



The Jammu and Kashmir Houses and Shops Rent Control Act, 1966

Act 39 of 1966

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**THE JAMMU AND KASHMIR HOUSES AND SHOPS
RENT CONTROL ACT, 1966**

Act No. XXXIX of 1966

CONTENTS

Sections

CHAPTER I

Preliminary

1. Short title and extent,
2. Definitions.

CHAPTER II

Provisions Regarding Rent etc.

3. Amount in excess of fair rent irrecoverable.
4. Premium, pugree or fine not to be claimed, received or asked for or advance of more than one month's rent not to be claimed or received.
5. Restriction on the sale of furniture in any house or shop let to a tenant.

6. Refund of rent, premium, pugree etc. not recoverable under the Act.

7. Fixation of rent of furnished house or shop.

I. Cases In which fair rent shall he fixed by the Controller.

1 Date on which fair rent fixed by the Controller effect

10. Landlord not to claim rent at a rate different from that at which it is being played except in certain cases.

CHAPTER

Suit and proceedings for

Eviction

11. Protection of a against eviction. tenant

11-A. Restoration of possession to defence personnel.

11-B. Right to recover immediate possession of residential building to certain persons.

12. When a tenant can get the benefit of protection against eviction.

12-A. Restoration of possession to the tenant in the event of fire.

H. When a "tenant" is entitled to restoration of possession and compensation.

CHAPTER in-A**Recovery of (inertial possession****Sections**

13-A. In this Chapter.

13-B. Provisions of this Chapter to have overriding effect.

13-C. Right to recover immediate possession of houses to accrue to certain persons.

13-D. Special procedure for the disposal of suit for eviction on the ground of bona-fide requirement.

13-E. Pending proceeding.

CHAPTER IV**Deposit of rent**

14. Deposit of rent by the tenant.

15. Time limit for making deposit and consequence of incorrect particulars in application for deposit,

16. Saving as to acceptance of rent.

CHAPTER V

Appointment of Controller, etc.

17. Appointment of Controller

18; Final hearing of certain applications.

19. Notice to landlords and tenants before exercising powers under the Act.

20. Power to enter and inspect houses or shops, to require information and to summon witnesses.

CHAPTER VI**Appeal, review and revision**

21. Appeal, review and revision.

CHAPTER VII**Penalties and miscellaneous**

22. Penalty for recovering rent in excess of the fair rent.

23. Penalty for disturbance of easements, etc.

24. Payment and recovery of fine.

25. Limitation for complaints.

26. Issue of processes barred in certain cases.

27. Making of repairs and taking of measures for the maintenance of essential services by the tenant on the failure or neglect of the landlord to do so.

28. Taking of measures by the tenant in case of emergency.

Sections

29.

30.

31. Cutting of or withholding essential supply or service. Supply of certified copies of the order of the Controller. Controller to servant. be a public Amendment made by Act No.

32. Bar of proceedings.

33. Power to make rules.

34. Repeal and savings.

35. Special provision for proceeding cases.

Schedule A.

Schedule B.

XXX of 1973.

VIII of 1976.

II of 1977.

XVI of 1978.

III of 1980.

XVIII of 1984.

XXVII of

**THE JAMMU AND KASHMIR HOUSES AND SHOPS RENT CONTROL ACT,
1966**

Act No. XXXIX of 1966

**(Received the assent of the Governor on 28th October, 1966 and published in
Government Gazette dated 29th October, 1966 (Ext.)]**

An Act to make better provision for the control of rents of houses and shops in the urban areas in the State. Be it enacted by the Jammu and Kashmir State Legislature in the Seventeenth Year of the Republic of India as follows;—

CHAPTER I

PRELIMINARY

1. Short title, and extent.—(1) This Act may be called the Jammu and Kashmir Houses and Shops Rent Control Act, 1966.

(2) It shall extend to the Municipalities of Jammu and Srinagar and to such other urban areas to which the Jammu and Kashmir Houses and Shops Rent Control Act, Samvat 2009 extended at its expiration:

Provided that the Government may, by notification, extend this Act or any specified part thereof to any other urban area specified in the notification:

Provided further that, in any area in which this Act or a part thereof is in force, the Government may, by notification in the Government Gazette, extend all or any of the provisions of this Act to any class or category of buildings to which this Act does not apply, and every such building shall be construed as a 'house' or 'shop' as the notification may provide, within the meaning of this Act.

(3) Notwithstanding anything contained in sub-section (2), nothing in this Act shall apply to—

(i) any house or premises belonging to, taken on lease or requisitioned by the Government; i[or the development authority constituted under the Jammu and Kashmir Development Act. 1970.]

i[(ii) Omitted.]

(iii) any tenancy in respect of any house or shop where the in- come of the tenant, whether accruing within or outside the State, exceeds rupees 2[60,000] per annum;

3[(iv) any house or shop belong to the municipality.]

Explanation:—the word income means 'net income'

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,

(1) "Controller" means any officer appointed by the 4 [Government] as such for the performance of the duties assigned by this Act to the Controller in any particular area;

(2) "fair rent" in respect of any house or shop means) the fair rent determined in accordance with the provisions of schedule 'A'.

(b) where rent has been fixed under section 8, the rent so fixed or at which it would have been fixed if applications were made under the said section;

(3) "house" means a building or part of a building suitable for occupation as residence and includes—

(a) garden, ground and out-houses (if any) appurtenant to such building or part of a building, and

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

(4) "landlord" means any person who for the time being is receiving the rent of any house or shop from the tenant thereof and includes any person who is entitled to bring suit for such rent;

(5) "shop" means a building or a part of a building suitable for occupation as such and includes a piece of land, principally for business or trade;

(6) "tenant" means any person by whom or on whose account rent or any money liable to be paid for use of house or shop, is or but for a special contract, would be payable for any

such premises and includes legal representative of such person: and, person continuing in possession after termination of tenancy in his favour but does not include any person placed in occupation of the house or shop by its tenant without the consent of the landlord;

(7) "urban area" means any area administered by a Municipal Committee, a Town Area Committee or 1 [a Notified Area Committee and includes any place declared as a cantonment under section 3 of the Cantonments Act, 1924.]

CHAPTER II

Provisions regarding rent, etc.

3. Amount In excess of fair rent irrecoverable.—Subject to the provisions of this Act, any amount in excess of a fair rent of any house or shop shall be irrecoverable notwithstanding any agreement to the contrary.

