

THE URBAN RENT CONTROL ACT (1948)

[Repealed by the Urban Rent Control Act (1960)]

Burma Act VI, 1948

10 January 1948

WHEREAS it is necessary to consolidate and amend the existing Urban Rent Control Act, 1946, and subsequent Amendment Acts which were enacted for the purpose of restricting rents of premises in urban areas and for making provision for other matters incidental to or connected with the purpose aforesaid:

It is hereby enacted as follows:-

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

(2) Subject to the provisions of section 3, it shall extend to all urban areas in the Union of Burma.

(3) The Act shall come into force at once except the provisions of sections 16A, 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.

Provided that the expiry of the Act shall not render recoverable any rent which during the continuance thereof was irrecoverable or affect the right of the tenant to recover any sum which during the continuance thereof was under the Act recoverable by him.

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

(a) "City of Rangoon" means the City of Rangoon as described in Schedule VI to the City of Rangoon Municipal Act as amended from time to time;

(b) "Controller" means the Controller of Rents appointed under this Act;

(c) "landlord" means any person for the time being entitled to receive rent in respect of any premises, whether on his own account or on account or on behalf or for the benefit of any other person, or as trustee, guardian or receiver for any other person, [or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant,] and includes a legal representative, as defined in the Code of Civil Procedure, and a tenant who sublets any premises and every person from time to time deriving title under a landlord;

(d) “premises” means :

(i) And land on which a building has been erected and any building or part of a building let [or occupied or intended to be let or occupied] separately for any purpose whatever, including a stall let for the retail sale of goods in a market or any other building, and any land, furniture or fixture let together with such building or part of a building;

(ii) any land let [or occupied or intended to be let or occupied] separately for any purpose whatsoever;

(iii) and land let [or occupied or intended to be let or occupied] separately for any purpose whatever;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “standard rent” in relation to any premises means:

(I) in the cases specified in section 19 the rent fixed by the Controlled, subject to any order of the Chief Judge of the City Civil Court of Rangoon in respect of the City of Rangoon or to any order of the Judge prescribed under section 22, in respect of any other urban area;

(II) in all other cases:

(A) The rent at which the premises were let on the first day of September 1939;

(B) where the premises were not let on the first day of September 1939, the rent at which they were let before that date;

(C) where the premises were first let after the first day of September 1939 and before the first day of January 1941 the rent at which they were first let;

(D) where the premises were let on the first day of September 1939 on a lease providing for a periodical increase of rent:

(i) during the currency of the lease the rent so provided for from time to time, and

(ii) after the expiry of the lease the rent payable during the last period of the lease;

(E) where the premises were let under a lease for a period of five years or upwards commencing on or before the first day of September 1934, which has expired after the first day of September 1939, the rent fixed by such lease for the period containing the first day of September 1939; Provided that the President of the Union may prescribe generally or in the case of any urban area or of any class of premise that the standard rent as defined in sub-clauses (A), (B), (C), (D) (ii) and (E) shall be increased by an amount not exceeding

25 per centum [...] if he considered that such increase is justified by prevailing economic conditions;

(g) “tenant” means any person by whom or on whose account rent is payable for any premises, and includes a legal representative as defined in the Code of Civil Procedure and every person from time to time deriving title under a tenant and also every person remaining in possession of the premises let to him after the termination of the tenancy or lease with or without the assent of the landlord;

(h) “urban area” includes the City of Rangoon, and any area declared to be a Municipality under Chapter II of the Municipal Act, any area declared to be a notified area under section 246 of the said Act, a Cantonment as defined in the Cantonments Act, any area notified as a town under the Towns Act and any other area, which the President may, by notification, declare to be an urban area for the purposes of this Act.

3. (1) The President of the Union may, by notification, exempt from the operation of this Act or any portion thereof any such area or class of premises as may be specified in such notification and may subsequently cancel or [...] such notification.

