

THE URBAN RENT CONTROL (AMENDMENT) ACT, 1947.  
[BURMA ACT No. XIV OF 1947.]

[18th March 1947.]

WHEREAS it is expedient to amend the Urban Rent Control Act, 1946.

AND WHEREAS by Proclamation, dated the tenth day of December 1942, the Governor of Burma has assumed to himself all powers vested by or under the Government of Burma Act, 1935, in the Legislature or in either Chamber thereof ;

NOW THEREFORE, in exercise of the said powers, it is hereby enacted by the Governor of Burma as follows :—

1. (1) This Act may be called the Urban Rent Control (Amendment) Act, 1947.

(2) It shall come into force at once.

2. The following amendments shall be made to the Urban Rent Control Act, 1946 (Burma Act No. XXIV of 1946) namely :—

3. For sub-section (2) of section 10 of the Urban Rent Control Act, 1946, the following shall be substituted :—

“ 10. (A) (1) The Controller shall on application made to him in that behalf by any tenant in possession of any premises cause a notice to be served on the landlord thereof requiring him to make any repairs which such landlord is bound to make to the premises or to take any measures for the due maintenance of any essential supply or service, such as, the maintenance of supply of water or electricity, the maintenance of drainage service and the maintenance of any lift, which such landlord is bound to maintain in the premises under the conditions of the tenancy.

(2) If after receipt of such notice the landlord fails or neglects to make within reasonable time such repairs or to 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 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.

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4. For section 14 of the said Act, the following shall be substituted:—

- "14. (1) At the time of making or giving of any order or decree for recovery of possession of any premises to which this Act applies or for the ejectment therefrom of a tenant or a person permitted to occupy under the provisions of section 12 (1) or in the case of any such order or decree which has been made or given whether before or after the commencement of this Act and which has not yet been executed, either at the time of the application made by the landlord for execution of such order or decree or on application made by the tenant or the person permitted to occupy under section 12 (1) against execution of such order or decree, the Court may, except in a case in which either clause (c) of section 11 or clause (b) of section 13 (1) applies, stay or suspend execution of such order or decree or postpone the date of delivery of possession for such period or periods and subject to such conditions, as it thinks fit, in regard to payment, by the tenant or by the person against whom the order or decree has been made or given, of arrears of rent or mesne profits, and if such conditions are complied with, the Court shall discharge or rescind the order or decree.
- (2) The Court shall take action of the kind permitted by sub-section (1) in any case where it is satisfied that the tenant or the person against whom the order or decree has been made or given is unable to obtain suitable alternative accommodation and the premises to which the order or decree refers are required *bona fide* as a residence by such tenant or such person or their family.
- (3) Where any order or decree of the kind mentioned in section 11 or sub-section (1) of section 13 has been made or given before the commencement of this Act but not yet executed, and in the opinion of the Court, the order or decree would not have been made or given if the provisions of section 11 or 13, as the case may be, were in force at the time when such order or decree was made or given, the Court shall, on application by the tenant or the person permitted to occupy under section 12 (1), rescind or alter the order or decree in such manner as it thinks fit for the purpose of giving effect to this Act."

5. For section 15 of the said Act the following shall be substituted:—

- "15. An appeal on law and fact shall lie to the High Court of Judicature at Rangoon from any decree or order made by any Judge of the City Civil Court of Rangoon or any Judge of District Courts outside Rangoon in any suit or proceeding arising out of such suit for the recovery of possession of any premises to which this Act applies."

6. For section 16 of the said Act, the following shall be substituted:—

“No Civil Court shall accept a plaint in any suit for the recovery of rent which became due after the enactment of this Act in respect of any premises to which this Act may apply, unless a certificate issued by the Controller certifying the standard rent of the premises has been attached to the plaint.”

7. (i) In clause (d) of sub-section (2) of section 19 of the said Act for the figures “1930” substitute the figures “1939”.

(ii) In clause (f) of sub-section (2) of section 19 of the said Act, for the words “commencement of this Act” substitute the words and figures “first day of January 1941”.

8. For the first paragraph of section 26 of the said Act, the following shall be substituted.—

“Subject to the provisions of this Act the tenant against whom a legal order or decree to vacate and give up the premises to the landlord has been given or made shall not be permitted to occupy or remain in possession of the said premises ;”