4. Premium, pugree or fine not to be claimed, received or asked for or advance of more than one month's rent not to be claimed or received.—No person shall, in consideration of the grant, renewal or continuance of a tenancy of any house or shop,—

(a) claim, receive or invite offers or ask for the payment of any premium, pugree, fine or any other like imposition in addition to the rent; or

(b) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's or not of such house or shop as a rent in advance.

5. Restriction on the sale of furniture in any house or shop let to a tenant.—No person shall make the purchase or hiring of any furniture in any house or shop a condition

of the grant, renewal or continuance of a tenancy of such house or shop of which he is the landlord to the tenant of such house or shop, 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.

6. Refund of rent, premium, pugree, etc. not recoverable under the Act.—(1) Where any sum has been paid or deposited on or after the date of the commencement of this Act in respect of the occupation of any house or shop—

(a) on account of rent, being a sum which is by reason of the provisions of this Act irrecoverable; or

(b) as premium, pugree fine or other like imposition in addition to the rent or as rent in advance, the claiming or the receiving of which is prohibited under this Act; or

(c) on account of price or hire of any furniture in such premises without the permit of the Controller, under section 5; the Controller may, on application made to him in this behalf at any time within a period of six months from the date of such payment or deposit by the tenant by whom such payment or deposit was made, order the landlord by whom such payment was received or to whose credit such deposit was made to refund such sum to such tenant or at the option of such tenant, order the adjustment of any sum so paid or deposited in any other manner.

(2) An order of refund passed by the Controller under subsection

(1) shall be executed by the Court having jurisdiction to entertain suit for the recovery of arrears of rent in respect of the house or shop in relation to which the sum ordered to be refunded was paid or deposited, as if such order or refund were a decree of that Court.

7. Fixation of rent of furnished house or shop.—Where any house or shop is let at rent which includes payment in respect of the use of furniture, the Controller may, on application of the tenant made within six months of the beginning of the tenancy, reduce the portion of the rent which according to the Controller was added in respect of the use of the furniture to a fair and reasonable amount if he finds that such portion of the rent was unduly high; and the resultant rent of the house or shop shall be stated by the Controller and shall be deemed to be fair rent fixed under section 8:

Provided that nothing in this section shall affect the power of the Controller to fix fair rent under other provisions of section 8.

8. Cases in which fair rent shall be fixed by the Controller.—(1) In any of the following cases, the Controller shall, on application by any landlord or tenant, fix the fair rent as set forth hereunder which shall be revised after every three years if and when request is made.]

(a) Where the provisions of Schedule A apply and there is no cause for the alteration of the rate of fair rent as determined according to the Schedule for any of the reasons mentioned in the following clauses, in accordance with the provisions of Schedule A'.

(b) Where during the currency of a fair rent payable for any house or shop there has been an increase in the municipal taxes, rates or cesses in respect of the house or shop, by adding to it the amount of such increase as is payable by the landlord by agreement with the tenant over and above what is payable by the landlord himself under the local municipal law.

(c) Where during the currency of a fair rent payable for any house or shop the landlord has made some addition, alteration or improvement in the house or shop, not being tenantable repairs necessary or useful for such house or shop, by adding to such fair rent payable in one year ten per centum of the amount reasonably spent by the landlord in

making the said addition, alteration or improvement, the added amount being divided amongst installments for payment of rent of the year as would be just and convenient:

Provided that when the house or shop is in occupation of a tenant at the time of the said addition, alteration or improvement, the additional rent shall not be recoverable from such tenant, unless such addition, alteration or improvement has been made at the written request of the tenant.

(d) Where during the currency of fair rent the landlord has supplied any furniture for use of the tenant in the house or shop by adding to such fair rent payable in one year ten per centum of the price of the said furniture as on the day they are supplied, the added amount being amount being divided amongst installments for payment of rent of the year as would be just and convenient.

(e) Excepting the case covered by clause (f) following where the provisions of Schedule 'A' for determining the fair rent do not apply, either because the house or shop or the whole of the house or shop was not let during the twelve months prior to 1st Baisakh, 1998, or for some other reasons, or where any house or shop has been let rent free or at a normal rent, or for some consideration other than money rent or in addition to money rent, by fixing the fair rent at a rate in accordance with Schedule A, taking the rent which would have been reasonably payable for the house or shop if let as "basic rent" under the said Schedule.

(f) Where any house or shop has been wholly or substantially constructed after the last day of Chat, 2005, by fixing the fair rent payable for one year at a rate not less than four per centum and not more than six per centum of the reasonable costs of construction added to the reasonable price of the land included in the house or shop as on the date of the commencement of such construction taking into account the prevailing rate of rent in the locality for similar accommodation with similar advantages and amenities and the comparative advantages or disadvantages of accommodation in the house or shop:

Provided that where the house or shop in respect of which fair rent is to be fixed form a part of the construction the fair rent shall be fixed at a rate which is fairly proportionate to the total fair rent of the entire construction.

(g) Where no provisions of this Act for fixing fair rent apply to any premises, by determining the fair rent at a rate which is fair and reasonable.

(h) Where there is any dispute between the landlord and the tenant regarding the amount of rent.]

(2) If, in fixing the fair rent, the Controller is required by this Act to determine the rent at which the premises were let during the twelve months prior to 1st Baisakh, 1998, but it is not reasonably practicable to obtain sufficient evidence for determining the said rent, he shall determine approximately the rent, at which in reasonable probability the house or shop was let on the date and the rent so determined shall be deemed to be the rent at which the premises were let during twelve months prior to 1st Baisakh, 1998, and for the said purpose he may have regard to the fair rents of similar houses or shops in the neighborhood, and may make presumptions either against the landlord or the tenant who, in his opinion, is in a position to produce relevant evidence but is refraining from doing it.

9. Date on which fair rent fixed by the Controller take effect —(1) When in fixing the fair rent under section 8 the rent which was being paid at the time of the application is—

(i) decreased by the Controller, the fair rent fixed shall be payable from the month next after the date of application, unless for reasons to be recorded by the Controller, he decides that such rent should operate from any earlier or later date;

(ii) increased by the Controller, the fair rent fixed shall be payable from the time, as hereunder provided,—

(a) if increased under clause (a) of sub-section (1) of section 8, from (he month next after the date of application;

(b) if increased under clause (b) of the sub-section, from the month from which the increase in the municipal rates, taxes or cusses came into force;

(c) if increased under clause (c) of the said sub-section, from the month next after that in which the addition, alteration or improvement was completed;

(d) if increased under clause (d) of the said sub-section, from the month next after that in which the furniture was supplied.