(2) If any question arises whether any premises come within an urban area or within any area or class of premises exempted from the operation of the Act by notification under subsection (1), the decision of the President of the Union on such question shall be final.

(3) Nothing in sections 9, 11 or 12 of this Act shall apply to any premises providing board as well as lodging for its tenants which the President of the Union shall, by notification, declare to be primarily intended for the accommodation of travelers.

4. The President of the Union may, by notification, appoint a Controller and one or more Assistant Controllers for any urban area in which this Act is in operation and may, by general or special order, invest any Assistant Controller with all or any of the powers of the Controller.

5. (1) Subject to the provisions of this Act, where the rent of any premises has been or is hereafter during the continuance of this Act increased above the standard rent, the amount by which such increased rent exceeds the standard rent shall notwithstanding any agreement to the contrary, be irrecoverable:

Provided that nothing in this section shall apply:

(a) to any rent which became due before the commencement of this Act;

(b) to any periodical increment of rent accruing under any agreement entered into before the first day of September 1939; or

(c) to rent payable under any lease entered into before the first day of September 1939 which has not expired on the said date.

(2) For the purpose of sub-section (1) the rent shall be deemed to have accrued from day to day.

6. Where the landlord has since the first day of September 1939 incurred or during the continuance of this Act incurs increased expenditure in the maintenance and repairs owing to increased cost of building materials or expenditure on the improvement or structural alteration of any premises (not including expenditure on decorations or repairs), he may apply to the Controller to alter the standard rent.

7. (1) Where as the result of any alterations of the terms of the tenancy the terms on which any premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not.

(2) Where as the result of any alteration of the terms of the tenancy the terms on which any premises are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased within the meaning of this Act, whether the sum payable as rent is increased or not.

8. Where the landlord pays any municipal rates, cesses or taxes in respect of any premises, he may apply to the Controller to increase the standard rent to the extent of the increase in the amount for the time being payable by the landlord in respect of such rates, cesses or taxes, over the amount paid in the period of assessment which included the first date of September 1939.

9. (1) Wherever an increase of the rent of any premises is allowable under the provisions of this Act, no such increase shall be recoverable until the expiry of one month after the landlord has served on the tenant a notice in writing of his intention to increase the rent accompanied by a certificate from the Controller fixing the standard rent.

(2) Where such a notice has been served on any tenant, the increase may be continued without service of any fresh notice on any subsequent tenant.

10. It shall not be lawful for any person in consideration of the grant, renewal or continuance of a tenancy of any premises to require the payment of any fine, premium or any other [...] sum in addition to the rent or to demand any advance in excess of one month's rent;

Provided that nothing in this section shall apply to any payment under any written agreement entered into before the first day of September 1939.

10A. (1) Notwithstanding anything contained in any other law the Controller shall on application made to him in that behalf by a tenant including a person permitted to occupy

under the provisions of section 12 (1), in possession of any buildings to which this Act applies cause a notice to be served on the landlord thereof requiring him to make any or all repairs which are in the opinion of the Controller necessary to keep such buildings in a habitable state or to take any measures which are necessary for the maintenance of supply of water or electricity and the maintenance of drainage and sewerage services, if the Controller is satisfied that such supplies or service will be available [by taking such measures:

Provided that such supplies or services were maintained before the first day of January 1941.]

Explanation: For the purpose of this sub-section the expression “repairs” means any repairs required for the purpose of keeping buildings in good and tenantable repair and the landlord shall not be deemed to be responsible for any repairs for which the tenant is responsible under an express agreement in writing.

(2) This sub-section shall apply to tenancies created whether before or after the eighth day or October 1946.

(3) 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.

