



RENT MATTERS ON TRIAL. By D.N. Jauhar (1998). Punjab Law Reporter, Chandigarh. Pp xxiv + xxxii + 663. Price Rs. 400.

THIS IS a detailed book on rent legislation. It traces the historical perspective and moots the need for change taking into consideration the practice followed in England and Germany. Some of these laws, made in British times have become outdated. Instead of promoting peace and good relationship between the two contracting parties i.e. landlord and tenant, a sense of hatred and conflict comes into fore at times disturbing the social structure, a lot.

The author has divided the book into XI chapters, dealing with introduction of the subject, its history, preliminary provisions of the East Punjab Urban Rent Restriction Act, 1949 (The Act), rent structure, amenities enjoyed by tenant, eviction of tenant on ground of non payment of rent, subletting, change of user, nuisance, non-occupancy, dilapidation, bona fide requirement, etc. The dispute settlement machinery under the Act has also been illustrated in the last chapter of the book.

In chapter I viz., Introduction, the author has discussed one of the basic necessity of human being 'a place to live.' He also details the reasons of shortage of houses. Mention is made of low-rents, neglect of maintenance of buildings, fear of permanent occupation by tenant, etc. very articulately, it is mentioned that shortage of accommodation leads to malpractices of *pugree*, key money, *salami*, etc. He has emphasised a need to shift, rent law from "control" to "regulation" as has been done in England so that the Act should serve its purpose not only of meeting immediate needs but also provides guidelines for future.

In chapter II, the author has discussed historic perspective to emphasise need for review and for amendments in the Punjab rent legislation and other rent enactments in changing circumstances. He has pointed out that legislatures have not shown concern in this field. Government of India circulated "National Housing Policy Paper" in 1992 proposing Model Rent Act to the State Governments. State of Punjab was first in the country to draft new rent bill in 1995. The Punjab & Delhi bills are also awaiting implementation through government notification.

In chapter III, the author has discussed the provisions of The Act with detailed case law under separate headings for the benefits of its readers. In chapter IV, the author has discussed rent structure under the Act, fair rent, its constitutional validity, its fall-out, rate fixation of fair rent discussing specifically its position in the city of Chandigarh. The author has also discussed proposals for reformation of "Rent Structure" besides proposing to repeal sections 4 to 9 of the Act. In chapter V, discussion has been made about amenities, repairs and conversion of a building etc. (available to tenants), curtailing freedom of landlord. Instances have been given by citing case law. A special reference has been made to The Capital of Punjab (Development & Regulation) Act, 1952, which is applicable in the Union Territory of Chandigarh.



In chapter VI, non-payment of rent as a ground to evict tenant finds fully discussed. The author has also suggested certain measures to apply this ground more effectively, to mitigate hardship caused to landlord or the tenant in disputes relating to non-payment of rent.

In chapter VII, the author has discussed eviction of tenants on the ground of subletting and change of user. General reasons for subletting the houses have also been given in detail mentioning pathology for each.

In chapter VIII, the eviction of tenants on groups of nuisance, non-occupancy, dilapidation acts of tenants, which materially impair value, and utility of rented premises, find complete justification in detailed discussion. He has also discussed crises created by the ruling in *Shaadi v. Rakkar*, which has finally blown over.

In chapter IX, the author has discussed eviction of tenants on the ground of "Bona fide Requirement". Two Supreme Court decisions viz. *Gulraj Singh Grewal v. Dr. Harbans Singh*¹ and *Harbilas Rai Bansal v. State of Punjab*² find discussion in detail with implications and remedies. The author has framed certain issues to be resolved by the judicial and legislative authorities to reduce the unnecessary and prolonged litigation on rent matters.

In chapter X, the author has discussed eviction of a tenant by a specified landlord. He has desired to enlarge the scope of "specified landlords" besides recommending effective checks on their conduct. The author has also suggested that the case summary procedure of section 18-A is made applicable to all cases of *bona fide* requirement, agony of litigants will certainly be mitigated. It would also help in early disposal of cases.

