

**Bihar Buildings (Lease, Rent And Eviction) Control Act,
1947**

3 of 1947

[15 March 1947]

CONTENTS

1. Short Title Extent And Duration
2. Definition
3. Premium, Salami, Fine Or Advance Of More Than One Month Of Rent Not To Be Claimed Or Received
4. Enhancement Of Rent Of Buildings
5. Determination Of Fair Rent Of Buildings In Occupation Of Tenants
6. Determination Of Fair Rent Of Buildings Not In Occupation Of Tenants
7. Re-Determination Of Fair Rent In Certain Cases
8. Matters To Be Considered In Determining Fair Rent
9. Directions For Repairs Of Buildings
10. Landlord Not To Interfere With Amenities Enjoyed By The Tenant
11. Eviction Of Tenants
12. Extension Of Period Limited By Lease
13. Remittance Of Rent By Tenant On Refusal Of The Landlord To Accept It Or In Case Of Doubt Or Dispute As To The Person Entitled To Receive It
14. Tenant Making Payment Of Rent Entitled To Receipt
15. Controller To Maintain Lists Of Fair Rents
16. Power Of Controller To Make Inquiries And Inspections
17. Execution Of Orders Of Controller And Commissioner
18. Appeal
19. Notice To Landlord Or Tenant By Controller Before Exercising Powers Under The Act
20. Penalties
21. Supply Of Certified Copies Or Order And Decisions Of Controller And Commissioner
22. Decisions Which Have Become Final Not To Be Reopened
23. Protection Of Action Taken Under The Act
24. Power To Make Rules
25. Repeal And Saving

SCHEDULE 1 :- THE SCHEDULE

Bihar Buildings (Lease, Rent And Eviction) Control Act, 1947

3 of 1947

[15 March 1947]

An act to regulate the letting of buildings and the rent of such buildings and to prevent unreasonable eviction of tenants therefrom in the State of Bihar. Whereas it is expedient to regulate the letting of buildings, to control the rent of such buildings and to prevent unreasonable eviction of tenants therefrom in the State of Bihar. It is hereby enacted as follows : Preamble.--The object of the Act will appear from the Introduction as well as from the statement of Object and Reason of the Act published in the Bihar Gazette (Extraordinary) dated 3.2.1947. The reason for making the Act was that as the housing problem continued to be acute in many towns, it was thought necessary to control the letting out of houses and the rent of such houses, and any unreasonable eviction of tenants from such houses. In short, the reason being that during the Second World War from 1940 to 1945 and thereafter on partition of India, people began to flee from one town to another and pour in towns and cities from different places and rent of the houses increased. The landlords could easily evict the tenants from houses under Section 106 of T.P. Act by giving only 15 days' notice, and after eviction let it out to people on higher rent and the people in their great need and distress were compelled to take the houses and pay any rent demanded by the landlord and thus on account of dearth of accommodation, the landlord began to harass the tenants. The control of letting out houses, its rent and eviction therefrom was urgently felt and became essential and this attracted the attention of the Government and with a view to check and control the letting out of houses etc., the Legislature passed this Act. The Legislature sets out Grounds and Rules for letting out of the houses, fixing their fair rent, and for eviction therefrom. The preamble shows that the object of the Legislature was to regulate the letting out of houses etc. of the residential and non-residential (shops etc.) buildings in towns and other notified areas. The preamble of a statute is good means for finding out the meaning and object of the Act and a key to the understanding of it. It is a valuable guide for the interpretation of the statute and clarifies the ambiguities and helps the construction of the Act properly. The preamble solves the ambiguities and maintains the operative effect

of the Act, wheresoever the enacting part is in any way open to doubts (vide, Maxwell on the Interpretation of Statutes, 10th Edition, 1953 by Cranville Sharp, page 44). The preamble solves the ambiguities but it cannot restrict or extend the enacting provisions.² When there is conflict between any section of the Act and the preamble, express provisions of the section are to be given full effect and the preamble is to be disregarded.³ A preamble is a key to the interpretation of a statute but is not ordinarily an independent enactment conferring rights or taking them away and cannot restrict or widen the enacting part, the motive for legislating any Act is often recited in the preamble but the remedy may extend beyond the cure of the evil intended to be removed.⁴