(2) Where the fair rent is fixed —

(a) under clause (e) of the said sub-section, it shall be payable from the month next after the date of the application;

(b) under clause (f) of the said sub-section, it shall be payable from the month next after the date of the application, unless for reasons to be recorded by the Controller he decides that such rate of rent should operate from any earlier or later date.

(c) under clause (g) of the said sub-section, it shall be payable from the month next after the date of the application, unless for reasons to be recorded by the Controller, he decides that such rate of rent should operate from any earlier or later date;

(3) In fixing the fair rent the Controller shall, in every instance, specify in his order the time from which the rent so fixed shall become savable.

10. Landlord not to claim rent at a rate different from that at which it is being paid except in certain cases.—Nothing in the provisions of this Act, including Schedule A,

shall entitle the landlord to claim rent from the tenant at a rate different from that at which it is being paid at the time, except by agreement with the tenant, valid in law including this Act, or unless a different rate is fixed under section 8.

CHAPTER III

Suits and proceedings for eviction

11. Protection of a tenant against eviction.—(1) Notwithstanding anything to the contrary in any other Act or law, no order of decree for the recovery of possession of any house or shop shall be made by any Court in favour of the landlord against a tenant, including a tenant whose lease has expired:

Provided that nothing in this sub-section shall apply to any suit for decree for such recovery of possession—

(a) against a tenant who has transferred his tenancy right in whole or in part with possession otherwise than by sub-lease;

(b) against such transferee;

(c) against a tenant who has sub-let the whole or a major portion of the house or shop for more than seven consecutive months:

Provided that if a tenant, who has sub-let major portion of the house or shop, agrees to possess as a tenant the portion of the house or shop not sub-let on payment of rent fixed by the Court, the Court shall pass a decree for ejection from only a portion of the house or shop sub-let and fix proportionately fair rent for the portion kept in possession of such tenant, which portion shall thenceforth constitute house or shop under clause (3) or clause (5) of section 2 and the rent so fixed shall be deemed fair rent fixed under section 8:

i [Provided further that no order or decree for the recovery of possession shall be made in favour of the landlord if the tenant has sub-let the house or shop or portion thereof with the written consent of the owner;]

(d) where the tenant has done any act contrary to the provisions of clause (m), clause (o) or clause (p) of section 108 of the Transfer of Property Act, 1977;

(e) where the tenant has been using the house or shop or any part or allowing the house or shop or any part to be used for immoral or illegal purposes;

i[(ee) where the tenant fails to use or occupy the house or shop for a period of not less than seven consecutive months;]

(f) where the conditions of the house or shop has. materially deteriorated owing to acts of waste by, or negligence or default of the tenant, or of any person residing with the tenant or for whose behavior the tenant is responsible;

(g) where the tenant has been guilty of conduct which is a nuisance or annoyance to occupiers of adjoining or neighboring houses or shops, including the landlord;

(h) where the house or shop is reasonably required by the landlord either for purposes of building or re-building, or for his own occupation or for the occupation of any person for whose benefit the house or shop is held:

Provided that all sub-tenants in the house or shop are made parties to the suit and allowed opportunity of contesting claim to decree for ejection.

Explanation.—The Court in determining the reasonableness of requirement for purposes of building or re-building shall have regard to the comparative public benefit or disadvantage by extending or diminishing accommodation, and in determining

reasonableness of requirement for occupation shall have regard to the comparative advantage or disadvantage of the landlord or the person for whose benefit the house or shop is held and of the tenant:

Provided that where the Court thinks that the reasonable requirement of such occupation may be substantially satisfied by evicting the tenant from a part only of the house or shop and allowing the tenant to continue occupation of the rest, and the tenant agrees to such occupation, the Court shall pass a decree accordingly and fix a proportionately fair rent for the portion in occupation of the tenant, which portion shall henceforth constitute the house or shop within clause (3) or clause (5) of section 2 and the rent fixed shall be deemed to be the fair rent fixed under section 8;

(i) subject to the provisions of section 12, where the amount of two months rent legally payable by the tenant and due from him is in arrears by not having been paid within the time fixed by contract, or in the absence of such contract by the fifteenth day of the month next following that for which the rent is payable or by not having been validly deposited in accordance with section 14:

Provided that no such amount shall be deemed to be in arrears unless the landlord on the rent becoming due serves a notice in writing through Post Office under a registered cover on the tenant to pay or deposit the arrears within a period of 1 [thirty] days from the date of the receipt of such notice and the tenant fails to pay or deposit the said arrears within the specified period;

2[(j) where the house was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and the tenant has ceased to be in such service or employment:

Provided that where the tenant is a workman who has been discharged or dismissed by the landlord from his service or employment in contravention of the provisions of the

Industrial Disputes Act, 1947, he shall not be liable to be evicted until the competent authority under that Act confirms the order of discharge or dismissal made against him by the landlord;

(k) where the house or shop is required for the immediate purpose of demolition ordered by any local authority or other competent authority.]

3[11-A. Restoration of possession to defence personal.— Notwithstanding anything to the contrary contained in this Act, possession of a residential building shall be restored within one month from the date of 4 [(application to the controller)] if— (a) the landlord is a member of the Defence Forces and requires it for' 4[Bona fide occupation)] of his family and produces a certificate from his Commanding Officer showing that he is serving under special conditions within the meaning of section 3 of the Indian Soldiers (litigation) Act, 1925;

(b) the landlord is a member of the Defence Forces and requires it for his own occupation on retirement, release or discharge from the Defence Services and produces a certificate from his Commanding Officer evidencing his release, retirement or discharge; and unit)

(c) the landlord is the wife of a deceased member of Defence Force, who requires it for her own occupation and produces certificate from the Commanding Officer of her deceased husband to the effect that her husband died while serving under special conditions within the meaning of section 3 of the Indian Soldiers (litigation) Act, 1925.]