11. (1) Notwithstanding anything contained in the Transfer of Property Act or the Contract Act or the Rangoon City Civil Court Act no order or decree for the recovery of possession of any premises to which this Act applies or for the ejectment of a tenant therefrom shall be made of given unless:

(a) any rent lawfully due from the tenant which accrued after the resumption of civil government on the conclusion of hostilities with Japan has not been paid to the landlord or deposited with the Controller [under section 14B] after a written demand for payment of such rent has been sent to the tenant by registered post and has not been complied with for three weeks from the date of such demand, or any other obligation of the tenancy, whether under the contract of tenancy or under this Act, so far as the same is consistent with the provisions of this Act, has been broken or not performed; or

(b) any sum representing rent due from the tenant in respect of any period before the date of resumption of hostilities with Japan in respect of which an order or decree has been made

or given by a Civil Court in favour of the landlord as against the tenant has not been paid;
or

(c) the tenant or any other person holding or residing with him has been guilty of conduct which is a nuisance or annoyance to adjoining neighbouring occupiers, or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose, or the condition of the premises has in the opinion of the Court deteriorated owing to acts of waste by or the neglect or default of the tenant or any such person; or

(d) the premises, in the case of land, are bona fide required by the landlord for erection or re-erection of a building or buildings and the landlord executes a bond in such amount as the Court may deem reasonable that the premises will be used for erection or re-erection of a building or buildings, and that he will give effect to such purpose within a period of one year from the date of vacating the premises by the tenant; or

(e) the building or part thereof to which this Act applies is reasonably and bona fide required by the landlord for re-erection or essential, major and structural repairs and the landlord executes a bond in such amount as the Court may deem reasonable that the said premises will be used for such repairs or re-erection, that he will give effect to such purpose within such period not exceeding nine months from the date of vacation of the premises by the tenant, as the Court may prescribe, and that he will, if so desired by the tenant, reinstate the tenant displaced from the premises on completion or such repairs or re-erection; or

(f) the building or a part of the thereof to which the Act applies is reasonably and bona fide required by the owner for occupation by himself exclusively for residential purposes and the owner executed a bond in such amount as the Court may deem reasonable that the said premises will be occupied by himself and that he will give effect to such purpose within three months from the date of vacation of the premises by the tenant;

Provided that for the purposes of this clause the term "owner" shall not include and person except the person who was the owner of the said premises on the first day of May 1945 or has after that date become the owner by the devolution of the said premises upon him by inheritance;

Provided also that this clause shall not apply to tenancies created for a definite period by a written tenancy agreement or by the terms of a consent decree of a Court until the expiry of the term of the tenancy or of the period allowed by the decree, as the case may be.

(2) In making any order or decree for the recovery of possession of any premises or for ejection of a tenant therefrom under clause (d), (e) or (f) of sub-section (1) of this section the Court shall specify the purpose for which such premises are required by the landlord or the owner as the case may be and shall send to the Controller a copy of such order or decree and of any bond into which the landlord or the owner has entered under the provisions of clause (d), (e) or (f) of sub-section (1). If the landlord or the owner uses the premises for any other purpose than that specified in the order of decree or bond or fails to use them

for such purpose within the period therein specified or fails to comply with any conditions imposed upon him in the bond, the Court may upon the application of the tenants against whom such decree or order was made or of the Controller declare that the amount entered into in the bond shall be forfeited to the Government, and direct that the landlord or the owner shall in addition pay to the tenant such compensation as the Court thinks fit unless the landlord or the owner proves that he was prevented from using the premises for the said purpose or from complying with the conditions imposed in the bond for reasons which appear to the Court satisfactory.

(3) In addition to awarding any compensation under sub-section (2) the Court shall and if the tenant against whom the decree or order was made so agree, place such person in possession of the premises on the terms and conditions upon which he had held the premises prior to the date of the order of decree.

(4) An order for the forfeiture of a bond or for compensation under this section may be enforced in such manner as is provided by the Code of Civil Procedure for the execution of decrees.