Marginal Notes.--It serves only to indicate the matter dealt with in the section. It is no part of the statute.⁵ They cannot be referred to in construing a statute.⁶ Some help is derived from the side note (marginal note) although it is not a part of the statute. It shows that the section is dealing with certain matters.⁷ The enacting provision will prevail over the marginal note of the section or the heading of the chapter.⁸ The title of the Act indicates clearly that this Act was passed to regulate the letting out of houses, to check the increase of rent of such houses and to prevent unreasonable (except on the grounds mentioned in the Act), eviction of tenants from the houses. This Act superseded the T.P. Act in these respects. The title of any Act indicates the purpose for which the Act is made. The title cannot be resorted to in construing the enactment. Although it is referred to for aiding in the construction of an Act, it is certainly no part of the law and should not be taken into consideration.⁹ It cannot override the clear meaning of the section or Act.¹⁰ The object of the Act has been fully explained in the Introduction to this book as also in the Object and Reason given before and may be seen there. The real object of the Act was to prevent unreasonable eviction of tenants willfully, to check the increase of rent of houses, as during the Second World War and after the partition of India, there was great dearth of houses and accommodation. This Act is a temporary measure and will remain in force so long as the Government thinks it necessary and expedient to keep it in force.

Punctuation marks.--It indicates the clear meaning of the section. It is controlled by text.¹¹ Punctuation marks are not to be ignored.¹²

Decisions of High Court.--Long series of decisions are entitled to respect but not so as to lead to grievous errors.¹³

Calcutta Rulings.--Calcutta are binding in absence of decisions of Patna High Court.¹⁴ But after establishment

of the Patna High Court any decision passed by the Calcutta High Court is of the same value as decisions of the High Courts. English decisions.--English decisions have no binding authority on the construction of Indian words and phrases, and though they may afford help as guide, cannot relieve the Indian Courts from their responsibility of applying the language of the Act to the particular circumstances that emerge under Indian Life.¹⁵ Proviso.--A proviso to a section or a sub-section is sub-servant to the main provision of the section.¹⁶ The proper function of a proviso is to except or qualify something enacted in the substantive clause which but for the proviso would be within that clause. It may ordinarily be presumed in construing a proviso that it was intended that the enacting part of the section would have been included in the subject-matter of the proviso. There is no such rule that the proviso must always be restricted to the ambit of the main section; occasionally a proviso is unrelated to the subject-matter of the preceding section, it may therefore be interpreted as substantive proviso and not as qualifying the main or preceding section.¹⁷

1. For Statement of Objects and Reasons see Bihar Gazette, (Extraordinary) dated 3.2.1947.
2. Jitendra Pratap v. Bhagwati Prasad, AIR 1956 Pat 457; Papatlal Shah v. State of Madras, 45 Cal 343; see also 1953 SC 274.
3. AIR 1966 HP 25 to 27.
4. AIR 1966 SC 361.
5. 1947 PC 62.
6. 1956 BLJR 323; see also 1953 Cr LJ 1248; see also 1959 SC 586; see also 62 CWN 94; see also 26 All 393 PC.
7. Vide Maxwell on the Interpretation of Statutes, 1953 Edn. page 43.
8. AIR 1966 Pat 67 at 103.
9. 18 LJEX 89 (97).
10. Vide Maxwell on Interpretation of Statutes, 1953 Edn. page 41 to 42.
11. State v. Sat Ram Das, 1949 Punj 497; see also 1959 Cr LJ 1207.
12. Badri Narain v. State, 1957 Cr LJ 391 : AIR 1957 Raj 64.
13. Maktul v. Mosst. Manbhari, 1958 SC 918.
14. Umeshwarahari v. Neman Singh, 1945 Pat 153.
15. AIR 1966 Mad 103 at 107.
16. AIR 1966 SC 346 at 350.
17. AIR 1966 SC 459 at 465.

