

The East Punjab Urban Rent Restriction Act, 1949

Act 3 of 1949

Keyword(s):

Building, Controller, Landlord, Non-residential Building, Rented Land, Residential Building, Scheduled Building, Tenant, Urban Area

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THE EAST PUNJAB URBAN RENT RESTRICTION ACT, 1949

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SCHEDULE.

¹THE EAST PUNJAB URBAN RENT RESTRICTION ACT, 1949

EAST PUNJAB ACT No. 3 of 1949

[Received the assent of His Excellency the Governor on the 23rd March, 1949, and first published in the East Punjab Government Gazette (Extraordinary) of March 25, 1949.]

1	2	3	
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1949	3	The East Punjab Urban Rent Res- triction Act, 1949	A mended in part by East Punjab Act 13 of 1949 ² Amended in part by Punjab Act 17 of 1950 ³ Amended in part by the Adaptation of Laws Order, 1950 Amended by Punjab Act 43 of 1953 ⁴

An Act to restrict the increase of rent of certain premises situated within the limits of urban areas, and the eviction of tenants therefrom.

It is hereby enacted as follows:-

1. (1) This Act may be called the East Punjab

Urban Rent Restriction Act, 1949.

he reiment

Short title, extent and commence.

(2) It extends to all urban areas in [Punjab], but nothing herein contained shall be deemed to affect the regulation of house accommodation in any Cantonment area.

(3) It shall come into force atonce.

1For Statement of Objects and Reasons see East Pinjab Government Gazette (Extraordinary), 1948, page 558-F, for proceedings in the Assembly, see East Pinjab Legislative Assembly Debates, Volume III, 1949, rages 631-37.

*For Statement of Objects and Reasons, see Puniab Government Gazette (Extraordinary), 1950, page 840; for proceedigns in the Assembly see East Punjab Legislative Assembly Debates, Volume III, 1949, pages (24) 100 (24) 102 and (25) 51—(25) 69.

*For Statement of Objects and Reasons see Punjab Government Gazette (Extraordinary), 1950, page 840, for proceedings in the Assembly, see East Punjab Legislative Assembly Debates, Volume II, 1950, pages (4) 42-(4) 43. This Act while repealing Ordinance No. 6 of 1950, saved anything done or any action taken in exercise of any power conferred by or under the said Ordinance by deeming it to have been done or taken in exercise of the powers conferred by or under this Act.

⁴For Statement of Objects and Reasons see Punjab Government Gazette (Extraordinary), 1953, page 1116.
⁵Substituted for the words "East Punjab" by the Adaptation of Laws Order,

1950.

Definitions.

- 2. In this Act, unless there is anything repugnant in the subject or context,—
 - (a) "building" means any building or part of a building let for any purpose whether being actually used for that purpose or not, including any land, godowns, out-houses, or furniture let therewith, but does not include a room in a hotel, hostel or boarding house;
 - (b) "Controller" means any person who is appointed by the ¹[State] Government to perform the functions of a Controller under this Act;
 - (c) "Landlord" means any person for the time being entitled to receive rent in respect of any building or rented land whether on his own account or on behalf, or for the benefit, of any other person, or as a trustee, guardian, receiver, executor or administrator for any other person, and includes a tenant who sublets any building or rented land in the manner hereinafter authorised, and every person, from time to time, deriving title under a landlord;
 - (d) "non-residential building" means a building being used solely for the purposes of business or trade;
 - Provided that residence in a building only for the purpose of guarding it shall not be deemed to convert a "non-residential building" to a "residential building";
 - (e) "prescribed" means prescribed by rules made under this Act;
 - (f) "rented land" means any land let separately for the purpose of being used principally for business or trade;
 - (g) "residential building" means any building which is not a non-residential building;

^{&#}x27;Substituted for the words "Provincial" by the Adaptation of Laws Order,

- (h) "scheduled building" means a residential building which is being used by a person engaged in one or more of the professions specified in the Schedule to this Act, partly for his business and partly for his residence;
- (i) "tenant" means any person by whom or on whose account rent is payable for a building or rented land and includes a tenant continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building or rented land by its tenant, unless with the consent in writing of the landlord, or a person to whom the collection of rent or fees in a public market, cart-stand or slaughter-house or of rents for shops has been farmed out or leased by a municipal, town or notified area committee; and
- (j) "urban area" means any area administered by a municipal committee, a cantonment board, a town committee or a notified area committee or any area declared [by the State Government] by notification to be urban for the purpose of this Act.
- 3. The ²[State] Government may direct that all or any of the provisions of this Act, shall not apply to any particular building or rented land or any class of buildings or rented lands.