12. (1) In any area or in respect of any class of premises to which the President of the Union may, by notification, declare this section to apply, any person, not already being a tenant of any premises, but being in occupation of such premises, bona fide for residential or business purposes, may make application to the Controller to be permitted to continue in occupation of such premises, and the Controller shall, on the applicant making a written declaration of his willingness to pay the standard rent of such premises, issue a written order to the said applicant permitting him to continue in occupation of the said premises and shall send a copy of his order to the landlord, or his authorized agent, if his whereabouts are known.

(2) Subject to any orders passed by a Court under section 13 every order passed under sub-section (1) granting permission to any person to continue in occupation of any premises shall remain in force for so long as the provisions of this section apply to the area in which the said premises are situated or the class of premises within which the said premise [...] and for three months afterward;

Provided that if during this period a person in whose favour an order has been passed shall voluntarily vacate the premises the Controller may, on the written application of the landlord, cancel such order and shall not thereafter renew it.

13. (1) Notwithstanding anything contained in any other law, no order or decree for the recovery of possession of any premises which any person has been permitted to occupy under the provisions of section 12, or for the ejection of any such person shall be made or given unless:

(a) any rent lawfully due from such person in respect of any period subsequent to the grant to such person by the Controller of permission to occupy the said premises has not been paid

to the landlord, or deposited with the Controller [under section 14B] after written demand for payment of such rent has been sent by registered post and has not been complied with for seven days from the date of such demand; or

(b) such person or any person residing with him has been guilty of conduct which is a nuisance or annoyance to adjoining or neighbouring occupiers or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose or the condition of the premises has in the opinion of the Court deteriorated owing to acts of waste by or the neglect or default of any such person; or

(c) the premises are reasonably and bona fide required by the landlord for occupation by himself or by any member of his family for the occupation of any person for whose benefit the premises are held or for any other purpose deemed satisfactory by the Court and the landlord executes a bond in such amount as the Court may deem reasonable that the premises will be occupied by himself or by such member or person or that he will give effect to such purpose within such period as the Court may prescribe; or

(d) the order granting such permission has been cancelled under the proviso to section 12 (2).

(2) In making any order or decree for the recovery of possession of any premises under clause (c) of sub-section (1) of this section the Court shall specify the purpose for which such premises are required by the landlord and shall send to the Controller a copy of such order or decree and of any bond into which the landlord has entered under the provisions of clause (c) of sub-section (1). If the landlord uses the premises for any other purpose than that specified in the order or decree or bond or fails to use them for such purpose within the period therein prescribed, the Court may, upon the application of the person against whom such decree or order was made or of the Controller, declare that the amount entered in the bond shall be forfeited to the Government, and direct that the landlord shall, in addition pay to the tenant such compensation as the Court thinks fit unless the landlord proves that he was prevented from using the premises for the said purpose for reasons which appear to the Court satisfactory.

(3) In lieu of awarding any compensation under sub-section (2) or in addition thereto the Court may, in its discretion and if the person against whom the decree or order was made so agree, place such person in possession of the premises on the terms and conditions upon which he had held the premises prior to the date of the order or decree.

(4) An order for the forfeiture of a bond or for compensation under this section may be enforced in such manner as is provided by the Code of Civil Procedure for the execution of decrees.

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 ejection 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 tenant or the person permitted to occupy under section 12 (1) against execution of such order or decree, the Court shall, except in a case to which either clause (c) of section 11 (1) or clause (b) of section 13 (2) 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;

[Provided that in the case of suits for ejectment 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.]

(2) Where any order or decree of the kind mentioned in sub-section (1) of section 11 or sub-section (1) of section 13 is made or given, whether before or after the commencement of this Act, and the order or decree has not been executed and the Court is of the opinion that such order or decree would not have been made or given if the provisions of section 11 or section 13, as the case may be, were in force or applicable thereto at the time when the order or decree was made, the Court shall, on an application by the tenant or persons 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; and the provisions of sub-section (1) of section 11, or sub-section (1) of section 13, as the case may be, shall, for the purpose of such application, be deemed to be applicable to the suit or proceeding in which such order or decree was made.