In chapter XI, the author has discussed "disputes settlement machinery" under the Act. He has suggested drafting a uniform rent enactment for whole of the country, which may be adopted by the States by making marginal changes so as to suit their local and regional needs. He has also suggested pruning the wide revisional powers available to the High Courts by legislative Act or by prescription of parameters by the Apex Court. He has also emphasised exclusive appointment of judicial officers as "rent authority" in all parts of the country.

The author has lucidly explained in this book that the approach of entire dispute settlement machinery and rent act should find ways & means for amicable settlement between landlord & tenant.

The book under review is a comprehensive treatise on various aspects of rent law. It has been designed to be a handy manual for lawyers, especially the contents and cases referred to in the front pages with appendix A to D & index at back pages would be of great avail to them. List of abbreviations has also been provided in the book. Besides, it is also helpful to rent disputes settlement machinery & law students.

If it were mentioned that the book would be of great use even to a general user without background of law studies, it would not be an exaggeration. However the book will be more useful to the people of states of Punjab and Haryana and

1. 1993(1) R.C.R. 270 (S.C.).

2. A.I.R. 1996 S.C. 857.



especially of Chandigarh. Quality of paper is very good. The printing is excellent. It is reasonably priced.

In total, the author deserves kudos for his master craftsmanship in dealing with the subject in all hues and shades.

*Bharat Bhushan Parsoon**

* LL.M., Ph.D. Additional District and Sessions Judge, Gurgaon.



BOOKS RECEIVED FOR REVIEW

P. KRISHNASWAMY, *V.R. Krishna Iyer : A Living Legend* (2000) Universal Law Publication Co. Pvt. Ltd, C-FF-1A, Ansal's Dilkhush Industrial Estate. G.T. Karnal Road, Delhi-110033, Pp 416, Price Rs. 395.

B.C. NIRMAL, *The Right to Self-Determination in International Law* (1999), Deep & Deep Publications Pvt. Ltd., F-159, Rajouri Garden, New Delhi-110027, Pp. 368, Price Rs. 700.

UPENDRA BAXI, ALICE JACOB, TARLOK SINGH (Eds.) *Reconstructing the Republic* (1999), Har Anand Publication Pvt. Ltd., 364-A, Chirag, Delhi, New Delhi-110017, Pp-431, Price Rs. 595.

N.S. KAMBOJ, *Control of Noise Pollution* (1999), Deep & Deep Publication Pvt. Ltd., F-159, Rajouri Garden, New Delhi-110027, Pp. 181, Price Rs. 350.

M.R. MALLICK, *Writs Law and Practice* (2000) , Eastern Law House Pvt. Ltd., 36, Netaji Subhash Marg, Darya Ganj, New Delhi-2, Pp. 683, Price Rs. 480.

P.C. MOGHA, *The Indian Conveyancer* (2000), Eastern Law House, Pvt. Ltd., 36 Netaji Subhash Marg, Darya Ganj, New Delhi-2, Pp. 1055, Price Rs. 580.

MARKANDEY KATJU, *Law in the Scientific Era : The Theory of Dynamic Positivism*, (2000), Universal Law Publishing Co. Pvt. Ltd., C-FF-1A, Ansal's Dilkhush Industrial Estate, G.T. Karnal Road, Delhi-110033, Pp. 431, Price Rs. 395.

SUBHASH C. KASHYAP, *Parliamentary Procedure : Law Privileges, Practice & Precedents* (2000), Universal Law Publishing Co. Pvt. Ltd., C-FF-1A, Ansal's Dilkhush Industrial Estate, G.T. Karnal Road, Delhi-110033, Pp. 2710, Price Rs. 1975.

ASHOK A. DESAI, *Justicing the People* (2000), Modern Law House. 1/1, A.D.A. Flat (Near Bishop Johnson School) M.G. Marg, Allahabad-211001, Pp. 221, price Rs. 300.