1. Short Title Extent And Duration :-

2. Definition :-

In this Act, unless there is anything repugnant in the subject or context,-- 1[(a) an appellate authority means, in respect of any local areas comprised within the limits of the Dhanbad Sub-division in the district of Manbhum, the Additional Deputy Commissioner of Dhanbad and, in respect of any other areas, the Collector of the district in which such areas are situated and includes any other officer empowered by the State Government to perform the

functions of an appellate authority]; 2[(aa) "building" means any building or hut or part of a building or hut, let or to be let separately for residential or non-residential purposes, and includes,-- (i) the garden, grounds and out houses if any, appurtenant to such building or hut; or part of such building or hut; and (ii) any furniture supplied by the landlord for use in such building or hut or part of a building or hut;] 3[(b) "Controller" means in respect of any local areas comprised within the limits of a sub-division, the Sub-divisional officer in charge of the sub-division, and includes any other officer appointed in this behalf by the State Government to perform the functions of a Controller under this Act;] 4[(bb) Court means the Court having jurisdiction under the Code of Civil Procedure, 1908 (V of 1908), to entertain a suit by a landlord against a tenant for recovery of possession of a building in respect of which a suit or application is filed under this Act. (c) "fair rent" means the rent of a building determined or re-determined under Sections 5, 6 or 7; (d) "Landlord" includes the person who for the time being is receiving, or is entitled to receive the rent of a building whether on his own account or on behalf of another, or on account or on behalf or for the benefit of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the building were let to a tenant; 5[(e) [* * *] 6[(f) [* * *] 7[(e) "prescribed" means prescribed by rules made under this Act;] and 8[(e) "tenant" means any person by whom or on whose account, rent is payable for a building and includes,-- (i) a person continuing in possession after the termination of the tenancy in his favour, and (ii) a person who occupies a building as an employee of the landlord of such building either on payment of rent or otherwise.]

1. Substituted by Bihar Act 16 of 1955. 2. Inserted by Bihar Act 16 of 1955. 3. Substituted by Bihar Act 5 of 1951. 4. Inserted by Bihar Act 16 of 1955. 5. Clauses (e) and (f) rep. by Act 16 of 1955. 6. Clauses (e) and (f) rep. by Act 16 of 1955. 7. Clauses (g) and (h) re-numbered as clauses (e) and (f) respectively by Act 16 of 1955. 8. Clauses (g) and (h) re-numbered as clauses (e) and (f) respectively by Act 16 of 1955.

3. Premium, Salami, Fine Or Advance Of More Than One Month Of Rent Not To Be Claimed Or Received :-

It shall not be lawful for any person to claim or receive, in consideration of the grant renewal, or continuance of a tenancy of any building the payment of any premium, salami, fine or any other

like sum in addition to the rent or the payment of any sum exceeding one months rent of such building as rent in advance.

4. Enhancement Of Rent Of Buildings :-

1[Notwithstanding anything contained in any agreement or law to the contrary, it shall not be lawful for any landlord to increase or claim any increase in the rent which is payable for the time being in respect of any building except in accordance with the provisions of this Act. 1. Substituted by Bihar Act 16 of 1955.

5. Determination Of Fair Rent Of Buildings In Occupation Of Tenants :-

(1) When on application 1[by the landlord or by the tenant] in possession of a building, or otherwise, the Controller has reason to believe that the rent of that building is 1[low or excessive], he shall hold a summary inquiry and record a finding. (2) If on a consideration of all the circumstances of the case, including any amount paid 2[* * *] by the tenant by way of premium or any other likesum in addition to the rent, the Controller is satisfied that the rent of the building is 1[low or excessive] he shall determine the fair rent for such building. 1. Substituted by Bihar Act 5 of 1951. 2. Or to be paid rep. by Bihar Act 16 of 1955.

6. Determination Of Fair Rent Of Buildings Not In Occupation Of Tenants :-

1[* * *] The Controller may, on his own motion and shall, on the application of the landlord or a prospective tenant and after making such inquiry as he thinks fit, determine the fair, for any building not in the occupation of a tenant. 1[(2) * * *] 1[(3) * * *] 1. Reputed by Act 16 of 1955.

7. Re-Determination Of Fair Rent In Certain Cases :-

1[(1) If, at any time after the fair rent of a building has been determined under Section 5 or 6, it appears to the Controller that subsequent to such determination,-- (a) Some addition, improvement or alteration, not included in the repairs which the landlord is bound to make under any law, contract or custom has been made to the building at the landlords expense; or (b) Municipal assessment of the building as defined in Explanation to Section 8 has been revised, the Controller may, after making such enquiry as he thinks fit, re-determine the fair rent of the building. (2) (a) Any increase in the fair rent allowed under Clause (a) of sub-section (1) shall not in any month exceed 5/8 per cent of the cost of the addition, improvement or alteration. (b) The re-

determination of a fair rent of a building on account of revision of Municipal assessment shall be in accordance with the provisions contained in clause (b) of sub-section (1) of Section 8. 1. Substituted by Bihar Act 16 of 1955.