1[11-B. Right to recover immediate possession of residential building to certain persons.—(1) Where a landlord serving in the Railways Department of the Government of India at any time within one year prior to or within one year after the date of his retirement applies to the Controller along with a certificate from the authority competent to remove him from service indicating the date of his retirement, there shall accrue, on and from the date of such application to such landlord, notwithstanding anything

contained in this Act, or in any other law for the time being in force or in any contract (whether express or implies), custom or usage to the contrary, a right to recover immediately the possession of such residential building or any part or parts of such building if let out in part or parts:

Provided that the application shall accompany an affidavit to the effect that the applicant does not own any other accommodation in the local area in which he intends to reside:

(2) Nothing in this section or in this Act shall be deemed to entitle the landlord to get a decree for the recovery of possession of any house or shop against the tenant, where any contract or law debars such relief, or except in accordance with the provisions of law for getting such relief; and such contract shall not be deemed to be inoperative by reason of interference by this Act with other terms of the lease.

12. When a tenant can get the benefit of protection against eviction.—(1) If in a suit for recovery of possession of any house or shop from the tenant the landlord would not get a decree for possession but for clause (i) of the proviso to sub-section (1) of section 11, the Court shall determine the amount of rent legally payable by the tenant and which is in arrears taking into consideration any order made under sub-section (4) and effect thereof up to the date of the order mentioned hereafter, as also the amount of interest on such arrears of rent calculated at the rate of nine and three eighths per centum per annum from the day when the rents became arrears up to such date, together with the amount of such cost of the suit as if fairly allowable to the plaintiff-landlord, and shall make an order on the tenant for paying the aggregate of the amounts (specifying in the order such aggregate sum) on or before a date fixed in the order

(2) Such date fixed for payment shall be the fifteenth day from the date of the order, excluding the day of the order.

(3) If, within the time fixed in the order under sub-section (1), the tenant deposits in the Court the sum specified in the said order, the suit, so far as it is a suit for recovery of possession of the house or shop, shall be dismissed by the Court. In default of such payment the Court shall proceed with the hearing of the suit:

Provided that the tenant shall not be entitled to the benefit of protection against eviction under this section, if, notwithstanding the receipt of notice under proviso to clause (i) of the proviso to subsection (1) of section (11), he makes a default in the payment of the rent referred to in clause (i) of the proviso to sub-section (1) of section 1 f on three occasions within a period of eighteen months.

(4) If the tenant contests the suit, as regards claim for ejection, the plaintiff-landlord may make an application at any stage of the suit for order on the tenant-defendant to deposit month by month rent at a rate at which it was last paid and also the arrear of rent, if any, and the Court, after giving an opportunity to the parties to *b*: heard, may make an order for deposit of rent at such rate month by month, and the arrears of rent, if any, and on failure of the tenant to deposit the arrears of rent within fifteen days of the date of the order or that rent at such rate for any month by the fifteenth day of the next following month, the Court shall order the defence against ejection to be struck out and the tenant to be placed in the same position as if he had not defended the claim to ejection. The landlord may also apply for permission to withdraw the deposited rent without prejudice to his right to claim decree for ejection and the Court may permit him to do so.

(5) The power given under sub-section (4) may be exercised by Courts of appeal with necessary adaptation.

'M2-A. Restoration of possession to the tenant in the event of fire. — (1) If any house or shop gutted in fire, is wholly or partly rebuilt by the landlord, the tenant thereof shall have prior right of re-entry thereto.

(2) The landlord on the completion of the building, shall give a notice of at least one month's duration calling upon the tenant to re-enter into the building on payment of rent at market rate, notwithstanding anything contained in section 8.

(3) On receipt of the notice the tenant will convey his consent within 15 days agreeing to pay a rent at market rate, failing which the tenant will forfeit his right of re-entry,

(4) In case the tenant gives his consent of re-entry on payment of rent at market rate and the landlord declines re-entry to the tenant, the tenant may make application within one month of his having given consent to Controller who will proceed in the matter in accordance with the provisions of section 13 of the Act.]

13. When a tenant is entitled to restoration of possession and compensation.—(1) Where the landlord recovers possession of any house from the tenant by virtue of a decree secured because of clause i[(h)] of the proviso to sub-section (1) of 2 [section 11 on because of section 11-A] and the building or re-building of the house or shop is not commenced within six months, or the house or shop is not occupied by the landlord or by the person for whose benefit the house or shop is held within two months of the date of vacation of the house or shop by such tenant, or the house or shop, having been so occupied is re-let within six months of the date of such occupation to any person other than such tenant without the permission of the Controller obtained in the prescribed manner, the Controller may, on the application of such tenant made within nine months of his vacating the house or shop, and giving the landlord an opportunity of being heard, by order direct the landlord to put such tenant in possession of the house or shop or to pay him such compensation as may be fixed by the Controller, or both:

Provided that the Controller may, on the application of the landlord, extend the period within which the building or re-building of the house or shop is to be\ commenced, by two months at the time and twelve months in all.

(2) Where the landlord obtains a decree for ejectment because of clause 3[(h)]of the provision to sub-section (1) of section 11 and one of the principal reasons for passing such a decree is the expected public benefit of the proposed project of building or re-building by extending accommodation but the actual building or rebuilding deviates materially from the said project and fails substantially to provide the expected extension of accommodation, the Controller may, on the application of the previous tenant, and after giving the landlord opportunity of being heard, levy a fine on the landlord, which may extend to rupees one thousand and may, in addition, order the landlord to pay such compensation to the previous tenant as may be fixed by the Controller.

1 [(3) Where the landlord obtains a decree for ejectment in terms of clause (h) of sub-section (1) of section 11 and the tenant is ejected on the ground that the house or shop is required by him for building or rebuilding, the tenant thereof shall have first right to tenancy:

Provided that the tenant shall pay the rent at market rates notwithstanding anything contained in section 8.)

2 [CHAPTER III-A]

Recovery of Immediate Possession

13-A In this Chapter—

(a) ‘Local authority’ shall include the Custodian General, the Custodian and any other authority empowered under the Jammu and Kashmir State Evacuees (Administration of Property) Act, 2006 to make allotment; and

(b) ‘house’ includes a house which is an evacuee property under the Jammu and Kashmir State Evacuees (Administration of Property AU. 2006.

