

Applicability of Premises Rent Control Act in Chattogram City: Dipping into Problems in Quest for Sustainable Solutions

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Abstract: Urbanization has been a significant outcome of civilization, which has led to a surge in rental accommodations. In Bangladesh, the majority of people live as tenants in other people's houses, and the majority of tenants struggle to keep up with annual rent increases. Although there was an Ordinance of 1986 to deal with house rent, it was out of date, and therefore, the Premises Rent Control Act of 1991 was passed to regulate the entire system. The key purpose of this study is to identify the loopholes in the law and its application and search for measures to effective solutions thereof. The study revealed that the law's ineffective implementation has led to chaos and a strained relationship between landlords and tenants. Moreover, most house owners and tenants, two major stakeholders in the system, are unaware of the legislation. By utilizing a mixed-method approach that combines qualitative and quantitative analysis, this study sheds light on the reasons behind the non-implementation of the law, and it offers recommendations to policymakers for sustainable and effective implementation of the Premises Rent Control Act of 1991.

Keywords: House rent, controller, standard rent, landlords, tenants

1. Introduction

Every member of the community has shown a persistent quest for personal progress from the dawn of human civilization. They have made an effort to upgrade their way of life while keeping up with the times. Their aspirations for material success have grown, and this aspiration has drove them to acquire land, and other objects to construct a home, and to amass more wealth than other people. Owning a home that a person may lend to others under a contract based on rental agreements is one of the material accomplishments. Similarly, the propensity to live in cities is increasing daily. 42% of urban dwellers globally, according to a 1986 U.N. survey, were renters. Over the past ten years, “urban attractions” and “country distractions” have increasingly convinced people to relocate (Akter et al., 2013).

An early study suggested that the proportion of the roughly 150 million households who were under rent control regimes could be as high as 30%. (Dey & Dev, 2006). According to Gilbert (2016), at present, 1.2 billion people live in rental

accommodations globally. Jobs, businesses, healthcare, and higher education facilities all contribute to the population's influx into the city. In Chattogram city, the population growth rate is also increasing quickly. The percentage of Chattogram population who live in cities is predicted to increase from 4.3% in 1950 to 41% in 2030 and 56.4% in 2050. (Samad et al., 2015). According to *The Business Standard* (2019), at least 80% of residents of urban areas reside in rented homes (Noyon, 2019). However, a residential *vacuana* has been developed because there aren't enough housing options relative to the influx of new residents. According to Dey (2011), a sizable number of people visit the city to enroll their kids in renowned educational institutions. All of these factors contribute to the city's housing dilemma. The owners of the homes unfairly profit from the inflow of individuals moving to the city from rural areas. These people are typically helpless since the landlords demand high rent from them.

At the outset, the landlord-tenant relationship was not as tense as it is now, and there were also fewer disagreements. Tajuddin (2017) claims as the situation was not as complicated as it is now, issues involving rent concerns were resolved in accordance with the Transfer of Property Act of 1882. Later on, as the problems aggravated the government passed the Premises Rent Control Act in 1991 to regulate rental affairs. These are the results of a government's endeavour to ensure the basic rights of citizens which help them to enable to contribute to worldwide peace and cooperation. However, such legislations fail to fulfil its objectives as prevalent anarchy throughout the house rent regulating system is growing day by day. There are gaps between the law and its stakeholders as most of them do not know the law or its contents. The landlords intentionally violate this to dominate the tenants and to get their financial benefits. The implementation process and the weakness in the law itself aggravate the agony. The core research question of the study is: what are the problems associated with implementing the Premises Rent Control Act in Chattogram City and what are the potential sustainable solutions to address these problems?

The objective of the research is to investigate and analyze the problems faced in the implementation of the Premises Rent Control Act in Chattogram City and to propose sustainable solutions to address these problems to improve the effectiveness of the Act. Thus, the unit of analysis is the provisions of the Premises Rent Control Act and its implementation in Chattogram City; the perspectives and experiences of landlords and tenants regarding the act and its enforcement in the city; the policies, regulations and laws that impact the implementation of the act in Chattogram City; the role of government agencies and stakeholders in enforcing the act and resolving disputes related to it in the city.

2. Research Objectives

The overall objective of this study is to have an explicit comprehension of the application of the house rent control laws and their legal impact on the community. The major aim of the study is to identify the reasons as to why the Premises Rent Control Act of 1991 is not being followed by the concerned stakeholders and to discover the possible solutions for the effective application of the law. The specific objectives of the study are as follows:

- To evaluate the existing house rent laws and identify the gaps between laws and their application;
- To identify the reasons for its non-compliance and ineffectiveness; and
- To find out the possible solution for the effective application of the law.

3. Methodology

The study employed a mixed-method approach: a combination of qualitative and quantitative approaches designed to gain an in-depth understanding of the problems associated with the implementation of the Premises Rent Control Act in Chattogram City and to gather detailed experiences and perspectives of tenants, landlords, rent collectors and advocates.

3.1. Study Area

Chattogram City, a metropolitan area, is one of the most populated Metropolitan areas of Bangladesh. It encompassed with an area of 155.4 square kilometres and a population of approximately 6 million.

3.2. Sample Size and Data Collection

In-depth interviews were conducted with 100 tenants, landlords of 15 different locations in Chattogram City, rent controllers and advocates. The interviews were semi-structured and covered topics such as experiences with the implementation of the act, problems faced, suggestions for improvement and other relevant information. Document analysis was conducted on newspapers, journal articles and web content related to the Premises Rent Control Act and its implementation in Chattogram City.

3.3. Data Analysis

The collected data were analyzed using a thematic analysis approach. This involved identifying patterns and themes in the data, categorizing the data into themes, and interpreting the meaning and significance of the themes. The findings from the in-depth interviews and document analysis were compared and triangulated to ensure the validity and reliability of the results.