8. Matters To Be Considered In Determining Fair Rent :-

1[(1) (a) For the purposes of this Act, the fair rent of any building shall be determined as for a tenancy from month to month. (b) The fair rent of a building in respect of which a Municipal assessment has been made, shall for each month be one tenth of the amount of such assessment and the landlord shall not be entitled to recover from the tenant in addition to the amount, any Municipal rates, taxes or cesses in respect of such building except in accordance with the provisions of Section 8-A. (c) In determining the fair rent of any other building under Section 5 or 6, the Controller shall have due regard to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances at any time during the twelve months preceding the first day of November, 1941, and to the increased cost of repairs, and, in the case of a building which has been constructed after that date also to any general increase in the cost of site and building construction : Provided that where the Controller is satisfied, on an application made to him by the landlord under Section 5 that the rent of building referred to in this clause is low, the Controller shall, in determining the fair rent of such building to be payable by a tenant fix the rent of the building at a figure which shall not be less than the average monthly rent actually paid for the same or similar accommodation by any tenant over the period of twelve months preceding the first day of November, 1941, increased by not more than 25 per cent of the average monthly rent so received by the landlord during the aforesaid period in addition to the enhancement, if any, on account of the increased, cost of repairs or the general increase in the cost of sites and building construction, where such enhancement is admissible under the forgoing provision of this clause. Explanation.--For the purposes of this clause, where rent was charged by the landlord or actually paid by the tenant for the same building over the aforesaid period on any basis other than a monthly basis, the average monthly rent for such building shall be calculated at thirty times the average rent per day of the period in respect of which the rent was charged or actually paid. 1[(2) When the fair rent of a building has been determined or re-determined, any sum in excess or short of such fair rent paid,

whether before or after the date appointed by the Controller under sub-section (3), in respect of occupation for any period after such date shall, in case of excess, be refunded to the person by whom it was paid or at the option of such person be otherwise adjusted and, in case of shortage, be realised by the landlord as arrears of rent from the tenant : Provided that if a building is let out subsequent to the determination or re-determination of fair rent on a rent which is less than the fair rent, so determined or re-determined, the landlord shall not be entitled at any time to realise the difference between the fair rent and the rent at which the tenant was admitted to occupation. (3) In every case in which the Controller determines or re-determines the fair rent of a building, he shall appoint a date with effect from which the fair rent so determined or re-determined shall take effect : Provided that in any case in which the fair rent is redetermined under sub-section (1) of Section 7, the fair rent shall not take effect from any date earlier than the date on which the addition, improvement or alteration referred to therein, was completed : Provided further that in any case in which the fair rent is determined under Section 5 or 6, the fair rent shall not take effect from any date earlier than three months prior to the date on which the application was made or, as the case may be, the proceedings were started by Controller on his own motion. Explanation.--Municipal assessment, in this section means the annual value of a holding comprising a building as determined under the Bihar and Orissa Municipal Act, 1922 (B. & O. Act VII of 1922), or, as the case may be, under the Patna Municipal Corporation Act, 1951 (Bihar Act XIII of 1952), and if the fair rent of only a portion of such building is to be determined, the proportionate annual value of such portion as may be determined by the Controller.] 1. Substituted by Act 16 of 1955. Section

8A

- Right to claim increase or decrease in fair rent 1[(1) Whereafter the fair rent of a building has been determined or re-determined under Sections 5, 6 or 7 there has been an increase or decrease in the Municipal rates, taxes or cesses,-- (a) the landlord shall be entitled to increase the rent of such building on the ground, and to the extent of increase in the Municipal rates, taxes or cesses in respect of such building; and (b) the tenant shall be entitled to claim a reduction in the rent payable for such building on the ground, and to the extent, of decrease in such rates, taxes or cesses in respect of the building. (2) Where the tenant has to pay Municipal rates, taxes or cesses payable by the landlord because of the default of the landlord to meet those charges, the tenant shall

be entitled to recover the same from the landlord by adjustment towards the rent payable by him or as if the amount paid by him were a debt due to him by the landlord. (3) Where any dispute arises between the landlord and the tenant in respect of any matter contained in sub-section (1) or (2), the dispute shall, on application by either party, be decided by the Controller. 1. Inserted by Act 16 of 1955.