13-B. Provisions of this Chapter to have overriding effect.—

The provisions of this Chapter or any rule made there under shall have effect notwithstanding anything inconsistent therein contained elsewhere in this Act or in any other law for the time being in force or in any judgment, decree or order passed prior to the commencement of the Jammu and Kashmir Houses and Shops Rent Control (Amendment) Act, 1976.

13-C Right to recover immediate possession of houses to accrue to certain persons.—

(1) Where a landlord, who being a person in occupation of any residential house allotted to him by the Government or any local authority is required, by or in pursuance of any general or special order made by the Government or local authority to vacate such house or in default, to incur certain obligations, on the ground that he owns in the State, a house either in his own name or in the name of his wife or dependent child, there shall accrue, on and from the date of such order, to such landlord notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary a right to recover immediately possession of any house let out by him: f. Sub-section (3) inserted by Act XVI of 1978. S. 6.

Provided that nothing in this section shall be construed as conferring a right on a landlord owning at the place where the house allotted to him is situated, two or more dwelling houses, whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by sub-section (1) no compensation shall be payable by him to the tenant or any person claiming through or

under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received—

(a) any rent in advance from the tenant, he shall within a period of ninety days from the date of recovery of the house by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract, agreement or lease;

(b) any other payment, he shall within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount so received as the unexpired portion of the contract or agreement or lease bears to the total period of contract or agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid, the landlord shall be liable to pay simple interest at the rate of six per cent per annum.

13-D. Special procedure for the disposal of suit for eviction on the ground of bona fide requirement.—(1) Every suit by a landlord for the recovery of possession of any house on the ground specified in section 13-C shall be dealt with in accordance with the procedure specified in this section.

(2) The Court shall issue summons, in relation to every suit referred to in sub-section (1) in the form specified in Schedule B.

(3) (a) The court shall, in addition to and simultaneously with the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgement due, addressed

to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgement purporting to be signed by the tenant or his agent is received by the court or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the court may declare that there has been a valid service of summons. (4) The tenant on whom the summons is duly served whether in the ordinary way or by registered post) in the form specified in Schedule B shall not contest the prayer for eviction from the house unless he files an affidavit stating the grounds on which he seeks to contest the suit for eviction and obtains leave from the court as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the suit for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(5) The court shall give to the tenant leave to contest the suit if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the house on the ground specified in section 13-C.

(6) Where leave is granted to the tenant to contest the suit the court shall commence the hearing of the suit as early as practicable.

(7) Notwithstanding anything contained in this Act the Court shall while holding an inquiry in a proceeding to which this Chapter applies, follow the practice and procedure of a court of small causes, including the recording of evidence.

(8) No appeal or second appeal shall lie against an order for the recovery of possession of any house made by the court in accordance with the procedure specified in this section: i

(2) The deposit shall be accompanied by an application supported by an affidavit from the tenant stating—

(a) the house or shop for which the rent is deposited, with description sufficient for identifying the house or shop; (b) the period for which the rent is being deposited; (c) the name and address of the landlord; and

(d) the reasons and circumstances which led him to deposit the rent:

Provided that no affidavit in support of an application shall be required in case of a deposit made subsequent to the first deposit if the reasons and circumstances which led the tenant to make the first deposit remain the same.

(3) The application shall be accompanied by a correct copy of the application and the prescribed fee for sending to the landlord or to person or persons mentioned in subsection (4), the notice of the deposit, accompanied by a copy of the application by registered post with acknowledgement due.

(4) When the reason for making the deposit is doubt as to the person or persons entitled to receive the rent, the tenant shall state in his application, if possible, the name and the address of the person or persons, who, to his best information and belief, is the landlord entitled to receive the rent, and in case there are more such persons than one the application shall be accompanied by as many copies as there are such persons.

(5) The Controller on receipt of the deposit, the prescribed fee the application and its copy or copies shall, within fifteen days of such receipt, send to the landlord or to the person or each of the persons referred to in sub-section (4), if any such person or persons have been named with address in the application, a notice of deposit in the prescribed manner as also a copy of the application, authenticated by the seal of his office and his signature or the signature of some person authorized by him, by registered post with acknowledgement due. A copy so authenticated shall be evidence in a Court of law without further proof of the contents of the original application made to the Controller.

(6) If the landlord named in the application asks by a petition for payment to him of the rent deposited, the Controller, on being satisfied that the landlord named in the application is the petitioner, shall pay the amount to him in the prescribed manner.

(7) If the person or persons named in the application according to sub-section (4), asks or ask by a petition for payment to him or to them of the rent deposited, stating that he or they is or are the landlord or landlords entitled to receive the rent, or asking for payment to them keeping open the question of disputed landlordship, or agreeing that some one or more amongst them should receive payment, the Controller, on being satisfied that the person or persons named in the application is or are the petitioner or petitioners shall pay the amount to him or them in the prescribed manner.

(8) If the amount of rent deposited is not withdrawn by the landlord or person or persons mentioned in sub-section (4) before expiration of five years from the date of the posting of notice of the deposit, it shall, subject to any order of any Court, be forfeited to Government.

(9) If, at the time of filing the petition mentioned in sub-section (6) or (7) but not after the expiry of thirty days from receiving the notice of deposit, the landlord or the person or persons mentioned in sub-section (4) complain to the Controller that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant opportunity of being heard, may levy a

tine on him which may extend to five hundred rupees if he is satisfied that the said statements were materially untrue and that there was no difficulty in paying the rent direct landlord as alleged in the tenant's application, he may levy the rent, and may order that a sum out of the fine realised be paid to the landlord as compensation. But if on hearing the matter the Controller is satisfied that the said statements were substantially correct and there was difficulty in the way of the tenant paying the rent direct to the landlord as alleged in the tenant's application, he may levy a fine on the complainant which may extend to five hundred rupees, and may order that a sum out of the fine realised be paid to the tenant as compensation. Explanation. — If, after such complaint, the complainant does not desire or neglects to proceed with the hearing of his complaint, the matter may be heard and order made at the instance of the tenant.

15. Time limit for making deposit and consequence of incorrect particulars in application for deposit.—(1) No rent deposited under section 14 shall be considered to have been validly deposited under that section for purposes of clause (i) of the proviso to sub-section

(1) of section 11, unless deposited within fifteen days of the time fixed by contract for payment of the rent or in the absence of such contract unless deposited within the first day of the second month next following that for which the rent was payable.

