupation of its officers and servants employed in the same city, town or village.

5. Order for leasing of vacant building.—(1) The Controller may, by order in writing served on the landlord, direct that any vacant building, whether intimation of its vacancy has been given by the landlord under sub-section (1) of section 4 or not, be given on lease to such public authority or other person as he may think fit.

Explanation.—A building may be directed to be leased under this section notwithstanding that it is subject to an agreement of lease or has been let or occupied in contravention of sub-section (2) of section 4.

(2) Any landlord who contravenes an order made under sub-section (1) shall, on conviction, be punished with simple imprisonment for a term which may extend to three months or with fine or with both.

6. Order for leasing of occupied building.—(1) Where a landlord is in possession or is entitled to immediate possession of more buildings than one in the same area and the Controller is of the opinion that having regard to the landlord's calling, standard of living, nature and extent of business and other material facts, the landlord's residential or non-residential requirement, as the case may be, would be adequately served by allotting to him one or more of the said buildings and that the other buildings are needed for a public authority, the Controller may, by order in writing served on the landlord, allot to him for his residential or non-residential purposes, as the case may be, such one or more buildings and order the leasing of other buildings to such public authority as he thinks fit.

(2) Any landlord who contravenes an order directing the leasing of any building made under sub-section (1) shall, on conviction, be punished with simple imprisonment for a term which may extend to three months or with fine or with both.

7. Improvements and alterations.—(1) Where a building is directed to be leased to a public authority under section 5 or section 6, the Controller may, if he deems fit, order the landlord to make such improvement or alterations, as may be necessary to the building within such time as may be specified and to make such increase in

the rent of the building in accordance with the provisions of section 14:

Provided that no such order shall be made unless—

(i) the improvement or alteration increases the capital value of the building; and

(ii) the total cost of the improvement or alteration does not exceed twelve per cent of the capital cost of the building.

(2) If the landlord refuses or fails to make such improvements and alterations within the time specified, the Controller shall, subject to such general or special instructions as the State Government may issue from time to time in this behalf, have the power to make or authorise the making of the same, at the cost of the State Government without the consent of the landlord and without liability to pay any enhanced rent to the landlord by reason of such improvements or alterations. Where the public authority to which the building is leased is not the State Government, it shall be liable to pay enhanced rent in respect of such improvement or alterations to the State Government.

8. Procedure to be followed before ordering leasing of any building for a public authority or other person.—(1) Before issuing any order under section 5 or section 6, the Controller—

(a) shall call upon the landlord or any other person who may be in possession of the building by notice in writing to show cause, within seven days from the date of the service of such notice on him, why the building should not be ordered to be leased to a public authority or other person as may be specified in the notice; and

(b) may, by order direct that neither the landlord nor any other person shall, without the permission of the Controller, dispose of or structurally alter the building or let it out to a tenant or occupy it or use it until the expiry of such period not exceeding one month, as may be specified in the order.

(2) In selecting the public authority or other person in whose favour an order may be made under this section, the Controller shall observe such order of priority as may be prescribed:

Provided that where the State Government, or in respect of any area, any officer not below the rank of a Deputy Commissioner authorised by the State Government in this behalf, directs that any building shall be leased to any public authority or any officer of the

State Government or of the Central Government, the Controller shall, subject to the provisions of sub-sections (3), (4) and (5), make an order under this section in favour of such public authority or officer, as the case may be.

(3) In considering the causes, if any, shown by the landlord or other person in possession, the Controller shall, in case the premises to be leased is a part of a building, give due regard to the customs, manners and social conventions of the persons occupying the remaining portions of the building, in so far as such customs, manners and social conventions are not opposed to law, public order, morality or health.

(4) If, after considering the causes, if any, shown by the landlord or other person in possession of the building, the Controller is satisfied that it is necessary or expedient so to do, he may by an order in writing direct the building to be leased to such public authority or other person specified in the notice under sub-section (1) at such rent as shall be specified in such order and may make such further orders as appear to him to be necessary or expedient in connection therewith :

Provided that the rent specified in any such order shall not be less than—

- (i) the fair rent, if any, fixed for the building ; or
- (ii) if any fair rent has not been fixed for the building, the rent last paid for the building ; or
- (iii) if no rent was last paid, the rent determined by the Controller on the basis of the rental value of the building as entered in the property tax assessment book of the local authority ; or
- (iv) if no property tax has been assessed in respect of the building, the rent determined by the Controller on the basis of the prevailing rates of rent in the locality for similar buildings in similar circumstances :

Provided further that unless the rent specified in such order is the fair rent of the building, the tenant or the landlord shall be entitled to apply for fixation of fair rent in respect of the building.

(5) Notwithstanding anything contained in sub-section (4), no order under the said sub-section shall be made in favour of a person other than a public authority, unless—

- (i) such person has made an application in the prescribed form to the Controller for allotment of a building for his use or occupation,

- (ii) such person has deposited or deposits with the Controller for payment to the landlord an amount equal to one month's rent of the building as advance, and
- (iii) the Controller is satisfied that such person is not occupying or for reasonable cause cannot occupy a building, which is his own or for the possession of which he is entitled and which is suitable for his requirements.

9. Contents of the order directing leasing of a building to a public authority or other person.—Every order under section 5 or section 6 shall be in writing and shall specify—

- (a) the person to whom possession of the building should be delivered ;
- (b) the date on which such possession should be delivered, such date not being earlier than five days from the date of service of the order ; and
- (c) the rent, if any, as fixed by the Controller under sub-section (4) of section 8.

10. Rights over the building ordered to be leased to a public authority or other person.—(1) Upon the service of the order under section 5 or section 6, the landlord shall deliver possession of the building to the authority or person to whom the building is directed to be leased on the date specified in such order and such authority or person shall be deemed to be the tenant of the landlord with effect from the date on which the possession of the building is delivered to such authority or person at the rate of rent specified in such order, the other terms of tenancy being such as may be agreed upon between the landlord and the tenant or in default of an agreement, as may be determined by the Controller.

(2) If the landlord fails to deliver possession under sub-section (1), the Controller or any officer authorised by him may take possession of the building breaking open locks, if any, and using such force with such police assistance as may be required for evicting any person in occupation or control of such building who refuses to deliver and for removing any obstruction or resistance in the taking of such possession.

(3) Any building in respect of which the State Government or the Central Government becomes a tenant under sub-section (1), may be put to any such use as the State Government or the Central Government, as the case may be, thinks fit and in particular the State Government or the Central Government may permit the use of the

building for the purposes of any other State Government or as the residence of any officer in the service of the State Government or of the Central Government or any other State Government.