14A. (1) No suit or proceeding by a landlord for ejectment or recovery of possession of any premises against a tenant or a person permitted to occupy under section 12 (1) in which any of the grounds specified in clause (d), (e) or (f) of section 11 or clause (c) of section 13 is taken as a ground for such ejectment or such recovery of possession shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (3) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.

(2) A landlord who desires to obtain from the Controller an order referred to in sub-section (1) shall make an application to the Controller in that behalf.

(3) On receipt of such application, if the Controller, after making such enquiries as may be deemed necessary, is satisfied that there is sufficient cause to hold that any of the grounds specified in clause (d), (e) or (f) of sub-section (1) of section 11 or clause (c) of sub-section (1) of section 13 exists, the Controller shall make an order in writing granting the application and if the Controller is not so satisfied, he shall make an order rejecting the application.

14B. (1) When a landlord refuses to accept any rent referred to in clause (a) of section 11 (1) or clause (a) of section 13 (1) offered by a tenant though no demand is made by the landlord for payment of such rent in respect of any premises, the tenant:

(a) may deposit such rent; and

(b) may, also, unless the landlord signifies by a written notice or otherwise to the tenant his willingness to accept any subsequent rent which becomes due in respect of such premises, deposit such subsequent rent with the Controller.

(2) On any deposit being made under sub-section (3), the Controller shall cause a notice of the receipt of the deposit to be served on the landlord by tendering a copy of the notice to the landlord or his authorized agent or if the landlord or his authorized agent is not found by sending such copy by registered post to the last known address of the landlord or his authorized agent. The amount of the deposit may, subject to such rules as may be prescribed under section 31 (2) (f) of this Act, be withdrawn by the landlord or his authorized agent on application made by him to the Controller in that behalf.

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 an 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.

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

16. No Civil Court shall accept a plaint in any suit or allow to be filed any application for distress warrant under section 22 of the Rangoon City Civil Court, 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 by the Controller certifying the standard rent of the premises has been attached to the plaint or the application for distress warrant.

16A. (1) When any premises other than residential premises fall vacant or are likely to fall vacant [or when any new premises other than residential premises are constructed] 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 a 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 ratable 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 of 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 and 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.

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 by a tenant, or that any such premises have been vacated and are either unoccupied or occupied after the commencement of the Urban Rent Control (Amendment) Act, 1950, by any person without the permission of the Controller] 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 such premises,

He shall send a written intimation to that effect to the Controller.

(2) In the absence of any reasonable [...], 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 (c) 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 clause (a), (b), (c), (d), (e), (f), (g), (h) and (i) of sub-section (2) 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, [or that any such premises have been vacated by a tenant & & & are occupied, after the commencement of the Urban Rent Control (Amendment) Act, 1950, by any person without the permission of the Controller] 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, 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 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 [if] such direction or information given to the landlord under clause (a), (b) or (c) [related to vacant premises, it] shall be served upon the landlord within ten days of the receipt of the intimation sent [by him] under sub-section (1);

(d) every tenant or occupier who fails to deliver possession [or such premises to the landlord for allotment] to the person or persons specified in the direction issued under clause (a) or 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.

16B. If any person contravenes the provisions of [sub-section (1) or (2) of section 16A or of sub-section (1) or (2) or (3) or of clause (b) of sub-section (4) or section 16AA] he shall be punishable with simple imprisonment which may extend to three months, or with fine which may extend to two thousand rupees, or with both;

Provided that the Controller may, on information received of a person having committed an offence under this section, institute an enquiry and cause the offender to be prosecuted in a Court.

16BB. (1) Whenever a person is convicted of an offence under section 16B [or of an offence of abetment of such offence] 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) or 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.

16C. The provisions of sections 16A, 16AA and 16BB shall have effect notwithstanding anything inconsistent therewith contained in any other enactment for the time being in force.