(2) Nor shall such deposit be considered to have been validly made for purposes of the said clause if any statements in the tenant's application depositing the rent, whether made designedly or with gross negligence, were calculated to prevent the landlord from receiving payment from the Controller, unless the landlord has received such payment before the date of filing suit for recovery of possession of house or shop from the tenant.

(3) If the rent is deposited within the time mentioned in subsection (1) and does not cease to be a valid deposit for the reason mentioned in sub-section (2) the deposit shall constitute 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 by contract for payment

of rent when there is such a contract, or in the absence of such contract on fifteenth day of the month next following that for which rent is payable.

16. Saving as to acceptance of rent—The receipt of payment of rent deposited under section 14 from the Controller, 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 of any other facts slated in the tenant's application depositing the rent under the said section nor shall it operate as a waiver of any notice to null given by him to the tenant.

CHAPTER V Appointment of Controller, etc.

17. Appointment of Controller.—1 [The Government] may by notification, appoint a person to be the Controller for any area or part of area to which this Act extends to exercise the powers and discharge the duties conferred and imposed upon the Controller by or under this Act.

18. Final hearing of certain applications—(1) The hearing of every application made to the Controller under this Act shall be completed within a period of three months, other than an application for obtaining permission under sub-section (2) of section 27, which shall be completed within a period of one month unless, in either case, for reasons to be recorded by the Controller in writing, it is not possible for him to complete the hearing within that period.

(2) The hearing of every application shall, when it has begun, be continued from day to day unless, for reasons to be recorded by the Controller in writing, it is not possible so to do.

(3) In all proceedings before him the Controller shall consider the question of costs and may award to and against any party such costs as would be reasonable.

19. Notice to landlords and tenants before exercising powers under the Act.—

Subject to other provisions of this Act, before exercising any of the powers conferred on him by this Act, the Controller shall give notice by registered post of his intention to do so to the landlord and to the tenant, if any, and shall cause a copy of such notice to be affixed in a conspicuous place at the office of the Controller, and shall duly consider any application received by him within the period specified in the notice from any person having any interest in the house or shop in respect of which such power is exercised.

Explanation.—No such notice shall be necessary for exercise of the powers of the Controller under sections 27 and 28.

20. Power to enter and inspect houses or shops, to require information and to summon witnesses.—(1) For the purposes of any inquiry for discharge of his duties under this Act, the Controller may—

(a) enter and inspect, or authorize any officer sub-ordinate to him to enter and inspect, any house or shop at any time between sunrise and sunset; or

(b) by written order require any person to produce for his inspection such accounts, rent receipts, books or other documents relevant to the inquiry at such time and at such place as may be specified in the order:

Provided that no house or shop shall be entered under clause (a) without the consent of the occupier, unless at least twenty-four hours previous notice in *writing* has been given.

(2) The Controller shall, subject to any rules made under this Act, and in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means, and, so far as may be, in the same manner as is provided in the case of a Court by the Code of Civil Procedure, Samvat 1977.

CHAPTER VI

Appeal, Review and Revision

21. Appeal, review and revision. — (1) From a final order of the Controller an appeal shall lie to the District Judge of the district in which the house or shop in respect of which such order is made is situated.

(2) Such appeal shall be filed within thirty days of the order of the Controller excluding the day of the order and such time as is requisite for obtaining a certified copy of the order.

(3) The procedure for filing the appeal and powers and procedure of the Court in entertaining and hearing the appeals shall be the same as in appeals from orders under the Code of Civil Procedure, Samvat 1977.

(4) From an order made in such appeal no further appeal shall lie, but the High Court may revise the order on the ground of error to law or on the ground of material failure of justice.

(5) The Controller, the District Judge and the High Court exercising powers of revision under sub-section (4) may exercise powers given to Courts by sections 151 and 152 of the Code of Civil

Procedure, Samvat 1977 and may also exercise the power of review given to Courts by Order XL VII of the Code of Civil Procedure, Samvat 1977, subject to conditions, as far as applicable, as laid down in the said order and subject to the law of limitation as laid down in the Jammu and Kashmir Limitation Act, Samvat 1995.

CHAPTER VII

Penalties and Miscellaneous

22. Penalty for recovering rent in excess of the fair rent. —

(1) Whoever knowingly —

(a) receives, whether directly or indirectly, any sum on account of the rent of any house or shop in excess of the fair rent; or

(b) receives, whether directly or indirectly, or invites offers or asks for, any premium, pugree, fine or any other like imposition in addition to the fair rent; or

(c) receives, whether directly or indirectly, any sum as rent in advance in excess of one month's rent without the written consent of the Controller, shall, on the complaint of the party aggrieved or of the Government, to the Controller, be liable —

(1) in the case referred to in clause (a), on the first occasion, to a fine which may extend to five times the amount recovered in excess of the fair rent, and on a second or subsequent occasion in regard to the same or any other house or shop, to a fine which may extend to ten times the amount of such excess;

(ii) in the case referred to in clause (b), on the first occasion, to a fine which may extend to one thousand rupees and on a second or subsequent occasion in regard to the same or any other house or shop, to a fine which may extend to two thousand rupees; and

(iii) in the case referred to in clause (c), on the first occasion, to a fine which may extend to twice the amount received in excess of one months rents and on a second or subsequent occasion in regard to the same or any other house or shop, to a fine which may extend to four times the amount so received; to be imposed, in each case after enquiry, by the Controller.

(2) A person shall also be deemed to receive a sum in excess of the fair rent under clause (a) of sub-section (1), if he receives any form of consideration having money value as part of rent and the total rent (bus received is in excess of the fair rent

23. Penalty for disturbance of easements etc. -Whoever in any case in which an order or decree for the recovery of possession of any house or shop is prohibited under section 12, without the previous written consent of the Controller, or save for the purpose of effecting repairs or complying with any municipal requisition, willfully disturbs any easement annexed to such house or shop, or removes, destroys to rents unserviceable, anything provided for permanent use therewith, or discontinues any supply or service comprised in the tenancy of such house or shop, shall, on the complaint of the party aggrieved, be liable on the first occasion, to a fine which may extend to five hundred rupees, and on a second or subsequent occasion in regard to the same or any other house or shop, to a fine which may extend to one thousand rupees, to be imposed, after inquiry, by the Controller.