11. Conversion of residential building.—(1) Save as otherwise provided in this Act, no residential building shall be converted into a non-residential building except with the permission in writing of the Controller.

(2) If the Controller does not within sixty days from the date of receipt of an application for permission under sub-section (1), pass any order on the application, he shall be deemed to have granted the permission applied for.

(3) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees.

12. Appeal.—Any person aggrieved by an order passed by the Controller under the provisions of this Part may within thirty days from the date of communication of the order appeal—

- (i) to the Deputy Commissioner, when the officer passing the order is an officer below the rank of a Deputy commissioner ; and
- (ii) to the Divisional Commissioner, when the officer passing the order is an officer not below the rank of a Deputy Commissioner,
and the appellate authority may pass such order on the appeal as it deems fit.

13. Payment of cost of eviction.—Any person refusing to vacate a building directed to be leased under section 5 or section 6, shall be liable to pay to the State Government the expenses, if any, incurred by the State Government in effecting his eviction from such building, as may be determined by the Controller; and the amount so payable shall be recoverable as arrears of land revenue.

PART III.

PROVISIONS REGARDING RENT

14. Fixation of fair rent, etc.—(1) The landlord or tenant of any building, other than a building in respect of which the fair rent has been fixed either before or after the coming into operation of this Act, may make an application to the Controller for fixing the fair rent of the building.—

- (a) in the case of any building which was let before the date of coming into operation of this Part. within one year from such date ;

- (b) in the case of any building let after the date of coming into operation of this Part,
- (i) where the application is made by the landlord, within one year from the date on which the building was let to the tenant against whom the application is made;
- (ii) where the application is made by the tenant, within one year from the date on which the building was let to that tenant:

Provided that the Controller may entertain the application after the expiry of the said period of one year, if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

(2) On receipt of an application under sub-section (1), the Controller shall, after holding such inquiry as he thinks fit, fix the fair rent for such building. In fixing the fair rent for any building part of which has been lawfully sub-let, the Controller may also fix the fair rent of the part sub-let.

(3) In fixing the fair rent under this section the Controller shall have due regard—

- (a) to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the first day of April 1947;
- (b) to the rental value as entered in the property tax assessment book of the local authority concerned relating to the period mentioned in clause (a);
- (c) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the first day of April 1947.

(4) In fixing the fair rent of a residential building the Controller may allow—

- (i) if the rate of rent or rental value referred to in sub-section (3) does not exceed fifty rupees per mensem, an increase not exceeding twenty-five per cent on such rate or rental value;
- (ii) if the rate of rent or rental value exceeds fifty rupees per mensem, an increase not exceeding fifty per cent of such rate or rental value.

Explanation.—For purposes of this section 'residential building' includes building let out for the purpose of a public hospital, an educational institution, a public library, reading room or orphanage.

(5) In fixing the fair rent of a non-residential building, the Controller may allow—

- (i) if the rate of rent or rental value referred to in sub-section (3), does not exceed fifty rupees, an increase not exceeding fifty per cent of such rate or rental value ;
- (ii) if the rate of rent or rental value exceeds fifty rupees per mensem, an increase not exceeding one hundred per cent of such rate or rental value.

(6) In fixing the fair rent of a building which has been constructed after the first day of April 1947, the Controller may take into consideration the rental value of the building as entered in the property tax assessment book of the local authority for the year in which the building was constructed :

Provided that where no such records are available, the Controller may fix the fair rent calculated on the basis of six per cent per annum of the aggregate amount of the reasonable cost of construction and the market price of the land comprised in the building on the date of the commencement of the construction.

(7) In fixing the fair rent of any building under this section, the Controller shall fix the fair rent thereof in an unfurnished state and may also determine an additional charge to be payable on account of any fittings or furniture supplied by the landlord.

(8) In fixing the fair rent of any building under this section, the Controller shall specify a date from which the fair rent so fixed shall be deemed to have effect :

Provided that in no case shall the date be earlier than the date of filing of the application for the fixation of the fair rent.

(9) No tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any building any amount in excess of the fair rent of the building, unless such amount is a lawful increase of the fair rent in accordance with the provisions of this Act.

(10) Subject to the provisions of sub-section (9), any agreement for the payment of rent in excess of the fair rent shall be null and void and shall be construed as if it were an agreement for the payment of the fair rent.

15. Restriction on sale or hire of furniture in any house let to a tenant.—(1) No person shall make the purchase or hire of any furniture in any house, a condition of the grant, renewal or continuance of a tenancy of such house and no person shall sell or hire the

furniture in any house of which he is the landlord to the tenant of such house, except under a permit in the prescribed form from the Controller and such permit shall not be given unless the price or hire is reasonable.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to one thousand rupees.

16. Lawful increase of or reduction in fair rent in what cases admissible.—(1) When the fair rent of a building has been fixed no further increase in such fair rent shall be permissible except in cases where some addition, improvement, or structural alteration has been carried out at the landlord's expense other than tenantable repairs necessary or usual for such building and if the building is then in the occupation of a tenant, at the request of such tenant:

Provided that the increase in fair rent under this sub-section shall not exceed six per centum per annum on the cost of such addition, improvement or alteration, and it shall not be chargeable until such addition, improvement or alteration has been completed.

(2) Notwithstanding anything contained in sub-section (1), where the cost of repairs effected in pursuance of orders of the Court under sub-section (3) of section 43, exceeds one-sixth of the annual rent of a building, such excess shall, for purpose of sub-section (1), be deemed to be expense incurred by the landlord in respect of an addition, improvement or structural alteration of the building in respect of which the landlord is entitled to increase of the fair rent.

(3) Where after the fair rent of a building has been fixed there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.

(4) Any dispute between the landlord and the tenant in regard to any increase or reduction claimed under this section, shall be decided by the Controller.

17. Increase of rent where tax or cess is increased.—(1) Where the rate of tax or cess payable by the landlord in respect of any building to a local authority is enhanced* the landlord shall be entitled to claim such excess from the tenant in addition to the rent payable for the building*:

Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Controller.

18. Unlawful charges not to be claimed or received.—(1) Where the fair rent of a building has been determined,

- (a) no person shall claim, receive or stipulate for the payment of any sum as premium or pugree or any consideration whatsoever in cash or kind, in addition to such fair rent or save as provided in sections 16 and 17 any rent in excess of such fair rent :

Provided that the landlord may receive or stipulate, for the payment of an amount not exceeding two months' rent by way of advance;

- (b) save as provided in clause (a), any premium or pugree or other consideration or any rent paid in addition to such fair rent whether before or after the commencement of this Part in consideration of the grant or continuance or renewal of the tenancy of the building after such commencement shall be refunded or returned by the landlord or other person to the person by whom it was paid or at the option of such person otherwise adjusted by the landlord or other person :

Provided that where before the determination of the fair rent any amount has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess after the date of application for fixing the fair rent.