4. Literature Review

Rent control is a practice of limiting the maximum amount of rent that can be charged in a housing market. This limit is usually lower than the equilibrium rent. Dey & Dev (2006) mentioned that to prevent unrestrained rent hikes and tenant evictions amid housing shortages due to war, rent restrictions were implemented in the early 1900s in the United States and some other countries. Australia marked the beginning of the

contemporary era of rent control when the Labor Party pushed for a “fair rents” bill in 1910. The New South Wales Legislative Assembly approved the legislation in 1913, but it was rejected by the upper chamber. The Fair Rents Act of 1915 was eventually passed during the war. European countries had already approved the first of many rent control laws before this time (Willis, n. d.). Following World War II, soldiers returning home suddenly increased the demand for livable homes. Migration from rural to urban areas increased as a result of industrialisation and the ensuing urbanization. Rent Control Acts, known by different names, were enacted in several nations to stop rents from excessively increasing as a result of this surge in demand. These were the rent controls of the first generation. Those later approved were known as the second-generation rent controls or soft rent controls since they allowed for some latitude in rent increases and tenant-landlord interactions. Immediately following the First World War in Bombay in 1918, the first rent control legislation was introduced in India. Similar laws for Calcutta and Rangoon were passed after it in 1920. Nearly all of the nation’s largest cities and towns had rent control laws in place by the end of World War II. All of these laws, which emerged from the inflationary post-First World War period, were designed to offer renters some respite from landlords’ demands for high rent and their indiscriminate eviction practices as a result of the lack of housing in urban areas.

According to Bari (2022), it wasn’t until after the Indian subcontinent gained independence and the creation of West and East Pakistan (now Bangladesh) that the unrest of the rebellious peasants against Zamindars under Permanent Settlement in 1793, was acknowledged, leading to the eventual abolition of the aristocratic landlord juncture through the passage of the Non-Agricultural Tenancy Act of 1949, which as its name suggests included all non-agricultural tenancy. Premises Rent Control Act of 1991 (hereinafter the Act) was enacted as a special statute to be carried out by the Bangladeshi judiciary following the Transfer of Property Act after the government recognized the need to protect the interests of non-agricultural commercial and residential tenants. The original premises rent control legislation, officially known as the “East Bengal Premises Rent Control Ordinance,” was passed in 1951. After the adoption of the East Bengal Expiring Laws in the same year, the aforementioned statute was repealed. The Premises Rent Control Act of 1991 was the result of two ordinance repeals and reenactments in 1961 and 1984, respectively, of the laws relating to premises rent control that had previously been passed in 1953 under the name “East Bengal Premises Rent Control Act.”

Considering the purchasing power of the general people the cost of living is very high in Bangladesh. *The Daily Online Alochona* (2011), provides that the cost of living has increased by 82.59 per cent over the last 5 years according to the Bangladesh Bureau of Statistics (BBS). The rise in the price of essentials, the lack of a workable market policy and the high inflation rate have amplified the living expenditure. Rahman (2022) citing the Report of the Bangladesh Bureau of Statistics (BBS) stated that the inflation rate of the last August was 9.52%, which is the highest in the last 11 years and 3 months. Professor Dr Mustafizur Rahman, former executive director of the centre for policy Dialogue (CDP), has termed the high inflation rate as the main cause behind the increase in the cost of living. He said the suffering of the fixed-income people has multiplied since they have to manage their expenses with a limited income. According to the present situation, people have to depend on their savings to manage expenses. The situation would be worse if their income

does not increase with the pace of expenses, he added (Meraj Mavis, 2022). *The Daily Star* (2017) reports that the *Consumers Association of Bangladesh Survey-2016 on prices revealed that* the cost of living in Bangladesh rose 6.47 per cent in 2016 from the previous year because of the hikes in premises rents and some essential food items. House rent rose 8.77 per cent on average in 2015.

The Household Income and Spending Survey-2016 report illustrates the trend in the condition of poverty and the pattern of expenditure in the food and non-food categories in the words of Rahman (2019). The running rate of 1.2% from 2010 to 2016 is lower than the rate of 1.7% from 2005 to 2010, despite the fact that the general state of poverty has improved. With the percentage of the population living in poverty dropping to 24.3%, it is expected that the country will be able to envision sustainable development objectives. The slowdown in poverty reduction between 2010 and 2016 compared to 2005 to 2010 shows that the average growth rate of over 6.5% is insufficient to provide enough jobs to lower the poverty rate.

The Business Standards (2020) cites CAB data that indicates that the cost of living increased by 6.5% in 2019 as opposed to 6.0% in 2018. From 5.9% the year before, the cost of goods and services has climbed by 6.08 percent. Despite a little decrease in upper-class rent, CAB President Ghulam Rahman claimed that lower-income and lower-middle-income households still had to pay more for housing. As a result, the suffering of the populace has intensified due to the constant growth in housing costs in urban areas. According to the CAB research, the average rent for households in lower- and lower-middle-income groups grew by 8.18%, while costs for shanties and mess housing jumped by 9.74% and 7.91%, respectively.

Kutty (2002) stressed that we should focus on whether a household can afford basic non-housing commodities after paying for the basic necessity of shelter because non-housing expenditures are crucial financing for a household. Thalmann (2003) opines that housing is not affordable for a household if it excessively crowds other expenditures and housing expenditure crowds out non-housing expenditure.

There are various fundamental variables of house prices like construction costs, personal income, population, mortgage rates, and stock market wealth which lead to increases the rent also (Mikhed & Zemcik, 2009). The size, quality and cost of accommodation are vital elements of family expenditure, social imbalance and household chances (Silva & Wright, 2009).

Boonyabancha (2005) opines that City authorities and other income groups must know that low-income people are normal human beings who are part of the city system. To Robertson, S.T. (2009), in India, house rent is made based on a standard provision designed by the local authority. The maximum construction cost in Delhi is 10%, and the market price of the land is determined based on historical values rather than current market value. Additionally, the rent is also reduced according to the life of the property. Housing provision, under Indian Constitution, is a state concern. Therefore, it is each state's responsibility to pass and implement these laws. Consequently, all rent control measures and laws ensure the tenant's security of tenure and prevent the landlord from evicting the tenant without a court order, which could only be given on certain specified grounds, such as a breach of the tenancy agreement, subletting, the owner's need for the building for his purposes, deterioration in the building's condition, delay or nonpayment of rent for a predetermined period. Similarly,

house control measures restrict landlords from raising rent above the maximum amount allowed by these rules. (Chaturvedi, n. d.)

Although the preambles to these various laws state that it is expedient in the public interest to restrict the increase of rent of certain premises within (the specified) limits and the eviction of tenants therefrom, the Rent Control Act of 1959 in Pakistan may appear to be pro-tenant. However, the courts have held that these laws are not only limited to their preamble object (to restrict the increase of rent and the eviction of tenants) but are also intended to protect landlords from eviction. (Jabeen et al., 2015).