Exemptions.

- 4. (1) The Controller shall on application by the Determination of tenant or landlord of a building or rented land fix the fair fair rent. rent for such building or rented land after holding such inquiry as the Controller thinks fit.
- (2) In determining the fair rent under this section, the Controller shall first fix a basic rent taking into consideration—
 - (a) the prevailing rates of rent in the locality for the same or similar accommodation in similar

Inserted by Punjab Act 43 of 1953, section 2. These words shall be deemed to have been added as if this Act had been in force on the date of notification.

²Sub₃tituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

- circumstances during the twelve months prior to the 1st January, 1939; and
- (b) the rental value of such building or rented land if entered in property tax assessment register of the municipal, town or notified area committee, cantonment board, as the case may be, relating to the period mentioned in clause (a);
- ¹[Provided that, notwithstanding anything contained in sub-sections (3), (4) and (5), the fair rent for any building in the urban area of Simla shall not exceed the basic rent].
- (3) In fixing the fair rent of a residential building the Controller may allow, if the basic rent—
 - (i) in the case of a building in existence before the 1st January, 1939—
 - (a) does not exceed Rs 25 per memsem, an increase not exceeding $8\frac{1}{3}$ per cent on basic rent;
 - (b) exceeds Rs 25 per mensem but does not exceed Rs 50 per mensem, an inrease not exceeding 12½ per cent on such basic rent;
 - (c) exceeds Rs 50 per mensem, an increase not exceeding 25 per cent on such basic rent;
 - (ii) in the case of a building constructed on or after the 1st January, 1939—
 - (a) does not exceed Rs 25 per mensem, an increase not exceeding 25 per cent on such basic rent;
 - (b) exceeds Rs 25 but does not exceed Rs 50 per mensem, an increase not exceeding 37½ per cent on such basic rent;
 - (c) exceeds Rs 50 per mensem, an increase not exceeding 50 per cent on such basic rent.

- (4) In fixing the fair rent of a scheduled building the Controllor may allow, if the basic rent—
 - (i) in the case of a building in existence before the 1st January, 1939—
 - (a) does not exceed Rs 25 per mensem, an increase not exceeding 13½ per cent on such basic rent;
 - (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 17½ per cent on such basic rent;
 - (c) exceeds Rs. 50 per mensem, an increase not exceeding 30 per cent on such basic rent;
 - (ii) in the case of a building constructed on or after the 1st January, 1939—
 - (a) does not exceed Rs. 25 per mensem, an increase not exceeding 30 per cent on such basic rent;
 - (b) exceeds Rs. 25 but does not exceed Rs. 50 per mensem, an increase not exceeding 42½ per cent on such basic rent;
 - (c) exceeds Rs. 50 per mensem, an increase not exceeding 55 per cent on such basic rent.
 - (5) In fixing the fair rent of a non-residential building or rented land the Controller may allow, if the basic rent-
 - (i) in the case of a building in existence before the 1st January, 1939, or in the case of rented land—
 - (a) does not exceed Rs. 50 per mensem, an increase not exceeding $37\frac{1}{2}$ per cent on such basic rent;
 - (b) exceeds Rs. 50 per mensem, an increase not exceeding 50 per cent on such basic rent;

- (ii) in the case of a building constructed after the 1st January, 1939—
 - (a) does not exceed Rs. 50 per mensem, an increase not exceeding 50 per cent on such basic rent:
 - (b) exceeds Rs. 50 per mensem, an increase not exceeding Rs. 100 per cent on such basic rent.
- (6) Nothing in this section shall be deemed to entitle the Controller to fix the fair rent of a building or rented land at an amount less than the rent payable for such buildling or rented land under a subsisting lease entered into before the first day of January, 1939.

Increase in fair rent in what case admissible.

When the fair rent of a building or rented land has been fixed under section 4, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the building or rented land is then in the occupation of a tenant, at his request:

Provided that the fair rent as increased under this section shall not exceed the fair rent payable under this Act for a similar building or rented land in the same locality with such addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed:

Provided further that any dispute between the landlord and tenant in regard to any increase claimed under this section shall be decided by the Controller:

Provided further that nothing in this section shall apply to any periodical increment of rent accruing under any subsisting agreement entered into before the first day of January, 1939.