(2) Where the fair rent of a building has not been so determined,

- (a) no person shall after the commencement of this Part receive or stipulate for the payment of any sum as premium or pugree or any consideration whatsoever in cash or kind, in addition to the agreed rent ;
- (b) save as provided in clause (a) any sum or consideration paid in excess of the agreed rent whether before or after the commencement of this Part in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement shall be refunded or returned by the landlord or other person to the person by whom it was paid or at the option of such person otherwise adjusted by the landlord or other person.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.

(4) 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 sum or any consideration as a condition of relinquishment, transfer or assignment of his tenancy or sub-tenancy, as the case may be, of any building.

(5) Any landlord who contravenes the provisions of sub-section (1) or sub-section (2) and any tenant or other person who contravenes the provisions of sub-section (4) shall, on conviction, be punished with fine which may extend to five hundred rupees :

Provided that such fine shall not be less than the amount of premium or pegree or the value of the consideration referred to in sub-section (1), (2) or (4), as the case may be.

PART IV.

DEPOSIT OF RENT.

19. Right of tenant to deposit rent in certain cases.—(1) Where the address of the landlord or his authorised agent is not known to the tenant, or the landlord refuses to accept, the rent remitted by postal money order under section 46, the tenant may deposit the rent lawfully payable to the landlord in respect of the premises together with such fee and such particulars as may be prescribed for the service of the notice referred to in sub-section (2), in Court and in such manner as may be prescribed and continue to deposit any rent, which may subsequently become due in respect of the premises together with the fees prescribed as aforesaid in Court in the same manner until the address of the landlord or his authorised agent becomes known to the tenant, or until the landlord signifies by notice in writing to the tenant his willingness to accept any subsequent rent which becomes due in respect of the premises, as the case may be.

(2) When any deposit is made under sub-section (1), the Court shall cause notice of the deposit to be served by affixture at the last known place of residence of the landlord and in such other manner as may be prescribed; and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Court in that behalf.

(3) (a) Where any *bona fide* doubt or dispute arises as to the person who is entitled to receive the rent for the premises the tenant

may deposit such rent in Court in such manner as may be prescribed and may continue to deposit any rent which may subsequently become due in respect of the premises in Court in the same manner or until the Court makes an order under clause (b), or until the doubt is removed or the dispute is settled by the decision of a competent court or by a settlement between the parties, as the case may be.

(b) If after such inquiry as it thinks fit, the Court is not satisfied that a *bona fide* doubt or dispute exists in the matter it shall forthwith order payment of the amount deposited to the landlord.

(4) Where the Court does not pass an order under clause (b) of sub-section (3), any amount or amounts deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties only by the person who is held by the Court to be entitled to the amount or amounts in accordance with such settlement.

20. Time for deposit and savings.—(1) No rent deposited under section 19 shall be deemed to have been validly deposited under that section for purposes of section 21 unless deposited within fifteen days of the time fixed in the agreement of tenancy with the landlord for payment of the rent, or in the absence of such agreement unless deposited within fifteen days after the last day of the month for which the rent was payable or within fifteen days from the date on which the rent remitted by postal money order under sub-section (2) of section 46 is returned by the postal authorities as undelivered, as the case may be.

(2) If the rent is deposited within the time specified in sub-section (1), the deposit shall constitute a payment of rent to the landlord if the amount deposited would have been valid legal tender of rent if tendered to the landlord on the date fixed in the agreement of tenancy with the landlord for payment of rent, or in the absence of such agreement by the first day of the month next following that for which the rent is payable.

(3) The receipt of payment of rent deposited under section 19 from the Court, in the manner provided therein, shall not operate as an admission against the receiver of the correctness of the rate of rent, the amount due or any other particulars furnished by the tenant while depositing the rent under the said section, nor shall it operate as a waiver of any notice to quit given by him to the tenant.

PART V

CONTROL OF EVICTION OF TENANTS AND OBLIGATION
OF LANDLORDS

21. Protection of tenants against eviction.—(1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or other authority in favour of the landlord against the tenant :

Provided that the court may on an application made to it, make an order for the recovery of possession of a premises on one or more of the following grounds only, namely :—

- (a) that the tenant has neither paid nor tendered the whole of the arrears of the rent legally recoverable from him within two months of the date on which a notice of payment for the arrears of rent has been served on him by the landlord by tender or delivery either personally to the tenant or to a member or servant of his family at his residence (or if such tender or delivery is not practicable) by affixture to a conspicuous part of the premises ;
- (b) that the tenant has committed any act contrary to the provisions of clause (o) of section 108 of the Transfer of Property Act, 1882 ; or
- (c) that the tenant has, without the landlord's consent given in writing, erected on the premises any permanent structure ; or
- (d) that the tenant or any person residing with the tenant has been guilty of conduct which is a nuisance or annoyance to the adjoining or neighbouring occupiers, or has been convicted of using the premises or allowing the premises to be used for immoral or illegal purposes ; or
- (e) that the tenant has given notice in writing to quit and in consequence of that notice the landlord has contracted to sell or let the premises or has taken any other steps as a result of which he would in the opinion of the Court, be seriously prejudiced if he could not obtain possession of the premises ; or

- (f) that the tenant has, sub-let the whole or part the premises or assigned or transferred in any other manner his interest therein and where the sub-letting, transfer or assignment has been made before the coming into operation of this Part, such sub-letting, transfer or assignment was made contrary to any provision of law then in force;
- (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 coming into operation of this Act, to be in such service or employment; or
- (h) that the premises are reasonably and *bona fide* required by the landlord for occupation by himself or any person for whose benefit the premises are held or where the landlord is a trustee of a public charitable trust, that the premises are required for occupation for the purposes of the trust; or
- (i) that the premises are reasonably and *bona fide* required by the landlord for carrying out repairs which cannot be carried out without the premises being vacated; or
- (j) that the premises are reasonably and *bona fide* required by the landlord for the immediate purpose of demolishing them and such demolition is to be made for the purpose of erecting a new building in place of the premises sought to be demolished; or
- (k) that the premises are required for the immediate purpose of demolition ordered by any local authority or other competent authority; or
- (l) that where the premises are land, such land is reasonably and *bona fide* required by the landlord for the erection of a new building which a local authority or other competent authority has approved or permitted him to build thereon; or
- (m) that where the premises are land in the nature of garden or grounds appurtenant to a building or part of a building such land is required by the landlord for the erection of a new residential building which a local authority has approved or permitted him to build thereon; or

- (n) that the rent charged by the tenant for the premises or any part thereof which are sub-let before the coming into operation of this part is in excess of the fair rent in respect of such premises or Part or that the tenant has received any fine, premium or other like sum or consideration in respect of such premises or part; or
- (o) that the premises have not been used without reasonable cause for the purpose for which they were let for a continuous period of six months immediately preceding the date of the application; or
- (p) that the tenant whether before or after the coming into operation of this Part has built, or acquired vacant possession of, or been allotted, a suitable building.