In the USA, it is the Neighborhood Council that disposes of any such dispute amongst house owners and tenants following the method of Alternative Dispute Resolution (ADR). Those councils act as an innovative forum for all community stakeholders as quasi-city entities to engage themselves in matters that affect the lives of the citizens. Whereas South Asia is plagued by a complicated web of corruption, economic stagnation, and human anguish as a result of economic regulation that was originally designed to safeguard lower-income groups. Thus, despite having numerous democratically elected administrations over a long period, South Asia remains one of the world's poorest areas, characterized by ongoing class tensions and rent-seeking. Therefore, all Pareto enhancing transactions should be the focus of reforms. (Pillariseti, n.d.)

There is an Act relating to house rent in Bangladesh, the Premises Rent Control Act, 1991 though the Act lacks proper implementation. According to Article 15 of the Bangladesh Constitution, the government is in charge of ensuring that people have access to the basic necessities of life, such as food, clothing, housing, education, and medicine. It also has the responsibility of steadily raising peoples' material and cultural standards of living. Though the responsibility of the state falls within the directive principles, in the case of *People's Union for civil Liberties Vs. Union of India and Others [Writ Petition (Civil) no. 196 of 2001]* the Indian Supreme Court emphasized that socio-economic rights are now not only directive principles they have got the equal status of fundamental rights which should be enforced by a court of law. Furthermore, it is guaranteed by the supreme law of the land, "All citizens are equal before law and are entitled to the equal protection of the law" (Article 27). But the tenants are very much uninformed of the concerned laws relating to house rent which is paving the way for the violation of their right to shelter. As such on availing the chance, owners of the houses create pressure on the tenants to pay the increased rent. However, the concerned authority i.e., the City Corporation seems to be quite reluctant on the issue.

5. Legal Framework on House Rent Control in Bangladesh

As stated earlier, the main law relating to house rent control is the Premises Rent Control Act of 1991, one of the basic features of the act shows that the government can appoint any person as a controller, additional controller, or deputy controller, to perform specific duties and exercise certain powers in a specified area. The appointed person may delegate their powers and duties, except for those listed in sections 3 and 4. The controller has the authority to transfer or withdraw cases pending before other controllers and either handle the case themselves or transfer it to another controller for resolution (Section 3).

Important to note that section 7 restricts excessive rent over the standard one by making such rent irrecoverable despite the existence of an agreement. Apart from one month's advance rent, any premium, security deposit or other payment in exchange for granting, renewing, or continuing a tenancy has also been prohibited under section 10. The landlord must give the tenant a signed receipt for the rent payment immediately and keep a copy of the receipt (Section 13). Setting the standard rent of a property based on an application by the landlord or tenant, using 15% of the property's market value (Section 15), arresting the tenant or attaching their property to recover the rent (recoverable under the Act), evicting tenants by serving a 15-day notice if they violate the terms and conditions of tenancy under Section 18 have been made key duties of a Controller. A tenant can deposit rent with the Controller, under Section 19, within 15 days if the landlord refuses to accept rent, or if a *bonafide* dispute arises as to who is entitled to receive rent, or if the landlord's whereabouts are unknown, or if payment is prohibited by the Foreign Exchange Regulation, 1947 by serving a 7 days' notice to the landlord. Section 21 allows the tenant to repair and maintain utilities if the landlord fails to comply with the due notice within a specified time. Under Section 22, the Deputy Commissioner may order repairs to prevent deterioration and recover costs from the landlord as public demand.

Sections 23 to 26 state that violations of the provisions of the Act are punishable. For charging more than the standard rent, the punishment can reach up to twice the excessive amount, and a fine up to three times the amount on subsequent offences. Sections 28 to 30 state that complaints of violations under the Act must be filed within 6 months to the Controller and can result in punishment. Decisions made by the Controller can be appealed to the District Judge within 30 days. Apart from the Premises Rent Control Act of 1991, certain other laws provide legal protections to tenants and landlords in Bangladesh. They are as follows:

5.1 Constitution of Bangladesh

The Constitution of Bangladesh guarantees the provision of basic necessities for its citizens, including the right to shelter (Article 15(a)). Thus, the tenants cannot be evicted forcefully by their landlords. Additionally, Article 42(1) protects the property rights of citizens, including the right to acquire, hold, transfer, or dispose of property. This prevents the compulsory acquisition or requisition of property except by the authority of law. The right to shelter or housing is considered and recognized as one of the non-violable rights around the world. It has also been confirmed by several judicial decisions around the world. In *R (Bernard) vs. Enfield, L.B.C.* (2002) EWHC 2282, the High Court determined that by failing to provide suitable housing for a family for more than two years, the London local authority had violated Article 8 of the ECHR (the right to respect for his private and family life, his home, and his correspondence). In the case of *Centre on Housing Rights and Eviction (COHRE) vs Sudan*, Communication (296/2005), regarding forced eviction the Commission found that forced eviction in the context of Darfur not only violated the rights to adequate housing but rose to a violation of the Article 4 (right to the integrity of the person) and Article 5 (prohibition on cruel, inhuman or degrading treatment or punishment) (prohibition on cruel, inhuman or degrading treatment or punishment).

5.2 The Code of Criminal Procedure, 1898

Section 145(1) of the Code of Criminal Procedure, 1898 provides that if a dispute likely to cause a breach of peace exists concerning any land, water or its boundaries within a magistrate's jurisdiction, the magistrate can regulate the parties to attend court in person or by pleader based on a police report or information. Additionally, Section 107 allows the magistrate to order a person to execute a bond if they are likely to cause a breach of peace. Disputes between landlords and tenants, such as intimidation and threats, can be resolved by either party going to the magistrate court under sections 115-145, 104, and 117(c) of the Code of Criminal Procedure, 1898.

5.3 The Code of Civil Procedure, 1908

The definition of a legal representative in the Code of Civil Procedure (C.P.C) is related to the definition of a landlord in the Premises Rent Control Act of 1991 for social legislation. The controller has the authority to issue summons under the orders of C.P.C, as well as temporary injunctions under order IXL, Rule 1.

5.4 The Transfer of Property Act, 1882

According to Section 18(1) of the Premises Rent Control Act, 1991, a landlord can evict a tenant if they violate Sections 108, (m), (c), and (p) of the Transfer of Property Act, 1882. Additionally, under Section 107 of the Transfer of Property Act of 1882, agreements for more than one year must be registered. To evict a tenant, a notice must be served under Section 106 of the act.