24. Payment and recovery of fine.—The fine imposed on any sum ordered to be paid under this Act shall be paid by the person fined or ordered to pay in the prescribed manner within thirty days from the date of the order of the Controller or within such further period as the Controller may allow for such payment for special reasons to be recorded by him in writing and in default of such payment the fine shall be recoverable as if it was as arrear of land revenue.

25. Limitation for complaints.—No complaint under section 22 or section 23 shall be brought against any person after the expiration of six months from the date of the commission of the act in respect of which the complaint is brought.

26. Issue of processes barred in certain cases.—No process under the Code of Civil Procedure, Samvat 1977, in execution of a decree passed expert thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any house or shop situated in any area to this Act may

apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that no part of the rent, in respect of which execution is applied for is irrecoverable under this Act.

27. Making of repairs and taking of measures for the maintenance of essential services by the tenant on the failure or neglect of the landlord to do so.—

(1) The Controller shall, on application made to him in this behalf by any tenant in possession of any house or shop, cause a notice to be served in the prescribed manner on the landlord thereof requiring him to make any repairs which such landlord is bound to make to the house or shop or to take any measures for the due maintenance of any essential supply or service, such as the maintenance of the supply of water or electricity, the maintenance of conservancy or sanitary service and the maintenance of any lift, which such landlord is bound to maintain in the house or shop under the conditions of the tenancy or according to local usage.

(2) If, after the service of such notice, the landlord fails to show proper cause or neglects to make such repairs or take within reasonable time such measures, as the case may be, the tenant may submit to the Controller an estimate of the cost of such repairs or measures and may apply to him for permission to make such repairs or to take such measures himself and, thereupon the Controller may, after giving the landlord an opportunity of being heard and after considering such estimate of cost and making such inquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs or to take such measures, as the case may be, at a cost not exceeding such amount as may be specified in the order, and it shall thereafter be lawful for the tenant to make such repairs or to take such measures himself and to deduct the cost thereof, which shall in no case exceed the amount so specified from the rent or otherwise recover it from the landlord:

Proved that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year:

Provided further that, if the repairs or measures, though necessary in the opinion of the Controller, exceed in cost the said amount, and the tenant agrees to bear the excess cost himself, the Controller may permit the tenant to make such repairs or to take such measures.

(3) The repairs or measures mentioned in sub-section (1) shall not be deemed to include such repairs or measures without which the house or shop is not habitable or usable except with great inconvenience, like keeping them wind and water tight. The landlord shall be bound to make such repairs or take such measures in any event. On his failure to do so the provisions of sub-sections (1) and (2) shall apply without the limitation as to the amount deductible or recoverable as provided in the said sub-sections.

2S. Taking of measure by the tenant in case of emergency.—Notwithstanding anything contained in section 27, if the necessity for making any repairs or for taking any measures referred to in that section, is so urgent that any delay involved in the procedure referred to therein is likely to subject the tenant to personal loss, damage or serious inconvenience, the tenant may himself cause the notice referred to in section 27 to be served in the prescribed manner on the landlord requiring him to make such repairs or to take such measures within seventy-two hours of the service of such notice and shall in every such case submit, at the same time, a copy of such notice to the Controller together with an estimate of the cost of such repairs or measures to enable the Controller to make such inquiries, as he may consider necessary about the necessity of such repairs or measures and the correctness of the estimate so submitted, and if, after the service of such notice, the landlord fails to make such repairs or take such measures within the time mentioned in the notice, the tenant may himself make such repairs or take such measures, as the case may be, and after completion of such repairs or measures, submit to the Controller a statement of the costs thereof and thereafter the Controller, after giving the landlord an opportunity of being heard and making such further inquiries as he may consider necessary, may, by an order in writing, determine the amount of the cost which the tenant is entitled to recover from the landlord, and the tenant may hereupon deduct the amount so determined from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one twelfth of the rent payable by the tenant for that year, Explanation.—The limitation as to the amount deductible or recoverable as provided in this section shall not apply to such repairs or measures without which the house or shop is not habitable or usable except with great inconvenience, like keeping them wind and water tight.

29. Cutting off or withholding essential supply or service.—(1) No landlord either himself or through any person 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 house or shop let to him.

(2) Any landlord who contravenes the provisions of sub-section

(1) shall, on conviction in a criminal Court, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

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

30. supply of certified copies of the order of the Controller.— Any person affected by any order of the Controller made under this Act shall be entitled to be furnished with a copy thereof, duly certified by the Controller to be a correct copy, on payment of such fees as may be prescribed, and such copy shall be admissible in evidence in any Court of law to prove the order of the Controller.

31. Controller to be a public servant—A Controller appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code.

32. Bar of proceedings—No suit, prosecution or other legal proceedings shall lie against any officer of Government for anything in good faith done or intended to be done under this Act.

33. Power to make rules—(1) The Government may subject the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of permits referred to in section 5;

(b) the manner of obtaining the permission and executing an order referred to in section 13:

(c) the manner of depositing rent under sub-section (1) of section 14:

(d) the manner of sending notice of deposit referred to in subsection

(5) of section 14;

(e) the manner of payment referred to in sub-sections (6) and

(7) of section 14:

(f) the procedure for summoning and enforcing the attendance of witnesses and compelling the production of documents referred to in sub-section (2) of section 20;

(g) the procedure to be followed in inquiries under this Act, by the Controller and the District Judge:

(h) the procedure for review of orders referred to in subsection

(5) of section 21:

(i) the manner of payment of the fine referred to in section 24;

(j) the manner of service of notices issued under this Act;

(k) the charging or remitting of cost and fees; and the fixing at a scale of costs and fees;

(1) any other matter required to be prescribed by this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

34. Repeal and Savings—(1) The Jammu and Kashmir Houses and Shops Rent Control Ordinance 1966 (VI of 1966) and the Jammu and Kashmir Houses and Shops Rent Control (Amendment) Ordinance, 1966 (XT of 1966) are hereby repealed:

Provided that such repeal shall not—

(a) affect the previous operation of the said Ordinances or anything duly done or suffered thereunder; or

(b) affect any right, privilege, obligation or liability acquired, accrued, or incurred under those Ordinances; or

(c) affect any penalty, forfeiture or punishment incurred in respect of anything done against those Ordinances; or

(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had commenced on the first April, 1966.