(2) (a) No order for the recovery of possession of any premises shall be made on the ground specified in clause (a) of the proviso to sub-section (1) if the tenant makes payment or deposit of rent as required by clause (b) of this sub-section :

Provided that no tenant shall be entitled to the benefit under this clause, if, having obtained such benefit once in respect of any premises he again makes a default for the payment of rent of those premises for three consecutive months.

- (b) In every proceeding for the recovery of possession of any premises on the ground specified in clause (a) of the proviso to sub-section (1), the court shall, after giving the parties an opportunity of being heard, make an order directing the tenant to pay to the landlord or deposit in the court within one month of the date of the order, an amount calculated at the rate of rent at which it was last paid for the period for which the arrears of rent were legally recoverable from the tenant including the period subsequent thereto up to the end of the month previous to that in which payment or deposit is made and to continue to pay or deposit month by month, by the fifteenth of each succeeding month a sum equivalent to the rent at that rate.

(3) For the purposes of clause (f) of the proviso to sub-section (1) the court may presume that the premises have been sublet by a tenant—

- (a) in any case where such premises have been let for use as a residence if the court is satisfied that any other person,

not being a servant or a member of the family of such servant has been residing in the premises or any part thereof for a period exceeding one month otherwise than in commensality with the tenant; or,

- (b) in any case where such premises have been let for non-residential purposes if the court is satisfied that the tenant without obtaining the consent in writing of the landlord has allowed any person to occupy the whole or any part of the premises ostensibly on the ground that such person is a partner of the tenant in the business or profession but really for the purpose of sub-letting such premises to that person.

(4) No decree for eviction shall be passed on the ground specified in clause (h) of the proviso to sub-section (1) if the Court is satisfied that, having regard to all the circumstances of the case including the question whether other reasonable accommodation is available for the landlord or the tenant, greater hardship would be caused by passing the decree than by refusing to pass it.

If the Court is satisfied that no hardship would be caused either to the tenant or to the landlord by passing the decree in respect of a part of the premises, the Court shall pass the decree in respect of such part only.

Explanation.—For the purpose of clause (h) of the proviso to sub-section (1), the expression 'landlord' shall not include a rent-farmer or rent-collector or estate-manager.

(5) The Court may pass the decree on the ground specified in clause (i) of the proviso to sub-section (1) only in respect of part of the premises which in its opinion it is necessary to vacate for carrying out the work of repairs.

(6) No application for the recovery of possession of any premises shall lie under sub-section (1) on the ground specified in clause (o) of the proviso thereto, unless the landlord has given to the tenant a notice in the prescribed manner requiring him to stop the misuse of the premises and the tenant has refused or failed to comply with such requirement within one month of the date of service of notice; and no order for eviction against the tenant shall be made in such a case, unless the court is satisfied that the misuse of the premises is of such a nature that it is a public nuisance or that it causes damage to the premises or is otherwise detrimental to the interests of the landlord.

22. Sub-tenant to become tenant on determination of tenancy.— Where the interest of a tenant of any premises is determined for any reason, any sub-tenant to whom the premises or any part thereof has been lawfully sub-let before the coming into operation of this Act shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms and conditions as he would have held from the tenant if the tenancy had continued.

23. Tenant not to sublet or transfer after commencement of this Part.—(1) Notwithstanding anything contained in any law, it shall not be lawful after coming into operation of this part for any tenant to sublet the whole or any part of the premises let to him or to assign or transfer in any other manner his interest therein :

Provided that the State Government may by notification permit in any area the transfer of interest in premises held under such leases or class of leases and to such extent as may be specified in the notification.

(2) Any person who contravenes the provisions of sub-section (1), shall, on conviction, be punished with fine which may extend to one hundred rupees.

24. Recovery of possession for repairs and re-entry.—(1) The Court shall when passing a decree on the ground specified in clause (i) of the proviso to sub-section (1) of section 21, ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and, if the tenant so elects, shall record the fact of the election in the decree and specify in the decree the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs.

(2) If the tenant delivers possession on or before the date specified in the decree, the landlord shall, two months before the date on which the work of repairs is likely to be completed, give notice to the tenant of the date on which the said work shall be completed. Within fifteen days from the date of receipt of such notice, the tenant shall intimate to the landlord his acceptance of the accommodation offered and deposit with the landlord rent for one month. If the tenant gives such intimation and makes the deposit, the landlord shall, on completion of the work of repairs, place the tenant in occupation of the premises or part thereof on the original terms and conditions but subject to payment of increased rent under sub-section (1) of section 16. If the tenant fails to give such intimation and to make the deposit, the tenant's right to occupy the building shall terminate.

(3) If, after the tenant has delivered possession on or before the date specified in the decree, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of the premises in accordance with sub-section (2), the Court may, on the application of the tenant made within one year of the specified date, order the landlord to place him in occupation of the premises or part thereof, on the original terms and conditions but subject to payment of increased rent under sub-section (1) of section 16; and on such order being made the landlord and any person who may be in occupation shall give vacant possession to the tenant of the premises or part thereof.

(4) Any landlord who, when the tenant has vacated by the date specified in the decree, without reasonable excuse fails to commence the work of repairs and any landlord or other person in occupation of the premises who fails to comply with the order made by the Court under sub-section (3), shall, on conviction, be punished with fine which may extend to one thousand rupees.

25. Recovery of possession for occupation and re-entry.—(1) Where a decree for eviction has been passed by the Court on the ground specified in clause (h) of the proviso to sub-section (1) of section 21 and the premises are not occupied within a period of three months from the date the landlord recovers possession, or the premises are re-let within one year of the said date to any person other than the original tenant, the Court may, on the application of the original tenant made within thirteen months of such date, order the landlord to place such tenant in occupation of the premises on the original terms and conditions, and on such order being made, the landlord and any person who may be in occupation of the premises shall give vacant possession to the original tenant.