5.5 The Public Demands Recovery Act, 1913

When a person is penalized under Sections 23, 24, 25, 26, and 27 he must have to pay the fine within 30 days. Otherwise, those fines will be recoverable under the Public Demands Recovery Act, of 1913.

5.6 The Specific Relief Act, 1877

According to Section 54 of the Act, the court can issue a permanent injunction in matters of house rent.

5.7 The Electricity Act, 1910

Section 32 of the Premises Rent Control Act, 1991 says that tenants are entitled to get electricity supply from a licensee. Here license means "license" under the Electricity Act- of 1910.

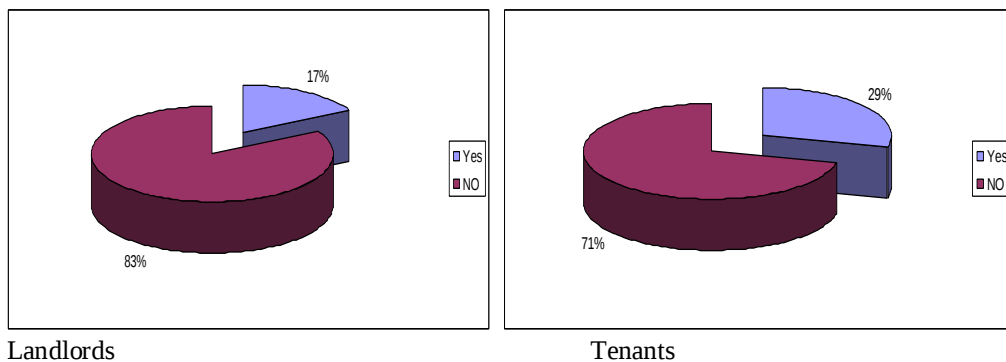
6. Analysis of the Questionnaire Survey

6.1 Issues of Survey and Findings

In this portion of the study, some important issues having weight in law will be shown and analyzed. The survey has been conducted in various residential societies and bachelor apartments. The sample of the questionnaire and the list of the area surveyed and persons interviewed have been placed in the Annexure.

6.1.1 Knowledge of the Existence of Law

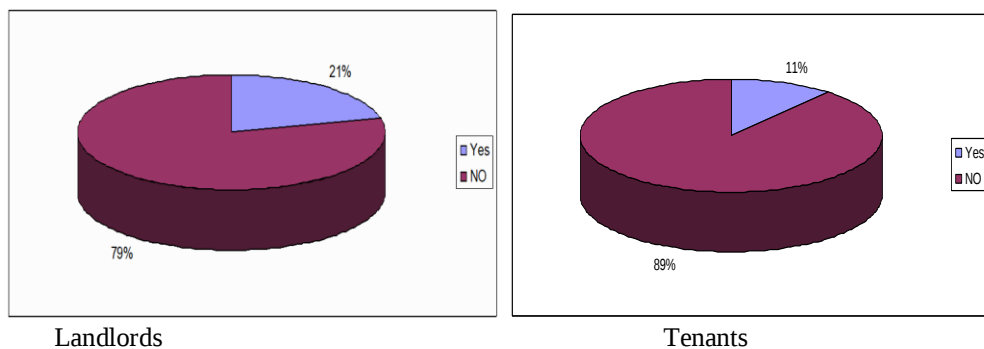
Figure 1
Knowledge of the Existence of Law



These diagrams show that 83% of landlords of the Chittagong residential area do not know that there is a law about house rent or premises rent. On the other hand, 71% of tenants in the same area do not know about such a law.

6.1.2 Knowledge of the Subject Matter of the Law:

Figure 2
Knowledge of the Subject Matter of the Law

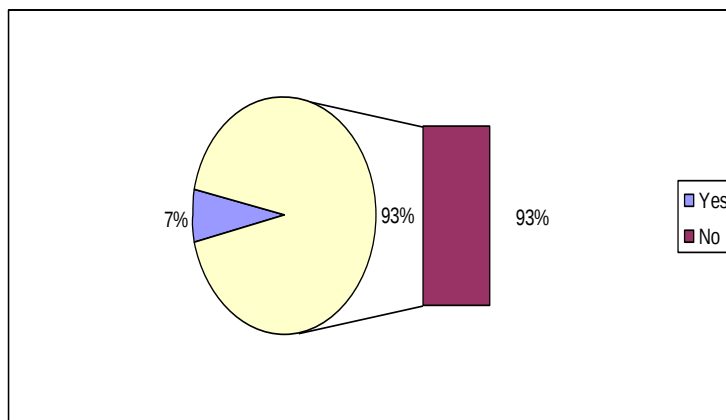


These diagrams show that 79% of the landlords do not know the subject matter of the law relating to house rent. On the other hand, 89% of the tenants do not know the subject matter of the law relating to house rent.

6.1.3 Taking Advance in letting Houses to the Tenants:

Figure 3

Taking Advance in Letting Houses to the Tenants



This diagram shows that 93% of the landlords have taken advance in letting out their houses to the tenants. It transpires how much advance rent landlords receive from tenants; they even do not adjust these sums with the monthly rent until the tenants vacate the property.