9. Directions For Repairs Of Buildings :-

1[(1) Every landlord shall carry out the repairs which he is bound, under any law, contract or custom to make to a building in the possession of a tenant. Explanation.--In this sub-section, "repairs" include annual white-washing, re-colouring and periodical repairs. (2) If the landlord fails to carry out annual white-washing, re-colouring and periodical repairs, which he is bound to make, the tenant may by notice require him to carry out the same within one month from the date of service of the notice and, on the landlords failure to do so within the said period, the tenant may himself carry out the same at a cost not exceeding one months rent for the building and deduct such cost from the rent. (3) If the landlord neglects to carry out any repairs, other than those referred to in sub-section (2), which he is bound to make, the Controller shall, on application by the tenant which shall specify the approximate cost of such repairs, cause a notice to be served on the landlord to appear and show cause, within such time as may be fixed, against the application. (4) If the landlord does not appear in obedience to the notice or if he appears but fails to satisfy the Controller as to why he should not be directed to carry out the repairs or such of them as he finds the landlord is bound to make, the Controller shall, after making such further inquiry as may be necessary direct him to carry out the same within a time to be fixed, and on the landlords failure to comply with such direction, the Collector may permit the tenant to carry out such repairs at a cost not exceeding such amount as may be specified, in the order, and to recover such cost from the landlord. It shall thereafter be lawful for the tenant to make such repairs and to deduct the cost thereof from the rent or to recover it otherwise from the landlord, as if, it were a debt due to him by the landlord : Provided that no order for the carrying out of repairs under this sub- section shall be made if the Controller is satisfied that the repairs involved were due to the negligence of the tenant. 1. Substituted by Bihar Act 16 of 1955.

10. Landlord Not To Interfere With Amenities Enjoyed By The Tenant :-

(1) No landlord shall, without just or sufficient cause, cut off, or withhold any of the amenities enjoyed by the tenant. (2) A tenant in possession of a building may, if the landlord has contravened the provisions of sub-section (1), make an application to the Controller complaining of such contravention 1[and may restore any of the amenities, on his own responsibility, pending consideration of his application by the Controller]. 2[(3) If the Controller, on enquiry, is satisfied that the landlord has without just or sufficient cause cut off or withheld any of the amenities enjoyed by the tenant at the time of the commencement of the tenancy or at any time thereafter, he shall,-- (i) in case such amenity has already been restored by the tenant, make an order directing the landlord to pay to the tenant the cost of such restoration as determined by him within such time as may be specified in the order, and (ii) in any other case, direct the landlord to restore such amenity, at such cost and within such time as may be determined by him and also that in case the landlord fails to do so, the amenity may be restored by the tenant at his own cost and such amount as may be specified in the order may be recovered by the tenant as the cost of the restoration either by adjustment towards the rent payable by him or as if the amount were a debt due to him by the landlord. Explanation.--In this section amenities include supply of water, electricity, lights in passages and staircases, lifts and conservancy or sanitary services.]

1. Added by Bihar Act 16 of 1955. 2. Substituted by Bihar Act 16 of 1955.

11. Eviction Of Tenants :-

1[(1) Notwithstanding anything contained in any contract or law to the contrary but subject to the provisions of the Industrial Disputes Act, 1947 (Act XIV of 1947) and to those of Section 12, where a tenant is in possession of any building, he shall not be liable to eviction therefrom except in execution of a decree passed by the Court on one or more of the following grounds,-- (a) for breach of the conditions of the tenancy, or for sub- letting the building or any portion thereof, without the consent of the landlord, or if he is an employee of the landlord occupying the building as an employee, on his ceasing to be in such employment; (b) where the condition of the building has materially deteriorated owing to acts of waste by or negligence or default of, the tenant or of any person residing with the tenant or for whose behaviour the tenant is responsible; (c) where the building is reasonably and in good faith required by the landlord for his own occupation or for the occupation of any