(2) Any landlord who recovers possession on the ground specified in clause (h) of the proviso to sub-section (1) of section 21, and keeps the premises unoccupied without reasonable excuse for a period of three months from the date he recovered possession and any landlord or other person in occupation of the premises who fails to comply with the order of the Court under sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees.

26. Recovery of possession for demolishing building and re-entry.—

(1) Where a decree for eviction has been passed by the Court on the ground specified in clause (j) of the proviso to sub-section (1) of section 21 and the work of demolishing the premises has not been commenced by the landlord within the period specified in the decree, the tenant may give the landlord a notice of his intention to occupy the premises from which he has been evicted and if the landlord does not forthwith deliver to him vacant possession of the premises on the same terms and conditions on which he occupied them immediately before the eviction, the tenant may make an application to the Court within six weeks from the date of expiry of the period specified in the decree.

(2) If the Court is satisfied that the landlord has not substantially commenced the work of demolishing the premises within the period of one month in accordance with his undertaking, the Court shall order the landlord to deliver to the tenant vacant possession of the premises on the terms and conditions on which he occupied it immediately before the eviction. On such order being made, the landlord shall forthwith deliver vacant possession of the premises to the tenant. Such order shall be deemed to be an order within the meaning of clause (14) of section 2 of the Code of Civil Procedure, 1908.

(3) Any landlord who recovers possession on the ground specified in clause (j) of the proviso to sub-section (1) of section 21 and fails to demolish and construct a new building without any reasonable excuse, or fails to comply with the order of the Court under sub-section (), shall, without prejudice to his liability in execution of the order under sub-section (2), on conviction, be punished with fine which may extend to five hundred rupees.

27. Tenant's right to give notice to the landlord of his intention to occupy tenement in new building.—Where a decree for eviction has been passed by a Court on the ground specified in clause (j) of the proviso to sub-section (1) of section 21 and the work of demolishing the premises and of the erection of a new building has been commenced by the landlord, the tenant may, within six months from the date on which he delivered vacant possession of the premises to the landlord, give notice to the landlord of his intention to occupy the new building on its completion on the following conditions, namely:—

(a) that he shall pay to the landlord the fair rent in respect of the building:

Provided that in respect of a residential building the tenant shall not be required to pay rent in relation to the area at more than

double the rate at which he paid rent for his former building immediately before his eviction unless the landlord obtains an order of the Controller fixing the fair rent in respect of the building at a higher rate ;

(b) that his occupation of the building shall, save as provided in condition (a), be on the same terms and conditions as the terms and conditions on which he occupied the building immediately before the eviction.

28. Landlord to intimate the tenant date of completion and tenant's right to occupy the new building.—(1) On receipt of notice from the tenant under section 27, the landlord shall, not less than three months before the date on which the erection of the new building is likely to be completed, intimate the tenant the date on which the said erection shall be completed. On the said date, the tenant shall be entitled to occupy the building.

(2) (a) If the tenant fails to occupy the building within a period of one month from the date on which he is entitled to occupy it under sub-section (1), the tenant's right to occupy the said building under the said sub-section shall terminate and the landlord shall be entitled to recover from the tenant, a sum equal to three times the amount of the monthly fair rent in respect of the building.

(b) If the landlord fails without reasonable excuse to comply with the provisions of sub-section (1), or to place the tenant in occupation of the building he shall, without prejudice to his liability to place the tenant in vacant possession of the building, on conviction, be punished with fine which may extend to five hundred rupees.

29. Deposit and payment of rent during the pendency of proceedings for eviction.—(1) No tenant against whom an application for eviction has been made by a landlord under section 21, shall be entitled to contest the application before the Court under that section or to prefer or prosecute an appeal or revision petition under section 47 or section 49 against any order made by the Court on an application under section 21 or an order passed by the District Judge on appeal, as the case may be, unless he has paid or pays to the landlord or deposits with the Court or the District Judge or the High Court, as the case may be, all arrears of rent due in respect of the premises up to the date of payment or deposits and continues to pay or to deposit any rent which may subsequently become due in respect of the premises at the rate at which it was last paid or agreed to be paid, until the termination of the proceedings before the Court or the District Judge or the High Court, as the case may be.

(2) The deposit of the rent under sub-section (1) shall be made within the time and in the manner prescribed and shall be accompanied by such fee as may be prescribed for the service of the notice referred to in sub-section (5).

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1), the Court shall, on application made to it either by the tenant or the landlord and after making such enquiry as it deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or deposit the rent as aforesaid, the Court, the District Judge, or the High Court, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the premises or dismiss the appeal or revision petition, as the case may be.

(5) When any deposit is made under sub-section (1), the Court, the District Judge, or the High Court, as the case may be, shall cause notice of the deposit to be served on the landlord in the prescribed manner and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Court in this behalf.

30. Vacant possession to landlord.—Notwithstanding anything contained in any other law, where the interest of the tenant in any premises is determined for any reason whatsoever and any order is made by the court under this Act for the recovery of possession of such premises the order shall, subject to the provisions of section 21, be binding on all persons who may be in occupation of the premises and vacant possession thereto shall be given to the landlord by evicting such persons therefrom :

Provided that nothing in this section shall apply to any person who has an independent title to such premises.

PART VI

HOTELS AND LODGING HOUSES

31. Fixation of fair rates and number of lodgers.—(1) The competent authority may fix a fair rate to be charged for board, lodging or other service provided in a hotel or lodging house at such amount as having regard to the circumstances of the case, he deems just.

(2) The competent authority may fix a fair rate separately for—

- (i) lodging with reference to the nature of the accommodation and the number of lodgers to be accommodated ;
- (ii) board, partial or full ;
- (iii) other service.

(3) The competent authority may fix fair rates separately for daily and monthly lodgers.

(4) The competent authority may fix the number of lodgers to be accommodated in each room or specified accommodation in the hotel or lodging house :

Provided that where any room or specified accommodation is provided to any lodger, the members of his family may also be accommodated in the same room or accommodation in excess of the number fixed under this sub-section.

Explanation.—For the purposes of this Part, a lodger who agrees to reserve accommodation in a hotel or lodging house for a period of less than a month shall be deemed to be a daily lodger.

32. Revision of fair rates and number of lodgers.—The competent authority may, from time to time, revise the fair rates or the number of lodgers fixed under section 31.