6.1.4 Number of Months for which Advance is Taken

Figure 4

Number of Months for which Advance is Taken

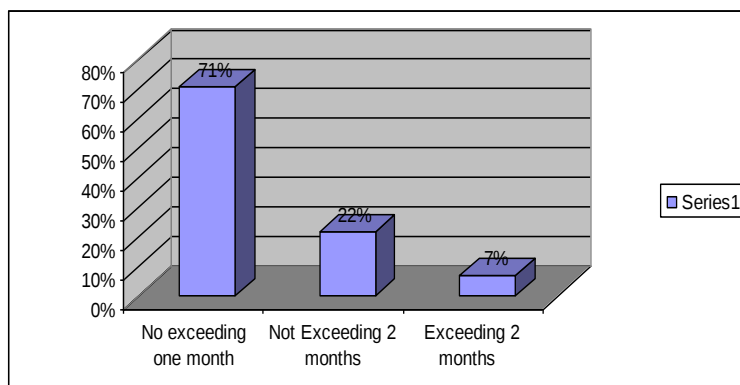
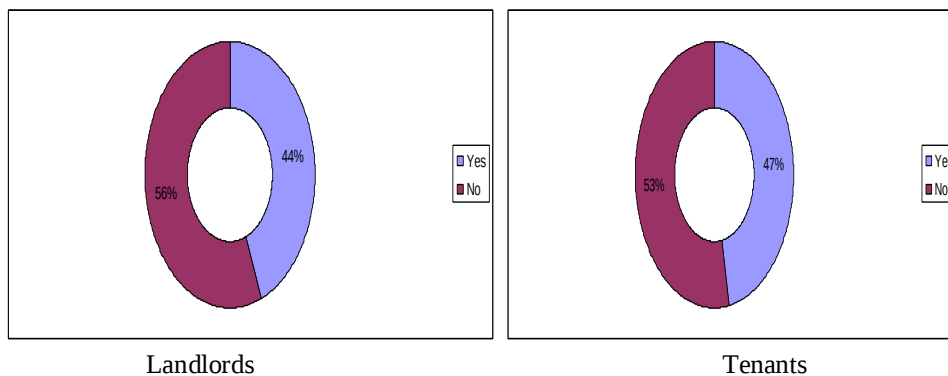


Figure 4 shows that 71% of the landlords have taken advance for one month, 22% of the landlords have taken advance for two months, and 7% of the landlords have taken advance for a period exceeding two months.

6.1.5 Existence of Written Agreement

Figure 5

Existence of Written Agreement

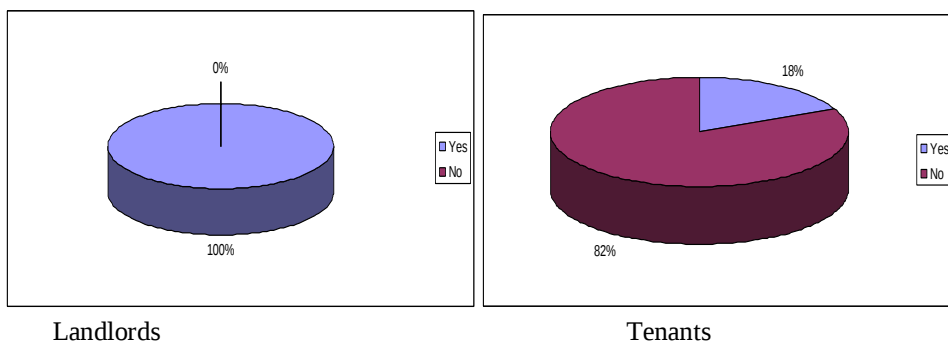


These diagrams show that 56% of the landlords let out their houses without any written agreement and 53% of the tenants have accepted the house without any written agreement.

6.1.6 Receipt on Payment of Rent

Figure 6

Receipt on Payment of Rent

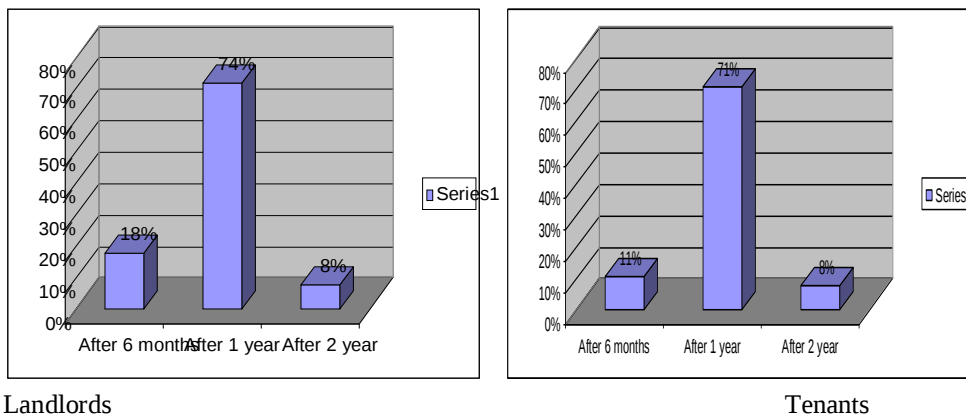


The diagrams depict that 18% of the tenants are given and 82% of them are not given a receipt of rent on payment and all the landlords give such receipt.

6.1.7 Frequency of Increasing Rent

Figure 7

Frequency of Increasing Rent

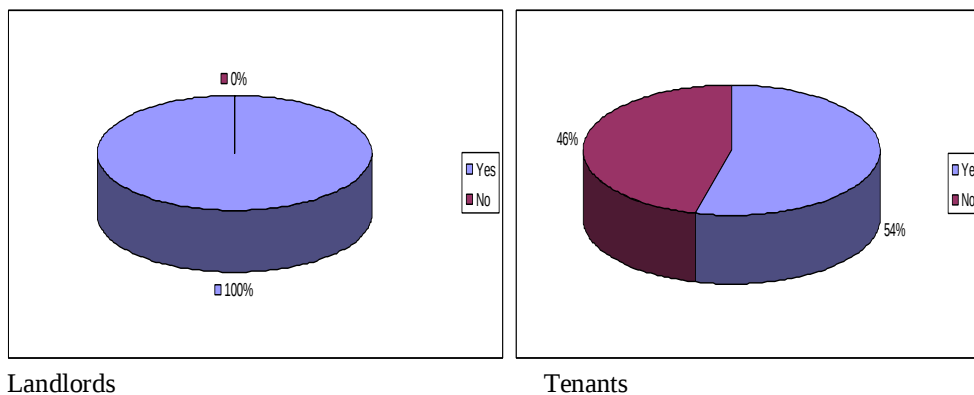


The diagrams present that, 18% of landlords increase the rent after 6 months, 74% after 1 year and 8% after two years, while 11% of tenants said it is after 6 months and 71% said after 1 year and 8% said after 2 years the rent is increased.