17 (1) Where any sum has after the commencement of this Act been paid on account of rent, being a sum which is by reason of the provisions of this Act irrecoverable, such sum shall at any time within a period of six months after the date of payment be recoverable by the tenant by whom it was paid from the landlord who received the payment and may without prejudice to any other method of recovery be deducted by such tenant from any rent payable within six months by him and such landlord.

(2) For the purpose of this section the expression "landlord" includes in the case of joint family property the joint family of which the landlord if deceased, was a member.

18. (1) Where any sum not exceeding three hundred rupees has after the commencement of this Act been overpaid by the tenant to a landlord on account of rent of any premises of which a standard rent has been fixed, being a sum in excess of the standard rent, such sum shall at any time within a period of six months after the date of payment be recoverable without prejudice to any other mode of recovery on application by the tenant to a Magistrate from the landlord under the provisions of the Criminal Procedure in like manner as if it were a fine and the balance of any rent recovered shall after deduction of the costs of recovery be paid to the tenant.

(2) In a proceeding under sub-section (1) on the production of a certificate from the Controller certifying the standard rent of the premises the Magistrate shall presume, until the contrary is proved, that the standard rent of the premises was as certified in the certificates.

19. (1) The Controller shall on application made to him by any landlord or tenant grant a certificate certifying the standard rent of any premises leased or rented by such landlord or tenant as the case may be:

(2) In any of the following cases [the Controller shall, on application made to him by a landlord or tenant, or may of his own motion, fix the standard rent] at such amount as having regard to the provisions of this Act and the circumstances of the case he deems just:

(a) where by reason of any premises having been let at one time as a whole and at another time in parts, or where a tenant has sub-let a part of any premises let to him or where for any reason any difficulty arises in giving effect to this Act;

(b) where in the case of any premises let furnished or of any premises let at an inclusive charge for board and lodging it is necessary to distinguish for the purpose of giving effect to this Act the amount payable as rent from the amount payable as hire of furniture or charge for board and attendance;

(c) where any premises have been or are let rent free or at a nominal rent or for some consideration in addition to rent;

(d) where the rent paid on the first day of September 1939, or where the premises were not let on that date, was in the opinion of the Controller unduly low;

(e) where there has been a change in the condition of any premises or an increased cost of building materials or an increase in the municipal rates, cesses or taxes in respect of any premises subsequent to the first day of September 1939;

(f) where any premises are let for the first time after the first day of January 1941;

(g) where for the reason that the condition of the premises has deteriorated since the first day of September 1939 or for any other sufficient reasons the rent at which the premises were let on the first day of September 1939 or at which the premises for the first time let after that date is in the opinion of the Controller excessive or not just and fair.

Provided that:

(i) Under clause (d) the standard rent should not exceed the highest rent at which the premises have been let at any time between the first day of September 1934 and the first day of September 1939 or the lowest rent at which they were let during that period plus twenty-five percent thereof, whichever amount is greater;

(ii) under clause (e) the Controller shall not increase the rent by more than six per cent per annum on the amount expended on the improvement or structural alteration or increased expenditure in the maintenance and repair of the premises as provided for in section 6;

(iii) under clause (g) the standard rent, in the case of private freehold land let separately for any purpose, shall not exceed the existing rate or rent charged by the Government or by the Rangoon Development Trust or the Rangoon Corporation or any other similar local body as the case may be, for its similar class of land let for similar purposes in the proximity of the land in question;

(iv) under clause (f) or (g) in the case of land let separately for any purpose and in respect of which the Government or the Rangoon Development Trust or the Rangoon Corporation

or any other similar local body is the landlord, the standard rent shall be the rent at which the land was let by the Government or the Rangoon Development Trust or the Rangoon Corporation or any other local body concerned.