33. Notice of fair rate and number of lodgers to be displayed.—Where under section 31 or section 32 the competent authority has fixed or revised the fair rate, or the number of lodgers to be accommodated in each room or specified accommodation the manager of the hotel or the owner of the lodging house, as the case may be, shall display a notice of the fair rate, the number of lodgers and all the provisions of this Part relating thereto, in a conspicuous manner in the hotel or lodging house and also in the room or accommodation in respect of which the fair rate and the number of lodgers are fixed or revised.

34. Charges not recoverable in excess of fair rate.—(1) Notwithstanding any agreement to the contrary, no manager of a hotel or owner of a lodging house shall charge any amount in excess of the fair rate.

(2) When the competent authority has fixed the fair rate, any agreement for the payment of any charges in excess of such fair rate shall be void in respect of such excess and shall be construed as if it were an agreement for payment of the said fair rate.

(3) Any sum paid by a lodger in excess of the fair rate shall be recoverable by him at any time within a period of one year from the date of payment from the manager of the hotel or the owner of the lodging house or his legal representative, and may, without prejudice to any other remedy for recovery, be deducted by such lodger from any amount payable by him to such manager or owner.

35. Restriction on ejection of lodger.—No manager of a hotel or owner of a lodging house shall evict or refuse board or other service to a lodger so long as he pays, or is ready and willing to pay, the fair rate and observes and performs the other conditions of his agreement in so far as they are consistent with the provisions of this Act.

36. When manager of a hotel or owner of lodging house may recover possession.—Notwithstanding anything contained in this Act, a manager of a hotel or owner of a lodging house shall be entitled to recover possession of the accommodation provided by him to a lodger on obtaining a certificate from the competent authority certifying that—

(a) the lodger has been guilty of conduct which is a nuisance or an annoyance to any adjoining or neighbouring lodger; or

(b) the accommodation is reasonably and *bona fide* required by the owner of the hotel or lodging house, as the case may be, either for his own occupation

or for any other cause which may be deemed satisfactory by the competent authority; or

(c) the lodger is habitually irregular in making payment of the charges for board, lodging or other service provided in the hotel or lodging house; or

(d) the lodger has failed to vacate the accommodation on the termination of the period of the agreement in respect thereof; or

(e) the lodger has done any act which is inconsistent with the purpose for which the accommodation is provided to him or which is likely to affect adversely and substantially the owner's interest therein.

37. Intimation to competent authority of particulars relating to hotels and lodging houses.—A manager of a hotel or an owner of a lodging house carrying on business in any area prior to the application of this Part, to such area, shall within thirty days from the date of application of this Part to such area, and a manager of a

hotel or an owner of a lodging house commencing business in any area to which this Part is applicable after the date of such application, shall within thirty days of commencing business, submit to the competent authority a statement in the prescribed form showing the accommodation in the hotel or lodging house, the rates charged for the board, lodging and other service provided in the hotel or lodging house and such other particulars as may be prescribed.

38. Penalties.—(1) If any manager of a hotel or owner of a lodging house either himself or through any person acting or purporting to act on his behalf or if any person acting or purporting to act on behalf of a manager of a hotel or owner of a lodging house receives any fine, premium or other like sum or deposit or any consideration other than the fair rate, in respect of the grant or continuance of accommodation in the hotel or lodging house, such manager, owner or person shall, on conviction, be punished with fine which may extend to one thousand rupees; provided that such fine

shall not be less than twice the amount of the fine, premium or sum or deposit or the value of the consideration received by him. The magistrate shall out of the fine levied, direct payment to the lodger of an amount equal to the fine, premium or other like sum or deposit or to the value of the consideration received from him.

(2) Any manager of a hotel or owner of a lodging house who charges any amount in excess of the fair rate in contravention of section 34 shall, on conviction, be punished with fine which may extend to five hundred rupees.

(3) Any manager of a hotel or owner of a lodging house who accommodates lodgers or permits lodgers to be accommodated in a room or specified accommodation in excess of the number fixed under sub-section (4) of section 31, shall, on conviction, be punished with fine which may extend to one thousand rupees.

(4) Any manager of a hotel or owner of a lodging house who fails to comply with the provisions of section 33 shall, on conviction, be punished with fine which may extend to five hundred rupees.

(5) Any manager of a hotel or owner of a lodging house who fails to comply with the provisions of section 37 shall, on conviction, be punished with fine which may extend to one thousand rupees.

Explanation.—For the purposes of sub-section (1), receipt of charges in advance for more than one month shall be deemed to be a fine or premium or consideration.

39. Provisions relating to inquiries by competent authority.—(1) No order under this Part shall be made by the competent authority except after holding an inquiry.

(2) Every such inquiry shall be made summarily in the prescribed manner.

(3) For the purposes of holding an inquiry under sub-section (1), the competent authority shall have the same powers as are vested in civil courts in respect of—

- (a) proof of facts by affidavits ;
- (b) summoning and enforcing the attendance of any person and examining him on oath ;
- (c) compelling the production of documents ; and
- (d) issuing commissions for the examination of witnesses.

(4) The competent authority may himself enter or authorise any person subordinate to him to enter upon any premises, hotel or lodging house or any part thereof to which the inquiry relates.

40. Appeal.—An appeal shall lie to the Divisional Commissioner from an order passed by the competent authority under the provisions of this Part (including an order granting or refusing a certificate under section 36) within fifteen days from the date of communication of the order and the Divisional Commissioner may pass such order thereon as he deems fit.

41. Deposit in court of charges payable by lodger.—Where any suit is instituted by a manager of a hotel or an owner of a lodging house against a lodger for recovery of charges for accommodation provided in the hotel or lodging house, pending the final decision of the suit, the manager of the hotel or the owner of the lodging house may make an application to the court requiring the lodger to deposit in court the amount of such charges. On such application, the court * may make an order directing the lodger to deposit in court such amount of charges within such period as it thinks fit and shall serve the order upon the lodger and a copy thereof upon the manager of the hotel or the owner of the lodging house. If the lodger fails to deposit such amount within the period specified in the order, the court may at any time thereafter pass an order for the eviction of the lodger.

PART VII

MISCELLANEOUS

42. Landlord not to cut off or withhold essential supply or service.—(1) No landlord either himself or through any person acting or purporting to act on his behalf, shall, without just or sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the building let to him.

(2) A tenant in occupation of the building may, if the landlord has contravened the provisions of sub-section (1), make an application to the Court for a direction to restore such supply or service.