6.1.8 Availability of Utilities

Figure 8

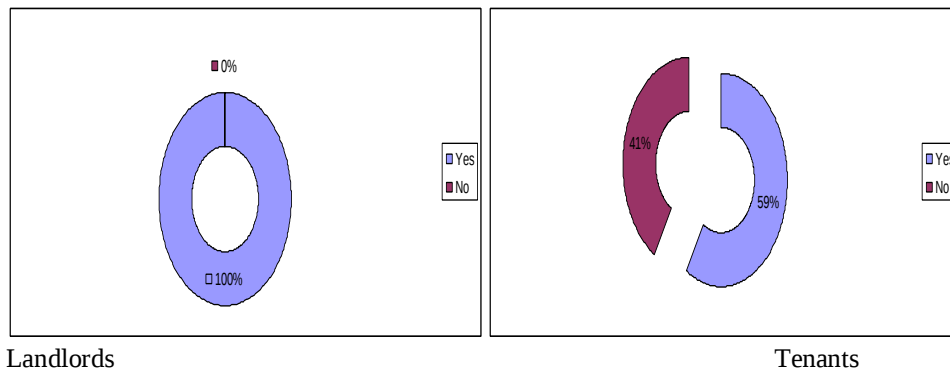
Availability of Utilities



The diagrams show that all the landlords said they afford such privileges regularly while 54% of tenants said in favour of 'yes' and 46% said they are not enjoying the facilities regularly.

6.1.9 Adequacy of Security System

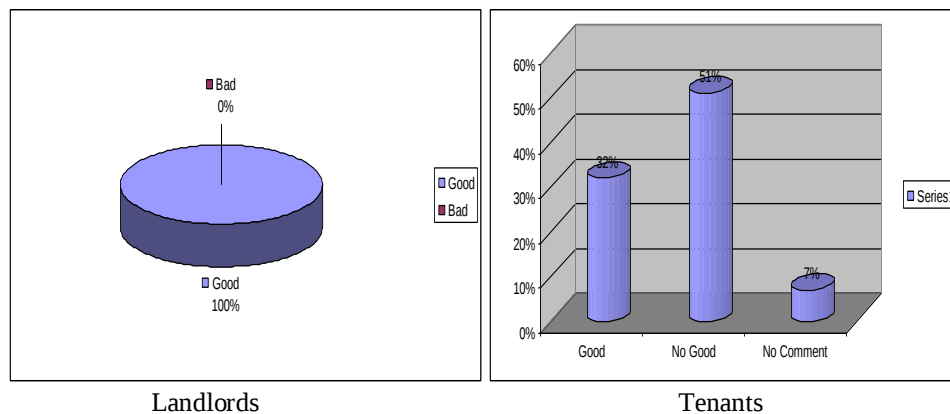
Figure 9
Adequacy of Security System



The pictures depict that 59% of the tenants think that the security system is sufficient and 41% think as insufficient while 100% of landlords said they afford that.

6.1.10 Relationship between Landlord and Tenants

Figure 10
Relationship between Landlords and Tenants



The diagrams present that, all the landlords stated their relations is sound enough while 32% of tenants said it is good', 51% said not good and 7% were without any comment.

6.2 Problems Wringed

The survey squeezed some problems in the matters relating to house rent. These problems are:

- (1) Most landlords and tenants do not know that there is a law to control house rent and relevant matters.
- (2) In many cases, there is no written agreement and this is a fault which may be the door to many other problems.
- (3) People at a large rate pay their rent without any receipt and the landlords aren't concerned about it.
- (4) Landlords often demand advance payment for more than a month, and some even increase the rent, violating the provisions of the law. Landlords also frequently fail to comply with written agreements related to house rent, while some do not provide basic necessities such as water and security. This creates an unhealthy relationship between landlords and tenants.
- (5) It was alleged that showing less income earned from house rent, owners of houses are evading income tax which in turn is depriving the government of earning huge amounts of revenue annually. In Chattogram City, there are allegations that house owners who report receiving Tk. 0.1 million as rent actually receives Tk. 0.5 to 0.6 million. Despite this, the Chattogram City Corporation and the Income Tax Department are indifferent to taking any action. A tax collector of CCC stated that tax assessments, which are supposed to be done every 5 years, have not been done for 17 years. The estate officer of CCCQ stated that if residents face harassment, they can go to court for legal action against the owner (Rubel, D.D. 2018).
- (6) There is no agenda of the National Human Rights Commission in this field and the Consumers Association does not have any protective effort to protect the tenant's interest.
- (7) The number of suits relating to house rent has increased annually, with five house rent controllers in the area, three of which deal with cases in the metropolitan area. The court system for these suits is not satisfactory and the number of pending petitions continues to rise. The following table shows the number of suits carried forward, newly filed, disposed of, and pending petitions of disputes in the courts in 2021 and 2022.

Table 1
Court Scenario of Dispute Settlement in Chattogram

Year	Earlier Petitions			Newly Filed Petitions			Dissolved Petitions			Pending Petitions		
	1 st Court	2 nd Court	3 rd Court	1 st Court	2 nd Court	3 rd Court	1 st Court	2 nd Court	3 rd Court	1 st Court	2 nd Court	3 rd Court
2021	545	425	510	88	80	76	63	50	70	570	455	516
2022	570	475	530	90	63	45	45	50	30	615	488	545

[Source: Office of Rent Controller, Chattogram. (Up to date: 2023, January 05)]

It is found that the rate of disposal of suits is very slow. Only 15% of suits are disposed of annually. It took on an average of two or three years to pass or to dispose of a suit completely without appeal, revision, etc.

- (8) It is also found that there is no separate office of the Rent Controller. Consequently, the Assistant/Senior Assistant Judge's Courts deal with the petitions. On the other hand, the proceedings are filed in the nature of petitions, not as a suit for which on disposal

no point is given in the account of the presiding officer of the court which is given on the disposal of a suit. So, the judges are also not interested to deal with rent-related disputes.

- (9) Another major matter of concern is that often there may be 3 proceedings out of a single matter; one is a rent-related petition, another one for an injunction against the house owner and the other is an eviction proceeding against the tenant causing overload in the regular proceedings of the courts.
- (10) The Court officials opined, anonymously, that, the judicial function should not be vested in any other institution. Rather, he insisted, a monitoring body under the management of the City Corporation can be created.
- (11) Being asked in an interview on 15/12/2022, Advocate Badrul Huda Mamun, Judges' Court, Chittagong opined that it is not only the landlord but some ill-motivated tenant who also takes the advantage of Section 19 of the Act. Sometimes they abuse the scope of depositing rent to the rent controller. He mentioned a case where the tenant has been depositing rent (600 BDT) for a two-bed residence for about 8 years.
- (12) Not only the owners of the house, but tenants, occasionally, are also violating laws.