- Landlord not to
 - 6. (1) Save as provided in section 5, when the Conclaim anything in excess of fair troller has fixed the fair rent of a building or rented land under section 4—
 - (a) the landlord shall not claim or receive any premium or other like sum in addition to fair

not have been paid may be

recovered.

rent or any rent in excess of such fair rent, but the landlord may stipulate for and receive in advance an amount not exceeding one month's rent:

- (b) any agreement for the payment of any sum in addition to rent or of rent in excess of such fair rent shall be null and void.
- (2) Nothing in this section shall apply to the recovery of any rent which became due before the 1st day of January, 1939.
- 7. (1) No landlord shall in consideration of the grant, Fine or premium not to be charged renewal or continuance of a tenancy of any building or rentfor grant, renewal ed land require the payment of any fine, premium or any or continuance of tenancy. other like sum in addition to the rent.
- (2) Nothing in this section shall apply to any payment under any subsisting agreement entered into before the 1st day of January, 1939.
- (1) Where any sum has, whether before or after Rent which should the commencement of this Act, been paid which sum 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 the payment, or in the case of a payment made before the commencement of this Act, within six months after the commencement thereof, be recoverable by the tenant by whom it was paid or his legal representative from the landlord who received the payment or his legal representative, and may without prejudice to any other method of recovery be deducted by such tenant from any rent payable within such six months by him to such landlord.

(2) In this section the expression "legal representative" has the same meaning as in the Code of Civil Procedure, 1908, and includes also, in the case of joint family property, the joint family of which the deceased person was a member

Increase of rent on taxes, etc.

(1) Notwithstanding anything contained in any account of pay-other provision of this Act a landlord shall be entiled to ment of rates, of local increase the rent of a building or rented land if after the authority but rent commencement of this Act a fresh rate, cess or tax is levied not to be increased on account of in respect of the building or rented land by any local authopayment of other rity, or if there is an increase in the amount of such a rate, cess or tax being levied at the commencement of the Act:

> Provided that the increase in rent shall not exceed the amount of any such rate, cess or tax or the amount of the increase in such rate, cess or tax, as the case may be.

- (2) Notwithstanding anything contained in any law for the time being in force or any contract, no landlord shall recover from his tenant the amount of any tax or any portion thereof in respect of any building or rented land occupied by such tenant by any increase in the amount of the rent payable or otherwise, save as provided in sub-section (1).
- 10. (1) No landlord shall, without just or sufficient Landlord not to with cause, cut off or withhold any of the amenities enjoyed by interferee amenities enjoy- cause, cut of ed by the tenant. the tenant.
 - (2) A tenant in occupation of a building or rented land may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.
 - (3) If the Controller on enquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause, he shall make an order directing the landlord to resamenities. tore such
- Conversion of a residential build-11. No person shall convert a residential building into ing into a non-residential building except with the permission in residential build-writing of the Controller.

Failure by landlord repairs.

12. If a landlord fails to make the necessary repairs to to make necessary a building other than structural alterations, it shall be competent for the Controller to direct on application by the tenant, and after such inquiry as the Controller may think necessary, that such repairs may be made by the tenant, and that the cost thereof may be deducted from the rent which is payable by him.

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- 13. (1) A tenant in possession of a building or rented Eviction of tenants. land shall not be evicted therefrom in execution of a decree passed before or after the commencement of this Act or otherwise and whether before or after the termination of the tenancy, except in accordance with the provisions of this section, ¹[or in pursuance of an order made under section 13 of the Punjab Urban Rent Restriction Act, 1947, as subsequently amended].
- (2) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf. If the Controller, after giving the tenant a reasonable opportunity of showing cause against the applicant, is satisfied—
 - (i) that the tenant has not paid or tendered the rent due by him in respect of the building or rented land within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day of the month next following that for which the rent is payable:
 - Provided that if the tenant on the first hearing of the applications for ejectment after due service pays or tenders the arrears of rent and interest at six per cent per annum on such arrears together with the cost of application assessed by the Controller, the tenant shall be deemed to have duly paid or tendered the rent within the time aforesaid,
 - (ii) that the tenant has after the commencement of this Act without the written consent of the land-lord—
 - (a) transferred his right under the lease or sublet the entire building or rented land or any portion thereof; or
 - (b) used the building or rented land for a purpose other than that for which it was leased, or
 - (iii) that the tenant has committed such acts as are likely to impair materially the value or utility of the building or iented land, or

¹Added by Punjab Act 17 of 1950, section 2. (These words shall be deemed to have been added since the commencement of East Punjab Act, 3 of 1949).

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- (iv) that the tenant has been guilty of such acts and conduct as are a nuisance to the occupiers of buildings in the neighbourhood, or
- (v) that where the building is situated in a place other than a hill station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause,

the Controller may make an order directing the tenant to put the landlord in possession of the building or rented land and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed three months in the aggregate.