(2) All appointments, notifications, notices, orders, rules or forms made or issued or continued under the said Ordinances shall, so far as these are not inconsistent with the provisions of this Act, continue in force, and be deemed to have been made *or* issued under this Act unless and until these are superseded by any appointment, notification, notice, order, rule or form made or issued under this Act,

(3) In the case of a shop, the fair rent shall be—

(a) the basic rent, if a period of three years has not elapsed; after the time when rent was fixed as mentioned in paragraph (1) (a) i the increased rent as mentioned in paragraph (1) (b) was first paid;

(b) when the said period of three years relevant to the case has elapsed or elapses, or where such period is not relevant, the basic rent increased by ten per centum, if the basic rent per mensem is not more than Rs. '100/-, and the basic rent increased by fifteen per centum, if the basic rent per mensem is more than Rs. 100/-.

1 [SCHEDULE B

Form of summons in a case where recovery of possession of a home is prayed for on the ground of a bonafide requirement.

To

(Name, Description and place of Residence of the tenant) Whereas Shri, has filed a suit (a copy of which is annexed) for your eviction from (here insert the particulars of the house) on the ground specified in section 13-C;

You are hereby summoned to appear before the Court within fifteen days of the service hereof and to obtain the leave of the Court to contest the suit for eviction on the ground aforesaid, in default whereof, the landlord will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said house.

Leave to appear and contest the suit may be obtained on an application to the Court supported by an affidavit as is referred to in sub-section (5) of section 13-D.

Give under my hand and seal, this day of Court.

Identification of Prisoners Act

1 [35. Special **provision for pending** cases.—The provisions of this Act shall apply to all suits and appeals relating to recovery of possession of any house or shop constructed during the period intervening the first day of January, 1954, and the 31st day of December, 1965 (both days inclusive) pending at the commencement of Jammu and Kashmir Houses and Shops Rent Control (Amendment) Act, 1970 'in the same manner as they apply to the houses and shops constructed before the 1st day of January, 1954 as if this Act were in force when cause of action arose in such suit or suits out of which such appeals have arisen.]

SCHEDULE A

Provisions for determining the fair rent of Houses and Shops

(1) In this Schedule "basic rent" in relation to any house or shop means—

(a) where the rent of any house or shop has been fixed by the Controller under the House Rent Control Order, 2000 or the Shop Rent Control Order, 2002, the rent so fixed;

(b) where the rent of the house and shop has not been so fixed, the rent which was payable for the house or shop during the twelve months prior to 2 [31st December, 1964] or if any increased rent was paid for the house or shop between that date and the coming into operation of this Act, the increased rent, which was last paid but so as not to exceed the rent payable during the twelve months prior to 2[December, 1964] by more than ten per centum.

(1) In the case of a house the fair rent shall be—

(a) the basic rent, if a period of three years has not elapsed after the time when rent was fixed as mentioned in paragraph (1) (a) or the increased rent as mentioned in paragraph (1) (b) was first paid;

(b) when the said period of three years relevant to the case has elapsed or elapses, the basic rent increased by five per centum, if the basic rent per mensem is not more than Rs. 100/- and the basic rent increased by ten per centum, if the basic rent is more than Rs. 100/-:

Provided that where the basic rent is the rent payable during the twelve months prior to 2[31st December, 1964,' the fair rent shall be the basic rent increased by ten per centum.

(3) In the case of a shop, the fair rent shall be—

(a) the basic rent, if a period of three years has not elapsed; after the time when rent was fixed as mentioned in paragraph (1) (a) the increased rent as mentioned in paragraph (1) (b) was first paid;

(b) when the said period of three years relevant to the case has elapsed or elapses, or where such period is not relevant, the basic rent increased by ten per centum, if the basic rent per mensem is not more than Rs. '100/-, and the basic rent increased by fifteen per centum, if the basic rent per mensem is more than Rs. 100/-.

1 [SCHEDULE B

Form of summons in a case where recovery of possession of a home is prayed for on the ground of a bonafide requirement.

To

(Name, Description and place of Residence of the tenant) Whereas Shri, has filed a suit (a copy of which is annexed) for your eviction from (here insert the particulars of the house) on the ground specified in section 13-C;

You are hereby summoned to appear before the Court within fifteen days of the service hereof and to obtain the leave of the Court to contest the suit for eviction on the ground aforesaid, in default whereof, the landlord will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said house. Leave to appear and contest the suit may be obtained on an application to the Court supported by an affidavit as is referred to in sub-section (5) of section 13-D.

Give under my hand and seal, this day of Court.

5. *Amendment of section 46, Act XXXIX of 1966.*—For sub-section (1) of section 46 of the principal Act, the following sub-section shall be substituted, namely :—

“(1) The Labour Commissioner or any officer not below the rank of Assistant Labour Commissioner, if so authorised by the Labour Commissioner, by notification generally or specially, may accept from any person who is reasonably suspected of having violated any of the provisions of sections 6, 9, 13, 16, 18, 21, 23, 26, 47, 48, 52 or 52-A, a sum of money which shall not be less than fifty rupees and which may extend to five hundred rupees by way of composition for such offence or offences”.

**THE JAMMU AND KASHMIR SHOPS AND
ESTABLISHMENTS (AMENDMENT) ACT, 2002.**

Act No. XV of 2002.

[Received the assent of the Governor on 21st April, 2002 and published in the Government Gazette dated 23rd April, 2002].

An Act to amend the Jammu and Kashmir Shops and Establishments Act, 1966.

Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*— (1) This Act may be called the Jammu and Kashmir Shops and Establishments (Amendment) Act, 2002.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 38, Act XXXIX of 1966.*—In clause (f) of section 38 of the Jammu and Kashmir Shops and Establishments Act, 1966 (hereinafter referred to as ‘the principal Act’), for the words “twenty-five rupees” and “two hundred fifty rupees”, the words “two hundred rupees” and “one thousand rupees” shall be substituted respectively.

3. *Amendment of section 41, Act XXXIX of 1966.*—In section 41 of the principal Act, for the words “fifty rupees” and “five hundred rupees” the words “four hundred rupees” and “two thousand rupees” shall be substituted respectively.

4. *Amendment of section 42, Act XXXIX of 1966.*—In section 42 of the principal Act, for the words “twenty-five rupees” and “five hundred rupees”, the words “two hundred rupees” and “one thousand rupees” shall be substituted respectively.