6.3 Loopholes in the Act

The Premises Rent Control Act, of 1991 is passed to solve problems regarding house rent. However, it had not reached its goal properly due to some lackings. The drawbacks of the Act are discussed below:

- a) What will mean the term 'standard rent' is not defined in the Act. So, landlords can charge rent as their sweet will which should not be gone.
- b) Nowadays, with the pace of electricity and gas price hikes the rent also is being increased but nothing is addressed in the Act regarding this.
- c) The provisions of Sections 15 and 18(6) are in conflict with one another. Because Section 15 specifies that the controller will decide on the rent and Section 18(6) specifies that the tenant will decide on the rent, which the landlord has allowed.
- d) The punishment for landlords and tenants is deemed to be inadequate i.e. fine of Tk. 500 or 1000 or twice of realized money is not enough.
- e) The law is automatically biased towards the landlords. The tenants are subject to exploitation by the landlords.
- f) The process of fixation of standard rent is vague.
- g) There are no mentionable provisions to punish the notorious tenants.
- h) The powers of the rent controller are limited.
- i) The Assistant/Senior Assistant Judges are appointed as ex officio rent controllers to receive rents to finalize the disputes.
- j) There is no provision which can impose imprisonment on the guilty.
- k) The number of courts and judges is inadequate in comparison with the number of cases.
- l) House rent is not considered a part of a consumer's right.
- m) There is no system of Alternative Dispute Resolution (ADR) in this law.

7. Recommendations for a Sustainable Solution to House Rent Problems

After analyzing the current legal frameworks and the data collection study, the following recommendations have been made for a sustainable solution to the house rent problems in Chattogram City:

- a) Clarify the definition of “Standard Rent” and establish specific criteria based on location, amenities, and size of the property. Local authorities should publish and distribute a rent chart for each location as deemed appropriate.
- b) Establish a separate Quasi-Judicial body with a Controller and Additional Controller at the central level and a Deputy Controller for each ward under the City Corporation to regulate the matter as stated in Section 3 of the Act. This will benefit both landlords and tenants.
- c) Establish a separate Controller Office to alleviate the burden on Senior Assistant Judges who currently act as Controllers. The judiciary should serve as a revisional remedy against Controllers’ decisions.
- d) Implement a rental registration system and introduce a standard contract form for agreements between landlords and tenants.
- e) Update the Premises Rent Control Act to include an Alternative Dispute Resolution (ADR) system, punishments for negligent and notorious tenants.
- f) Launch social awareness campaigns to educate and aware citizens, with an emphasis on the middle and lower classes, through methods such as advertisements, leaflets, and television advertisements.
- g) Introduce a multi-tier dispute resolution system with the Deputy Controller as the first forum, followed by the Controller and Senior Assistant Judge for revision.
- h) Implement measures to prevent residential premises from being built in industrial areas or being used for commercial purposes.
- i) Establish a central commission to regulate and monitor rental housing and determine standard rents based on geographical and other factors. The commission should also implement awareness programs and train Controllers.
- j) Enhance the activities of organizations such as the Consumers’ Association of Bangladesh (CAB) and include house rent in the Consumer Protection Act.
- k) The Human Rights Commission should have a specific agenda regarding the protection of tenants’ rights and prevent the right to shelter from being violated. A helpline, like 999, may be launched for this purpose. Set up a complaint box in every Ward Councilor office where victims can place their complaints. The complaints will be scrutinized by the Premise Rent Officer and redressed by the Deputy Controller.
- l) Appoint a Premise Rent Officer under the auspices of the city corporation at the field level to monitor and inspect the real-life scenario at first and report the situation to the controller through the Ward Councilor.
- m) Conduct regular surveys by the housing department and revenue department of the City Corporation to enhance revenue collection.

8. Conclusion

The study reveals that city people in Chattogram are unaware of their legal rights and obligations regarding housing rent. This lack of knowledge has led industrial and capitalist groups to break housing rent laws. Furthermore, there are shortcomings in the laws themselves and in their implementation process. Both landlords and tenants are responsible for the law's ineffectiveness. Although the 1991 Act outlines the procedure for giving and receiving house rent, it is not strictly enforced. Consequently, house owners are raising rent arbitrarily, which is a significant concern. Unfortunately, the government has no effective plan to control the excessive increase in rent. As a result, the law on house rent exists only on paper and is not being enforced. Many house owners behave rudely when tenants request a rent reduction. Consequently, in Chattogram, house owners are like 'lords' and they hardly care about the laws relating to house rent. The government must enforce the Premises Rent Control Act of 1991 to provide relief to tenants and put an end to this unfair situation. From the viewpoint of the respondents, and experts the problems may be addressed by amending the Act in some respects and by strict implementation by the responsible entities, especially, the state.

Like other developing and developed countries, Bangladesh has the international commitment and constitutional obligation to ensure the basic necessities of life through planned economic growth for the improvement of the material and cultural standard of living of the people. The judiciary is actively upholding the housing rights of marginalized sectors of society in Bangladesh. For instance, the rights of sex workers to a profession, to a home, and to their exoneration have been viewed from a delicate perspective in the judgment, according to the High Court Division in Bangladesh Society for the Enforcement of Human Rights (BSEHR) and others vs. Government of Bangladesh and others 2000, 29 CLC (HCD). Further, in a 2015 hearing, Judge Bazlur Rahman and Justice Ruhul Kuddus of the High Court Division directed the government to set up a commission to recommend maximum and minimum standard house rents for various areas of Dhaka. The commission will consist of the cabinet secretary, who will identify problems by holding discussions with both house owners and tenants and updating the Premises Rent Control Act 1991. The court also directed the police to take proper measures concerning house rent-related accusations in all the cities of the country. The petition was moved by the rights Organisation in April 2010 seeking the court's directives for strict enforcement of the 1991 Act. Thus, it should be one of the prime concerns of the state to respect, protect and implement the right to housing and to that end laws regarding house rent should be sensible and implementation policy should be reinforced.