- (3) (a) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession—
 - (i) in the case of a residential 1[* * *] building, if—
 - (a) he requires it for his own occupation;
 - (b) he is not occupying another residential [* * *] building, [* * * *] in the urban area concerned; and
 - (c) he has not vacated such a building without sufficient cause after the commencement of this Act, in the said urban area;
 - ²[(d) it was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment:

Omitted by Punjab Act 29 of 1956.

Clause (d) added by Punjab Act 21 of 1957, s. 2.

Provided that where the tenant is a workman who has been discharged or dismissed by the landlord from his service or employment in contravention of the provisions of the Industrial Disputes Act, 1947, he shall not be liable to be evicted until the competent authority under that Act confirms the order of discharge or dismissal made against him by the lardlord.]

in the case of a residential building, if the landlord is a member of the armed forces of the Union of India and requires it for the occupation of his family and if he produces a certificate of the prescribed authority, referred to in section 7 of the Indian Soldiers (Litigation) Act, 1925, that he is serving under special conditions within the meaning of section 3 of that Act.

Explanation.—For the purposes of this sub-paragraph—

- (1) the certificate of the prescribed authority shall be conclusive evidence that the landlord is serving under special conditions; and
- (2) "family" means such relations of the landlord as ordinarily live with him and are dependent upon him;]
 - (ii) in the case of ¹[* * * * *] rented land, if—
 - (a) he requires it for his own use;
 - (b) he is not occupying in the urban area concerned for the purpose of his business any other such ²[****] rented land, ²[****] and

¹Sub-paragraph (i-a) inserted by Punjab Act 6 of 1966, s. 2.

Omitted by Punjab Act 29 of 1956.

- (c) he has not vacated such '[***] rented land without sufficient cause after the commencement of this Act, in the urban area concerned;
- ²[(iii) in the case of any building or rented land, if he requires it to carry out any building work at the instance of the Government or local authority or any Improvement Trust under some improvement or development scheme or if it has become unsafe or unfit for human habitation.]
- (iv) in the case of ³[any residential building] if he requires it for use as an office or consulting room by his son who intends to start practice as a lawyer or as a "registered practitioner" within the meaning of that expression as used in the Punjab Medical Registration Act, 1916, or for the residence of his son who is married, if—

II of 1916.

- (a) his son as aforesaid is not occupying in the urban area concerned any other building for use as office, consulting room or residence, as the case may be; and
- (b) his son as aforesaid has not vacated such a building without sufficient cause after the commencement of this Act, in the urban area concerned:
- Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord ⁴[shall not except under sub-paragraph (i-a), be entitled] to apply under this sub-section before the expiry of such period:
- Provided further that where the landlord has obtained possession of ⁵[a residential building or rented land] under the

*Substituted by Punjab Act 29 of 1956, s. 2.

¹The word "a building or" omitted by Punjab Act 29 of 1956, s. 2. ²Sub-clause (iii) substituted by *ibid*

Sub-clause (iii) substituted by *ihid*.

Substituted for the words "any building" by *ibid*.

Substituted by Punjab Act 6 of 1966, s.2.

provisions of sub-paragraph (i) or sub-paragraph (ii) he shall not be entitled to apply again under the said sub-paragraphs for the possession of any other building of the same class or rented land:

Provided further that where a landlord has obtained possession of any building under the provisions of sub-paragraph (iv) he shall not be entitled to apply again under the said sub-paragraph for the possession of any other building for the use of, or as the case may be, for the residence of the same son.

(b) The Controller shall, if he is satisfied that the claim of the landlord is bona fide make an order directing the tenant to put the landlord in possession of the building or rented land on such date as may be specified by the Controller and if the Controller is not so satisfied, he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building or rented land and may extend such time so as not to exceed three months in the aggregate.

- ¹[(c) where an application is made under subparagraph (i-a) of paragraph (a), it shall be disposed of, as far as may be, within a period of one month and if the claim of the landlord is accepted, the Controller shall make an order directing the tenant to put the landlord in possession of the building on a date to be specified in the order and such date shall not be later than fifteen days from the date of the order.]
- (4) Where a landlord who has obtained possession of a building or rented land in pursuance of an order under subparagraph (i) or sub-paragraph (ii) of paragraph (a) of subsection (3) ²[does not himself occupy it o1, if possession was obtained by him for his family in pursuance of an order under sub-paragraph (i-a) of paragraph (a) of subsection (3), his family does not occupy the residential

Paragraph (C) added by Punjab Act 6 of 1966, S.2.