(3) If the Court on perusal of the application and affidavits, if any, filed by the tenant and after making such examination of the applicant as it thinks fit, is *prima facie* satisfied that the essential supply or service was cut off or withheld without sufficient cause, the court may pass an interim order directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Court on inquiry finds that the essential supply or service enjoyed by the tenant in respect of the building was cut off, or withheld by the landlord without just or sufficient cause, it shall make an order directing the landlord to restore such supply or service.

(5) Any landlord who fails to restore the supply or service as directed under sub-section (3) or sub-section (4), shall, for each day during the period the default continues after the date of the order be liable upon further directions by the court to that effect to pay to the tenant damages not exceeding fifty rupees for every day of such period of default.

(6) Any landlord who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees.

(7) The court may in its discretion direct that compensation not exceeding one-hundred rupees—

(a) be paid to the landlord by the tenant if the application under sub-section (2) was made frivolously or vexatiously ;

(b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the essential supply or service without just or sufficient cause.

Explanation 1.—In this section essential supply or service includes supply of water, electricity, lights in passages and on staircases, lifts and conservancy or sanitary service.

Explanation 2.—For the purposes of this section, withholding any essential supply or service, shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

43. Repairs and improvements.—(1) Every landlord shall be bound to keep the building in reasonably good repair.

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

Provided that where the tenant makes the repairs himself, the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where the cost of such repairs exceeds one-twelfth of the rent payable by the tenant for that year or where the building is directed to be leased under section 5 or section 6, the court may, by order, direct the landlord to execute such repairs which he is bound to make under sub-section (1), and as may be specified in the notice within such reasonable time as may be mentioned therein ; and if the landlord fails to execute repairs in pursuance of such order the court may permit the tenant to cause the repairs specified in the order, to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the rent payable to the landlord.

44. Decisions which have become final not to be re-opened.—The court or the Controller shall summarily reject any application under this Act which raises, between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided in a former proceeding under this Act or under any of the enactments repealed by section 60.

45. Orders to be pronounced in open Court.—Every order passed by a Court or the Controller or a competent authority under this Act,

shall be pronounced in open Court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

46. Issue of receipt for an amount received.—(1) Every landlord shall give a written receipt to the tenant for any amount at the time when such amount is received by him in respect of any premises in such form and in such manner as may be prescribed.

(2) If the landlord fails to issue a receipt in accordance with sub-section (1), or refuses to accept or evades the receipt of any amount lawfully payable to him by a tenant in respect of any premises, the tenant may remit to the landlord the amount within fifteen days from the date on which it falls due by postal money order deducting the money order commission.

(3) Any landlord who fails to give written receipt for any amount received by him in respect of any premises shall, on conviction, be punished with fine which may extend to one hundred rupees.

47. Appeals.—(1) Notwithstanding anything contained in any law for the time being in force, every person aggrieved by an order under section 14, section 16, section 17 or section 21, passed by the Controller or the Court, may within thirty days from the date of the order, prefer an appeal in writing to the District Judge having jurisdiction over the area in which the premises are situate.

(2) In computing the period specified in this Act for filing appeals the time taken to obtain certified copies of the order appealed against shall be excluded.

(3) The provisions of section 5 of the Indian Limitation Act, 1908, shall be applicable to appeals under this Act.

(4) On an appeal being preferred (1) under this Act, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.

(5) The appellate authority shall send for the records of the case from the Court or the Controller, as the case may be, and after giving the parties an opportunity of being heard and, if necessary, after making such further enquiry as it thinks fit, either itself or through the Court or the Controller, as the case may be, shall decide the appeal.

Explanation.—The District Judge may, while confirming the order of eviction passed by the court, grant extension of time to the tenant for putting the landlord in possession of the building.

(6) Subject to any decision of the High Court under section 49 the decision of the District Judge shall be final; and an order of the Court or the Controller shall, subject to the decision of the relevant appellate authority under this Act, or of the High Court under section 49, be final and shall not be liable to be called in question in any court of law whether in a suit or other proceedings or by way of appeal or revision.

48. Costs.—Subject to such conditions and limitations, if any, as may be prescribed, the cost of, and incidental to all proceedings before the Court, the Controller or the District Judge shall be in the discretion of the Court, Controller or the District Judge which or who shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose.

Explanation.—The District Judge may set aside or vary any order passed by the Court or the Controller in regard to the costs of, and incidental to, the proceedings before him.

49. Revision by the High Court.—(1) The High Court may, at any time, call for and examine—

- (i) the records relating to any decision given or proceedings taken by the District Judge;
- (ii) any order passed or proceeding taken by the Court under this Act or any order passed by the Controller under section 14, section 15, or section 16

for the purpose of satisfying itself as to the legality or correctness of such decision, order or proceeding and may pass such order in reference thereto as it thinks fit:

(2) The costs of, and incidental to, all proceedings before the High Court shall be in its discretion.

50. Proceedings by or against legal representatives.—(1) Any application made, appeal preferred, or proceeding taken under this Act by or against any person, may, in the event of his death be continued by or against his legal representative.

(2) Where any application, appeal or other proceeding would have been made, preferred or taken under this Act by or against any person, such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representatives.

51. Local authorities to furnish certified extracts from property tax assessment books.—Every local authority, shall, on application made in this behalf and on payment of such fee, as may, from time to time, be fixed by the State Government by notification, grant to the applicant a certified copy of the extract from the property tax assessment book of the local authority showing the rental value of the building or buildings in respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

52. Landlord and tenant to furnish particulars.—(1) Every landlord and every tenant of a building shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the building as may be prescribed.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with * * * fine which may extend to five hundred rupees. *

53. Controller and competent authority to be deemed public servants.—The Controllers and competent authorities appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1947 (Central Act II of 1947), for the time being in force.

54. All proceedings before a Controller to be judicial proceedings.—All proceedings before a Controller shall be deemed to be judicial proceedings for the purposes of sections 193 and 228 of the Indian Penal Code.

55. Offences by companies, etc.—(1) Where * an offence under this Act is committed by a company, the company, as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the

consent or connivance of, or that commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals, and

(b) “director” in relation to a firm means a partner in the firm.

56. Power of Magistrates to levy fine exceeding two thousand rupees:—Notwithstanding any thing contained in section 32 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), it shall be lawful for any Magistrate of the first class to pass a sentence of fine exceeding two thousand rupees on a person convicted of an offence punishable under this Act.

57. Protection of action taken in good faith—(1) No suit, prosecution or other legal proceeding shall lie against the Controller or the competent authority or any officer or servant of the State Government or any person acting under his direction or assisting him for anything which is in good faith done or intended to be done, in pursuance of this Act or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done, in pursuance of this Act or of any rules or of orders made thereunder.