References

- Akter, T., Hasan, Md. M., Zaman, A. U., Hossain, Md. R., & Neema, M. N. (2013). Analysis of potential factors bringing disparity in house rent of Dhaka City. In B. Murgante, S. Misra, M. Carlini, C. M. Torre, H.-Q. Nguyen, D. Taniar, B. O. Apduhan, & O. Gervasi (Eds.), *Computational Science and Its Applications – ICCSA 2013* (Vol. 7973, pp. 408–421). Springer Berlin Heidelberg. https://doi.org/10.1007/978-3-642-39646-5_30
- Bari, S. M. (2022). The Constitutional Equilibrium of the Bangladesh Premises Rent Control Act, 1991, *British Journal of Arts and Humanities*, 52–62. <https://doi.org/10.34104/bjah.022052062>
- Boonyabancha, S. (2005). Baan Mankong: Going to scale with “slum” and squatter upgrading in Thailand. *Environment and Urbanization*, 17 (1), 21–46.
- Chaturvedi, N. (n.d.). Rent control acts in India: A critical analysis. https://www.academia.edu/10649450/Rent_Control_Acts_in_India_A_Critical_Review
- Cost of living almost double in 5 yrs. (2011, September 30). *The Daily Online Alochona*. http://dailyalochona.blogspot.com/2011_09_30_archive.html?m=1
- Cost of living goes up 6.5%: CAB. (2020, 17 January). The Business Standards. <https://tbsnews.net/economy/cost-living-bangladesh-increased-65-percent-2019-cab>
- Dey, A. B. (2011, November 24). House rent: Owner the arbitrator. The Daily Star. <https://www.thedailystar.net/news-detail-211359>
- Dey, P. D., & Dev, S. (2006). *Rent Control Laws in India A Critical Analysis*.
- Gilbert, A. (2016). Rental housing: The international experience. *Habitat International*, 54, 173–181. <https://doi.org/10.1016/j.habitatint.2015.11.025>
- Jabeen, A., Sheng, H. X., & Aamir, M. (2015). Housing crises in Pakistan: Review of population growth and deficiencies in housing laws and policies. *International Journal of Sciences*, 24(3), 323–347
- Kutty, N. K. (2002). The house poor: Are high housing costs keeping non-poor Americans at poverty standards of living? *Paper presented at the ENHR, Conference in Vienna, Austria*.
- Living costs rise 6.47pc. (2017, January 02). *The Daily Star*. <https://www.thedailystar.net/business/living-costs-rise-647pc-1339051>
- Meraj Mavis (2022, June 5). *Average cost of living in Dhaka is prohibitively expensive*. The Dhaka Tribune. <https://www.dhakatribune.com/business/2022/06/05/average-cost-of-living-in-dhaka-is-prohibitively-expensive>.
- Mikhed, V., & Zemčák, P. (2009). Do house prices reflect fundamentals? Aggregate and panel data evidence. *Journal of Housing Economics*, 18, 140–149.

- Noyon, A. B. (2019, December 25). Dream of owning a home still elusive for many. *The Business Standard*. <https://www.tbsnews.net/bangladesh/dream-owning-home-still-elusive-many>.
- Pillarisetti, J. R. (1999). Economic reform, overlapping property rights, and polarisation in the real estate market (Discussion Paper No. 04/99).
- Rahman, Mir Obaidur. Household Income and Expenditure Survey 2016. (2019, May 23) *The Daily Sun*, p. 06.
- Robertson, S. T. (2009, April 08). Landlords' decree. *The Daily Star*. <https://www.thedailystar.net/news-detail-83144>
- Samad, R. B., Chisty, K.U., & Rahman, A. (2015). Bangladesh Institute of Planners Urbanization and urban growth dynamics: A study on Chittagong City. *Journal of Bangladesh Institute of Planners*, 8, 167–174.
- Rubel, R. D. (2018, January, 08) চসিকগৃহকরনাবাডালেওবছরশেষেবাড়িভাড়াবাড়ছেআগেরনিয়মেই. Cplustvbd. <https://cplusbd.net/epaper/single.php?id=16110>
- Silva, E. B., & Wright, D. (2009). Displaying desire and distinction in housing, *Cultural Sociology*, 3(1), 31–50.
- Tajuddin, A.S.M (2017). Provisions for dispute settlement of rented house affairs and standard rent are only rhetoric: A study of Chittagong and Sylhet residential area. *Bangladesh Research Foundation Journal*, 140, 2305–1566.
- Thalman, P. (2003). House poor or simply poor? *Journal of Housing Economics*, 12, 291–317.
- The Constitution of the People's Republic of Bangladesh, 1972.
- Willis, J. W. (n.d.). *Short History of Rent Control Laws*.
- রহমানশামসুর. (2022, December 10). এবারবাড়ছেবাড়িভাড়াও. The Daily Prothom Alo. <https://www.prothomalo.com/bangladesh/7i1utp9lso#>

Annexure
A. Questionnaire Survey (Tenant)

Name:

Address:

Profession:

Question- 1: Do you know about any law relating to house rent?

- a) Yes b) No

Question- 2: Have you made any written agreement at the time of renting the house?

- a) Yes b) No

Question- 3: Do you have any idea regarding the subject-matter of the law?

- a) Yes b) No

Question- 4: Have you given any advance at the time of contract?

- a) Yes b) No

Question- 5: How many months' advance was taken for?

- a) 1 month b) 2 months c) 3 or more

Question- 6: Within which date of a month is the rent paid?

- a) 5 b) 10 c) 15

Question- 7: Is there any written proof of paying rent?

- a) Yes b) No

Question- 8: Is the supply of current, water and gas uninterrupted?

- a) Yes b) No

Question- 9: After how many months and to what extent the rent is increased?

- a) 6 months b) 1 year c) 2 years

Question- 10: How is the formal relationship with the landlord?

- a) Good b) Bad c) No comment

B. Questionnaire Survey (Landlord)

Name:

Address:

Profession:

Question- 1: Do you know about any law relating to house rent?

- a) Yes b) No

Question- 2: Have you made any written agreement at the time of renting the house?

- a) Yes b) No

Question- 3: Do you have any idea regarding the subject-matter of the law?

- a) Yes b) No

Question- 4: Have you taken any advance at the time of contract?

- a) Yes b) No

Question- 5: How many months' advance was taken for?

- a) 1 month b) 2 months c) 3 or more

Question- 6: Within which date of a month is the rent paid?

- a) 5 b) 10 c) 15

Question- 7: Is there any written proof of receiving rent?

- a) Yes b) No

Question- 8: Is the supply of current, water and gas uninterrupted?

- a) Yes b) No

Question- 9: After how many months and to what extent the rent is increased?

- a) 6 months b) 1 year c) 2 years

Question- 10: How is the formal relationship with the tenants?

- a) Good b) Bad c) No comment