

THE URBAN RENT CONTROL (AMENDMENT) ACT, 1948.

[Act No. LIII of 1948.]

It is hereby enacted as follows :—

1. This Act may be called the Urban Rent Control (Amendment) Act, 1948.

2. For sub-section (3) of section 1 of the Urban Rent Control Act, 1948, hereinafter called the said Act, the following shall be substituted :—

“(3) The Act shall come into force at once except the provisions of sections 16A, 16AA, 16B and 16BB which shall come into force on such date and in such area as the President may appoint in this behalf ; and it shall be in force until the eighth day of October 1951 ; but the President may, by notification, direct that it shall continue to be in force for such further period or periods and in such areas as may be specified in that behalf.”

3. In section 2 of the said Act,—

(i) in clause (c), after the words “receiver for any other person,” the words “or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant,” shall be inserted ; and

(ii) (a) in sub-clause (i) of clause (d), after the words “part of a building let” the words “or occupied or intended to be let or occupied” shall be inserted ; and (b) in sub-clause (ii) thereof, after the word “let” the words “or occupied or intended to be let or occupied” shall be inserted.

4. In section 10 of the said Act, the word “like” shall be deleted.

5. In clause (a) of sub-section (1) of section 11 of the said Act, after the word “Controller” the expression “under section 14B” shall be inserted.

6. In clause (a) of sub-section (1) of section 13 of the said Act, after the words “deposited with, the Controller” the expression “under section 14B” shall be inserted.

7. For the period (.) at the end of sub-section (1) of section 14 of the said Act, a colon (:) shall be substituted and thereafter the following shall be inserted as proviso thereto, namely :—

“Provided that in the case of suits for ejection from, or for recovery of possession of, the premises on any of the grounds specified in clause (d), (e) or (f) of sub-section (1) of section 11 or in clause (c) of sub-section (1) of section 13, the order or decree which has been made or given shall not be discharged or rescinded.”

8. After section 14B of the said Act, the following shall be inserted as section 14C, namely :—

“14C (1) Any landlord or tenant or any person acting in his behalf shall give a receipt for the true amount of rent or any sum paid to him in respect of any premises by the tenant or sub-tenant, as the case may be, duly signed by him or shall duly acknowledge the receipt of such rent or such sum in a book or booklet maintained for the purpose.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five hundred rupees.”

9. For section 16A of the said Act, the following shall be substituted, namely :—

(1) When any premises other than residential premises fall vacant or are likely to fall vacant and the landlord proposes to let the same to a tenant, he shall make an application to the Controller for a permit allowing him to let the same to the prospective tenant.

Similarly when a tenant proposes to sub-let any premises other than residential premises or a part thereof to a sub-tenant, he shall make an application to the Controller for a permit allowing him to sub-let the same or a part thereof to the prospective sub-tenant.

(2) The application under sub-section (1) shall contain the following particulars :—

(a) Description of premises, such as Room Number, Floor Number, House Number, Name of Street, etc., or in the case of land, Lot Number, Block Number, etc. ;

(b) Name and address of owner ;

(c) Name, occupation and address of prospective tenant or sub-tenant ;

(d) Monthly rent proposed ;

(e) Monthly rental of September 1939, if available or rateable value of 1939-40, as assessed by the Rangoon Corporation/Municipality ;

(f) Monthly rent charged at present ;

(g) Nature of building (pucca, plank or mat) ;

(h) Nature of accommodation (business or residential) ;

(i) The date or approximate date on which such premises would be available for being let or re-let, as the case may be ;

(j) A declaration that no *salami* or promise of payment of *salami* or such other consideration has been demanded or received.

(3) On receipt of the application under sub-section (1), the Controller may make a summary enquiry and if he is satisfied that there are no valid objections he shall grant a permit forthwith. In the case of sub-letting, the Controller shall at the same time send a copy of the permit to the owner by registered post :

Provided that—

- (i) in case where such premises are likely to fall vacant or just fall vacant, the prospective tenant or sub-tenant when approved by the Controller shall pay rent from the date of occupation and in case where such premises had already fallen vacant for some time before the application is made under sub-section (1) the prospective tenant or sub-tenant shall pay rent from the date of the application ;
- (ii) in case the tenant sub-lets a portion of such premises which cannot be allotted as a separate tenement, the sub-tenant shall pay the rent of such portion to the tenant who shall continue to be responsible to the landlord for the rent of the whole premises ;
- (iii) in case the tenant sub-lets the whole of such premises or a part thereof which can be allotted as a separate tenement to a sub-tenant, then the sub-tenant shall pay rent to the landlord (i.e. the original lessor) and the tenancy shall be deemed to be assigned to the sub-tenant.

10. After section 16A of the said Act, the following shall be inserted as section 16AA, namely :—

16AA. (1) When a landlord—

- (a) gives or receives notice in writing terminating the tenancy of any residential premises, or
- (b) otherwise receives information that any residential premises of which he is the landlord are likely to be vacated or have been vacated, or
- (c) constructs any new residential premises or causes any such premises to be so repaired, altered or improved, that additional residential accommodation has become available,

he shall send a written intimation to that effect to the Controller; similarly when a tenant occupying any residential premises—

- (d) gives notice in writing terminating the tenancy in respect of any such premises, or
- (e) has vacated any such premises, he shall send a written intimation to that effect to the Controller.

