

that all major national parties in recent years have declared through their manifestos that they would implement a 33 per cent reservation for women in all Legislatures. There are so many merits in proposed Women Reservation Bill, unfortunately there has been no consensus on the issue and it will take some more time for the Parliament to approve the Bill. It is seen that each subsequent Government, is presenting the Bill in the Parliament, but it has not been approved and passed due to various political party ideologies. The issue is still pending before the parliamentarians.

The concept of reservation is inextricably lined to the socio-economic and legal conditions prevailing in the present society. The issue of reservations brings out several basic issues need to be handled with political

commitment and social strategy. These include the education, economical independence, employment, social development and women empowerment. The need for a new legal instrument with the political will is the need of the hour. The special consideration directly or indirectly providing reservations to the women are inadequate. The provisions of the Indian Constitution are helpful to the women in the terms of their protection.

The cardinal principle of social justice enunciated in the preamble, the bedrock of personal liberty under Article 21, the elements of Directive Principles of State Policy have to be realized to reach the grass root level of ordinary life of an Indian. In fact the Supreme Court and the High Courts have developed new jurisprudence under Article 15(3) of the Constitution.

WHAT IS RENT?

By

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Population in cities is increasing and demand for houses is increasing leading to high rents. Long ago Government has proposed to brought NEW rent laws but not still come into force. The original intention of the Legislature is to protect the interest of both landlords and tenants. Exploitation on either side is not implementing the intention of the lawmakers in true letter and spirit of law. Prior to independence in our country, our country used to be governed by British Rules and the laws in England is in force, this is the reason still for existing shades of British thought process here. The war is the reason for passing of rent control laws in Great Britain. Hence this special enactment passed in Houses of England to check high rents.

We after perusing this law passed Rent Act to protect unreasonable evictions of farmers and tenants and providing right to landlords to get vacating buildings after assigning accurate reasons. There is no definition of rent in the present Act. It is a technical problem in Court trials to decide rent when disputed by both parties. Basically there are 3 types of cases in this matter.

1. Non depositing of rents
2. Tenancy holding over
3. Not vacating buildings after lease period.
(HOUSING PART ACTION IN U.S.A)

Procedure to determine rents:

Presently Courts are adopting the market

value of the area and vicinity buildings rents are taking into consideration basing on marketing demand the rent of shops and buildings has been increased without any reasons and proper amenities. The powers vested with Rent Control Officers under the Act is not practically implemented, be that as it may, implementation of lease provisions are practically very difficult. In addition to this, there are some tenancy holding over cases in long standing tenancy intending to drag the matter in Courts, may it cause a wonder to a common man that at least one decade time will be taken to dispose of rental cases finally in all Courts. It is causing frustration to landlords. To find a solution the jurisdiction of Courts is divided in three types in rent cases 1. Rent Control Matter, 2. Evictions Suits, 3. Agricultural Land Tenancy matters. The stipulated period of maximum and minimum period of tenancy has to be incorporated in the proposed new legislation.

Legal Classification:

At present A.P. Buildings Act will govern the buildings which fetches a monthly rent of Rs.2500/-. If the rent exceeds this scale then Transfer of Property Act will come into operation and protection to tenants is ousted. If the landlord give a quit notice, then the tenant has to vacate the premises under T.P. Act.

Regarding Agricultural Lands Andhra Tenancy Laws is in force in respect of Andhra Area, Right of preemption, remission of rent

in the event of damage of crops and additional benefits provided in the statute to safeguard the interest of agriculturalists. Non-implementation of law of seeds, punishing suppliers of poor quality of germination of seeds, lack of knowledge on the part of Agricultural Officers is the basic problem depriving expected income to farmers. Added to this spurious fertilizers, pesticides are reasons for suicides of farmers. Effective implementation of these allied Acts will solve so many problems. It also improve the Exchequer of State. Conducting of regular training of officers connected with these areas will mitigate the litigation.

International case law:

The case laws of New York City Civil Courts in respect of rental litigation is in favour of tenant up to some extent to safeguard their interest. At the same time the person who invested a lot on the building shall not suffer. The Honourable Supreme Court of India, New Delhi used to peruse the judgments of the Honourable Supreme Court of America in the event if on a particular subject no case has been reported as a yardstick, even though it is not a binding precedent. Observing the judgment of cities Civil Courts in U.K., and U.S, Australia, South Africa and other countries would give certain research oriented though process to design a new Rent Control Act in our country. A central legislation is essential in order to justify rental cases in India which would be beneficial to owners and tenants.

RIPARIAN RIGHTS

By

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Rights arising to the user of water of a natural stream in favour of persons owning lands abutting the stream are called riparian rights. The Latin word RIPA means a thing

which banks. A riparian owner is a person who owns land abutting a stream and who as such has a certain right to take water from the stream as held in *Secretary of State for India*