²Substituted for certain words by ibid.

building, or, if possession] was obtained by him on behalf of his son in pursuance of an order under sub-paragraph (iv) of paragraph (a) of sub-section (3), his son does not occupy it for the purpose for which possession was obtained, for a continuous period of twelve months from the date of obtaining possession or where a landlord who has obtained possession of a building under sub-paragraph (iii) of the aforesaid paragraph (a) puts that building to any use or lets it out to any tenant other than the tenant evicted from it, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of such building or rented land and the Controller shall make an order accordingly.

(5) Where the Controller is satisfied that any application made a by landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding one hundred rupees be paid by such landlord to the tenant.

Decisions which become reopened appea!.

Controller shall summarily reject any 14. The final not to be application under sub-section (2) or under sub-section (3) of section 13 which raises substantially the issues as have been finally decided in a former proceeding under this Act.

Vesting of appellate authority on officers by State Govern-

- (1) (a) The ¹[State] Government may, by a **15**. general or special order, by notification confer on such officers and authorities as they think fit, the powers of appellate authorities for the purposes of this Act, in such area or in such classes of cases as may be specified in the order.
- (b) Any person aggreeved by an order passed by the Controller may, within fifteen days from the date of such order or such longer period as the appellate authority may allow for reasons to be recorded in writing, prefer an appeal in writing to the appellate authority having jurisdiction. ²[In computing the period of fifteen days the time taken to obtain a certified copy of the order appealed against shall be excluded.].

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Added by Punjab Act 29 of 1956, section 3.

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- (2) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.
- (3) The appellate authority shall decide the appeal after sending for the records of the case from the Controller and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as it thinks fit either personally or through the Controller.
- (4) The decision of the appellate authority and subject only to such decision, an order of the Controller shall be final and shall not be liable to be called in question in any Court of Law 1[except as provided in sub-section (5) of this section 1.
- 2[(5) The High Court may, at any time, on the application of any aggrieved party or on its own motion, call for and examine the records relating to any order passed or proceedings taken under this Act for the purpose of satisfying itself as to the legality or propriety of such order or porceedings and may pass such order in relation thereto as it may deem fit]
- 16. For the purposes of this Act, an appellate autho- Power to summon rity or a Controller appointed under the Act shall have the same powers of summoning and enforcing the attendance of witnesses and compelling the production of evidence as are vested in a court under the Code of Civil Procedure, 1908.

attendance witness.

17. Every order made under section 10, or section 13, and every order passed on appeal under section 15 shall be executed by a civil court having jurisdiction in the area as if it were a decree of that court.

of **Execution** orders.

³[17-A. (1) The High Court may, on an application Power to transfer made to it or otherwise, by order transfer any Proceeding pending before any appellate authority to authority another appellate authority and the appellate authority to whom the proceedings is so transferred may, subject to any special direction in the order of transfer. dispose of the proceeding.

proceedings from Controller another.

²Substituted by Punjab Act 29 of 1956.

^{*}Sub-section (5) inserted by ibid.

Section 17-A inserted by Punjab Act 30 of 1963, section 2.

(2) An appellate authority may, on an application made to it or otherwise, by order transfer any proceeding pending before any Controller to another Controller within its jurisdiction and the Controller to whom the proceeding is so transferred may, subject to any special direction in the order of transfer, dispose of the proceeding.]

Landlord and tenant to furnish particulars.

18. Every landlord and every tenent of a building or rented land shall be bound to furnish to the Controller, or any person authorised by him in that behalf, such particulars in respect of such building or rented land as may be prescribed.

Penalties.

- 19. (1) If any person contravenes any of the provisions of sub-section (2) of section 9, sub-section (1) of section, 10, section 11 or section 18, he shall be punishable with fine which may extend to one thousand rupees.
- (2) If any person contravenes any of the provisions of clause (a) of sub-section (1) of section 6 or sub-section (1) of section 7 he shall be punishable with imprisonment which may extend to two years and with fine.
- (3) No Court shall take cognizance of an offence under this section except upon-
 - (a) a complaint of facts which constitute such offence filed with the sanction of the Controller in writing, or
 - (b) a report in writing of such facts made by the Controller.

Power to make

20. The '[State] Government may, by notification, make rules for the purpose of carrying out all or any of the provisions of this Act.

Repeal of Punjab XXI of 1948.

The Punjab Urban Rent Restriction Act, 1947. 21. Act No. VI of and the Punjab Urban Rent Restriction (East Punjab 1947, and East Punjab Iran Rent Restriction (East Punjab Punjab Act No. Amendment) Act, 1948, are hereby repealed.

SCHEDULE

- Lawyers.
- Architects.
- 3. Dentists 4. Engineers.
- Veterinary Surgeons.
- Medical practitioners, including practitioners of indigenous systems of medicine.

¹Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.