58. Power to make rules.—(1) The State Government may, subject to the condition of previous publication, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed by the Controller, the Court, the District Judge or other appellate authority in the performance of their functions under this Act;

(b) the manner in which intimation, notices and orders under this Act shall be given or served;

(c) setting aside *ex parte* orders passed under this Act and the time within which applications for setting aside such orders shall be made;

- (d) applications for making legal representatives of deceased persons parties to proceedings under this Act and the time within which such applications, shall be preferred;
- (e) the levy of fee in respect of applications, petitions, certificates appeals and processes under this Act;
- (f) the manner in which enquiries shall be made summarily under sub-section (2) of section 59.

(3) In making a rule under this section, the State Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to five hundred rupees.

59. Rules and notifications to be laid before the State Legislature.— Every rule made under this Act and every notification issued under sub-section (6) of section 2, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

60. Repeal and savings.—The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bombay Act LVII of 1947), as in force in the Bombay Area; the Madras Buildings (Lease and Rent Control) Act, 1949 (Madras Act XXV of 1949), as in force in the Madras Area; the Mysore House Rent and Accommodation Control Act, 1951 (Mysore Act XXV of 1951), as in force in the Mysore Area; the Coorg Buildings (Lease and Rent Control) Act, 1951 (Coorg Act V of 1951), as in force in the Coorg District and the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954 (Hyderabad Act XXX of 1954), as in force in the Hyderabad Area, are hereby repealed:

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899, shall be applicable in respect of the repeal of the said enactments and sections 8 and 24 of the said Act shall be applicable as if the said enactments were permanent Mysore Acts and had been repealed and re-enacted by this Act.

SCHEDULE I.

[See section 2 (2)]

1. City of Bangalore and an area within a radius of two miles from the municipal limits of the city.
2. Cities of Mysore, Davangere and Bellary.
3. The towns of Arsikere, Bhadravathi, Chickmagalur, Chitaldrug, Hassan Hospet, Kolar, Mandya, Malavalli, Mangalore, Shimoga, Tumkur and Udipi.
4. Kolar Gold Fields Sanitary Board Area.
5. Mercara Municipal Area.
6. Belgaum Municipal Borough and Belgaum Cantonment.
7. Municipal Boroughs of Bijapur, Dharwar, Gadag-Betgeri, Hubli and Nipani.
8. Karwar Municipal District.
9. Municipal Areas of Bidar, Gulbarga and Raichur.
10. Every area within the jurisdiction of the panchayats of Coondapur, Karkal, Puttur and Kollegal.
11. Every area within the limits of the non-Municipal areas of Mulki and Buntwal.
12. Mudabidri.

SCHEDULE II.

[See section 2 (3).]

- 1 Belgaum Municipal Borough.
- 2 Belgaum Cantonment.
- 3 Nipani Municipal Borough.
- 4 Athani Municipal District.
- 5 Gokak Municipal District.
- 6 Saundatti-Yellama Municipal District
- 7 Bailhongal Municipal District.
- 8 Bijapur Municipal Borough.
- 9 Bagalkot Municipal District.
- 10 Dharwar Municipal Borough.
- 11 Hubli Municipal Borough.
- 12 Gadag-Betgeri Municipal Borough.
- 13 Haveri Municipal District.
- 14 Ranebennur Municipal District.
- 15 Navalgund Municipal District.
- 16 Nargund Municipal District.
- 17 Byadgi Municipal District.
- 18 Guddguddapur Municipal District.
- 19 Kalaghatgi-Bondigri Village.

- 20 Karajgi-Chikmagdur Village.
- 21 Hangal Village.
- 22 Ron Village.
- 23 Mundargi Village.
- 24 The Revenue Village of Bankapur
- 25 The Revenue Village of Kod.
- 26 Gajendragad Village.
- 27 Annigeri Village.
- 28 Hirekerur Village.
- 29 Shbiggaon Village.
- 30 Karwar Municipal District.
- 31 Kurta Municipal District.
- 32 Gokarn Municipal District.
- 33 Bhatkal Municipal District.
- 34 Sirsi Municipal District.
- 35 Ankola Panchayat Group.
- 36 Siddapur Panchayat Group.
- 37 Municipalities and Notified Areas in Coorg District.
- 38 Gulbarga Municipality.
- 39 Raichur Municipality.
- 40 Bidar Municipality.
- 41 Aland, Gulbarga District.
- 42 Shorapur, Gulbarga District.
- 43 Sedam, Gulbarga District.
- 44 Yadgir, Gulbarga District.
- 45 Mangalore Municipality.
- 46 Udipi Municipality.
- 47 Kollegal Panchayat area.
- 48 Coondapur Panchayat area.
- 49 Karkal Panchayat area.
- 50 Puttur Panchayat area.
- 51 Non-municipal areas of Mulki and Buntwal.
- 52 Mudabidri.
- 53 Cities of Mysore, Davangere and Bellary.
- 54 City of Bangalore and an area within a radius of two miles from the Municipal limits of the City.
- 55 The Kolar Gold Fields Sanitary Board Area.
- 56 The towns of Kolar, Tumkur, Chitaldrug, Shimoga, Chikmagalur, Hassan, Mandya, Bangarpet, Chintamani, Chikballapur, Tiptur, Harihar, Sagar, Arsikere, Saklespur, Nanjanagud, Hospet, Hoskote, Devanahalli, Doddaballapur, Nelamangala, Magadi, Channapatna, Ramanagaram, Kanakapura, Anekal, Srinivasapur, Gauribidanur, Turuvekere, Kupigal, Hiriyur, Hunsur, Chamarajanagar, Srirangapatna, Nagamangala, Krishnarajpet, Malavalli,

Maddur, Belur, Arkalgud, Holenarasipur, Chanoarayapatna, Kadur, Tarikere, Koppa, Narasimharajapura, Sringeri, Thirthahalli, Challakere, Molakalmuru, Honnali, Shikaripur, Chaunagiri, Koratagere, Madhugiri and Gubbi.

57 Pandavapura.

58 Bhadravati Old Town and Bhadravati New Town Board area excluding New Town and Paper Town.

SCHEDULE III.

[See section 2 (4).]

1. Cities of Bangalore and Mysore.
2. Belgaum Municipal Borough.
3. Gulbarga Municipal Area.
4. Hubli Municipal Borough.
5. Mangalore Municipality.

G. S. VENKATARAMANA IYER,
Secretary.