19A. (1) Before exercising any of the powers conferred on him by this Act [other than those conferred on him under section 16AA], the Controller shall give notice of his intention to the landlord and tenant [or occupier], if any, and shall duly consider any application received by him for any person interested within such period as shall be specified in the notice.

(2) All orders of the Controller passed under this Act shall be in writing [...].

(3) Any person affected by any order of the Controller shall be entitled to be furnished with a copy thereof duly certified by the Controller to be a correct copy on payment of such sum as the President of the Union may prescribe. Such copy shall be admissible in evidence in any Court to prove the order of the Controller.

20. For the purpose of [inspection of enquiry] under this Act the Controller or any person duly authorized by the Controller in writing either generally or specially in this behalf may enter any building or land with or without any assistants between the hours of [6] am and 6 pm;

Provided that no building used for human occupation shall be so entered without the consent of the occupier, unless 24 hours previous notice has been given in writing.

21. (1) For the purpose of any enquiry under this Act the Controller may by written order require any person:

(a) To furnish him with particulars in such form, within such time and at such place as may be specified in the order as to the rent at which and the manner in which any premises were let in the year 1934 or subsequently and as to any other matter relevant to the enquiry;

(b) to produce for his inspection such accounts, rent receipts, books or other documentation relevant to the enquiry at such time and at such place [or to deliver them to such person] as may be specified in the order.

(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.

(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.

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.

22. (1) If the decision of the Controller fixing the standard rent for any premises [under section 19] or the order of the Controller made under sub-section (3) of section 14A is questioned, a reference shall lie to the Chief Judge of the City Court of Rangoon should the premises be situated in the City of Rangoon, and to such Judge as may be prescribed by the President of the Union if the premises are situated in any urban area in which the Act is in force;

Provided that if the Chief Judge of the City Civil Court or any Judge so prescribed, as the case may be, to whom reference lies under this sub-section, considers that he should himself deal with a reference made to him, for reasons to be recorded, he may transfer the application to any other Judge exercising jurisdiction in the district in which the premises are situated. The Judge to whom the application is so transferred shall have the powers to deal with the application as if reference lies to him.

(2) A copy of the order of the Controller shall be filed with the petition of reference.

(3) The petition of reference shall bear a Court-fee stamp of eight annas.

(4) Any such reference shall be filed within thirty days from the date of the order passed by the Controller; provided that the time taken in obtaining a copy of the order of the Controller shall be excluded in computing the period in which the reference must be filed.

The decision of the Chief Judge of the City Civil Court of Rangoon or of the Judge of such other Court as aforesaid shall be final.

23. When disposing of reference from the decision of the Controller, the Judge may in his discretion follow as nearly as possible either the procedure laid down for the trial of suits by the City Civil Court of Rangoon or the procedure laid down for the regular trial of suits.

24. (1) Whoever knowingly receives whether directly or indirectly on account of the rent of any premises of which the standard rent has been fixed a sum in excess of the standard rent shall on conviction by a Magistrate be punishable in the case of a first offence with fine which extends to five hundred rupees or in the case of a second or subsequent offence in regard to the same or any other premises of which the standard rent has been fixed with fine which may extend to two thousand rupees.

(2) A person shall be deemed to receive a sum in excess of the standard rent, if he receives any consideration representing a money value in excess of such standard rent.

25. (1) Whoever molests or willfully annoys any tenant or any person in whose favour an order has been made by the Controller under the provision of section 12 with an intent

to induce him to vacate the premises shall be punishable on conviction by a Magistrate in the case of a first offence with fine that may extend to two hundred rupees or in the case of the second or any subsequent offence with fine which may extend to one thousand rupees.

(2) Without prejudice to the generality of the foregoing sub-section a landlord shall be deemed willfully to annoy if he fails without reasonable cause to keep the premises sound against wind and weather as they were at the commencement of this Act or to effect any necessary repairs or to maintain any part of the structure or fittings for the repair or maintenance of which the landlord is by any specific agreement or by the custom responsible.