(2) In the absence of any reasonable cause, the intimation referred to in sub-section (1) shall be sent—

- (a) in a case falling under clause (a) or clause (d) of sub-section (1), within three days of the notice ;
- (b) in a case falling under clause (b) or clause (e) of sub-section (1), within three days of the date on which the landlord receives the information or within three days of the date on which the premises are vacated, as the case may be ;
- (c) in a case falling under clause (c) of sub-section (1), within three days of the date of completion of the construction, repairs, alterations or improvements, as the case may be.

(3) While sending such intimation the landlord shall supply the particulars specified in clauses (a), (b), (d), (e), (f), (g), (h) and (i) of sub-section (2) of section 16A.

(4) (a) When the Controller receives intimation under sub-section (1) or otherwise receives information that any residential premises are vacant or about to be vacant, he acting with the advice of an Advisory Board which may be constituted by the President for that purpose, may direct the landlord to let the premises when they become vacant or, if the premises are vacant, to let the vacant premises, to a person or persons specified in such direction ;

(b) every such direction shall be served upon the landlord by a written notice and on such service being effected, the landlord shall comply with such direction ;

(c) if the Controller cannot procure a suitable tenant for allotment to such premises as are referred to in clause (a) he shall so inform the landlord and the landlord may let such premises to any tenant ;

Provided that such direction or information given to the landlord under clause (a), (b) or (c), shall be served upon the landlord within ten days of the receipt of the intimation sent under sub-section (1) ;

(d) every tenant or occupier who fails to deliver possession to the person or persons specified in the direction issued under clause (a) of sub-section (4) shall be liable to be summarily evicted.

Explanation.—For the purpose of this section and section 16A "residential premises" means premises used purely as residence or premises used mainly as residence and incidentally for business or profession.

11. In section 16B of the said Act, after the figure "16A" the expression "or of sub-section (1) or (2) of section 16A" shall be inserted.

12. After section 16B of the said Act, the following shall be inserted as section 16BB, namely :—

16BB. (1) Whenever a person is convicted of an offence under section 16B, the tenants or occupiers of the premises concerned, who are not authorized to occupy by the Controller, shall be liable to be summarily evicted.

(2) For the purpose of evicting the tenants or occupiers who are liable to be summarily evicted under sub-section (1) of this section or under clause (d) of sub-section (4) of section 16AA, the Controller shall serve a notice upon such tenants or occupiers to remove themselves and their property from the said premises within seven days of the receipt of such notice : and if any tenant or occupier has failed to comply with the terms of the said notice within such time, the Controller may call upon the District Superintendent of Police to enforce such removal and the District Superintendent of Police on receipt of any

such requisition, shall cause the aforesaid persons and their property to be removed from such premises and shall take such measures as will prevent any such person from again entering into or remaining upon such premises except with the permission of the Controller."

13. In sub-section (2) of section 19 of the said Act, for the words "the Controller may fix the standard rent" the words "the Controller shall, on application made to him by a landlord or tenant, or may, of his own motion, fix the standard rent" shall be substituted.

14. In sub-section (1) of section 19A of the said Act, after the word "tenant" the words "or occupier" shall be inserted.

15. In section 20 of the said Act, for the words "any enquiry" the words "inspection or enquiry" shall be substituted and for the figure "9" the figure "6" shall be substituted.

16. In section 21 of the said Act,—

(i) in clause (b) of sub-section (1), after the words "at such place" the words "or to deliver them to such person" shall be inserted; and

(ii) after sub-section (2), the following shall be inserted as sub-section (3) thereof, namely :—

"(3) Every person required to furnish such information as is referred to in sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 176 and 177 of the Penal Code."

17. After section 21 of the said Act, the following shall be inserted as section 21A, namely :—

"21A. The Controller may review any order made or deemed to be made by him under this Act and the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure shall, so far as may be, apply to such review."

18. In sub-section (1) of section 22 of the said Act, after the words "for any premises" the expression "under section 19" shall be inserted.

19. The present section 27 of the said Act shall be renumbered as sub-section (1) of section 27 and thereafter the following shall be inserted as sub-section (2) thereof, namely :—

"(2) When a person is convicted of an offence punishable under this section and is sentenced to pay a fine, the Court convicting the person may direct that the whole or any part of the fine shall be paid as compensation to any person for any loss caused to him by the offence as provided in section 545 of the Code of Criminal Procedure."

20. In section 28 of the said Act, for the words "with the previous written consent" the words "without the previous written consent" shall be substituted and for the words "repairs or complying" the words "urgent repairs or immediate demolition in compliance" shall be substituted.

21. For the period (.) at the end of clause (f) of sub-section (2) of section 31 of the said Act, a semi-colon (;) shall be substituted and after the said clause (f), the following shall be inserted as clause (g) thereof, namely :—

" (g) prescribe the number of members of the Advisory Board to be appointed under section 16AA, and the quorum and procedure at the meetings of the Board and the fees to be paid to the members thereof."