26. 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; and if notwithstanding such order or decree such tenant continues to occupy or remain in possession thereof he shall be deemed to have committed the offence of criminal trespass as defined in sections 441 and 442 of the Penal Code and he shall be punishable with imprisonment provided therefore in addition to a fine not exceeding double the amount of rent due by him to the landlord.

27. (1) Whoever contravenes the provisions of [...] section 10 of this Act shall be punishable with imprisonment which may extend to six months or with a fine which may extend to rupees two thousand or with both.

(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 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.

28. Whoever in any case in which an order or decree for the recovery of any premises is prohibited under section 11 or 13 [without the previous written consent] of the Controller or save for the purpose of effecting [urgent repairs or immediate demolition in compliance] with any municipal requisition willfully disturbs any easement annexed to any premises or removes, destroys or renders unserviceable anything provided for permanent use therewith, or discontinues any supply or service comprised in the tenancy of such premises, shall be punishable in the case of a first offence with fine which may extend to five hundred rupees or in the case of second offence or subsequent offence in regard to the same or any other premises with fine which may extend to two thousand rupees.

29. No Court shall take cognizance of any offence under this Act except on complaint made within [nine months] from the date of the commission of the alleged offence with the previous sanction of the Controller;

Provided that the Controller shall on reliable information having been received of a person having committed an offence under [section 10] or section 24 (1) promptly institute an

enquiry and if a prima facie case is elicited, he shall cause the offender to be prosecuted in a Court.

30. The President of the Union may prescribe the amount of court-fee payable in respect of a suit or proceeding for ejection or possession of any premises against a tenant or a person permitted to occupy under section 12 (1) and where such court-fee is prescribed, the court-fee in respect of such suit or proceeding shall, notwithstanding anything contained in the Court Fees Act, be payable in accordance with the amount so prescribed.

30A. (1) No suit, prosecution or other legal proceeding shall lie against the Controller or the Assistant Controller for anything done in good faith in exercise of his powers under this Act or against any person for anything which is in good faith done or intended to be done in pursuance of any order made under this Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act.

31. (1) The President of the union may, by notification in the Gazette make rules for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provisions such rules may:

(a) prescribe the amount by which the standard rent as defined in sub-clauses (A), (B), (C), (D) (ii) and (E) of section 2 (f) (ii) of the Act shall be increased in the case of any urban area or class of the premises;

(b) regulate the procedure to be followed in the enquiries by the Controller under this Act;

(c) prescribe the date which in the case of any urban area shall be deemed for the purposes of this Act to be the date of resumption of civil government on the conclusion of the hostilities with Japan;

(d) prescribe a Judge to whom in any urban area reference from the decision of the Controller shall lie under section 22;

(e) prescribe a scale of costs and fees and provide for the charging or remitting of costs and fees;

(f) prescribe the procedure relating to the receipt and withdrawal of the deposit of rent under section 14B;

(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.

32. Nothing in this Act shall apply to any premises in respect of which the Government of a Department of the Government or the Rangoon Development Trust of the Rangoon Corporation or any other local body constituted under the Municipal Act or the Rural Self-Government Act is the landlord or to any premises which have or may come into the possession of the as a result of proceedings under the Land Acquisition Act of the Defence of Burma Act or otherwise;

Provided that the exemption given in this section shall not extend to any land or a portion thereof on being subject by a person holding it on lease or other titles from Government or a local body specified in this section.

33. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the third column thereof.

SCHEDULE

(See section 33)

Enactments Repealed.

<i>Number and Year</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
Burma Act No. XXXIV of 1946	The Urban Rent Control Act, 1946,	The Whole
Burma Act No. XIV of 1947	The Urban Rent Control (Amendment) Act, 1947,	The Whole
Burma Act No. XXVI of 1947	The Urban Rent Control (Second Amendment) Act, 1947,	The Whole