person for whose benefit the building is held by the landlord : Provided that where the Court thinks that the reasonable requirement of such occupation may be substantially satisfied by evicting the tenant from a part only of the building and allowing the tenant to continue occupation of the rest and the tenant agrees to such occupation, the Court shall pass a decree accordingly, and fix a proportionately fair rent for the portion in occupation of the tenant, which portion shall thenceforth constitute the building within the meaning of clause (aa) of Section 2, and the rent so fixed shall be deemed to be the fair rent fixed under Section 5. Explanation.--In this clause the word "landlord" shall not include an agent referred to in clause (d) of Section 2. (d) where the amount of two months rent lawfully payable by tenant and due from him is in arrears by not having been paid within the time fixed by contract, or, in the absence of such contract, by the last day of the month next following that for which the rent is payable or by not having been validly remitted or deposited in accordance with Section 13; and (e) in the case of a tenant holding on a lease for a specified period on the expiry of the period of the tenancy. (2) (a) Where a servant of the Government in possession of any building as a tenant intends to vacate such building, he shall give fifteen days previous notice in writing of his intention to do so to the landlord and to the District Magistrate who shall under intimation to the landlord, within a week of the receipt of the notice, either allot the building to any other servant of the Government whom the District Magistrate thinks suitable subject to the payment of rent, and the observance of the conditions of the tenancy by such servant of the Government or direct that the landlord shall be put in possession of the building : Provided that when no such order is passed by the District Magistrate, the landlord shall be deemed to have been put in possession of the building. (b) Where a building is vacated by a servant of the Government any person occupying such building other than the persons referred to in clause (a) shall be liable to be evicted by the District Magistrate in such manner as may be prescribed : Provided that, after a landlord has been, or is deemed to have been put in possession of such building he may let it to any person. Explanation.--In this sub-section "District Magistrate" includes the Additional Deputy Commissioner of Dhanbad. 1. Substituted by Act 16 of 1955. Section

11A

- Deposit of rent by tenants in suits for ejectment 1[If in a suit for

recovery of any building the tenant contests the suit, as regards claim for ejectment, the landlord may make an application at any stage of the suit for order on the tenant to deposit month by month rent at a rate at which it was last paid and also the arrears of rent, if any, and the Court, after giving an opportunity to the parties to be heard, may make an order for deposit of rent at such rate as may be determined month by month and the arrears of rent, if any, and on failure of the tenant to deposit the arrears of rent within fifteen days of the order or the rent at such rate for any month by the fifteenth day of the next following month, the Court shall order the defence against ejectment to be struck out and the tenant to be placed in the same position as if he had not defended the claim to ejectment. The landlord may also apply for permission to withdraw the deposited rent without prejudice to his right to claim decree for ejectment and the Court may permit him to do so. The Court may further order recovery of cost of suit and such other compensation as may be determined by it from the tenant. 1. Inserted by Section 12 of Act 16 of 1955. Section

11B

- When a tenant is entitled to restoration of possession and compensation 1[Where the landlord recovers possession of any building from the tenant by virtue of a decree secured because of clause (c) of sub-section (1) of Section 11 and the building is not occupied by the landlord, or by the person for whose benefit the building is held, within one month of the date of vacation of the building by such tenant, or the building having been so occupied, is re-let within six months of the date of such occupation to any person other than such tenant without the permission of the Controller, the Court may, on the application of such tenant made within nine months of his vacating the building, and giving the landlord an opportunity of being heard, by order direct the landlord to put such tenant in possession of the building or to pay him such compensation as may be fixed by the Court or both. 1. Inserted by Bihar Act 16 of 1955.

12. Extension Of Period Limited By Lease :-

1[(1) If a tenant in possession of any building held on a lease for a specified period intends to extend the period limited by such lease, he may give the landlord, at least one month before the expiry of the period limited by the lease, a written notice of his intention to do so, and upon the delivery of such notice the said time shall, subject to the provisions of Section 11, be deemed to have been extended by double the period covered by the original lease subject to a maximum of one year. Where the landlord to whom a notice has been given under sub-section (1) wishes to object to the extension demanded by the tenant on one or more of the grounds

mentioned in sub-section (1) of Section 11 or on the ground that the landlord has any other good and sufficient cause for terminating the lease on the expiry of period limited thereby, he may, within fifteen days of the delivery of such notice, apply to the Court in that behalf and the Court after hearing the party may terminate the lease or extend the same for such period as it deems proper in the circumstances : Provided that the tenant shall not in any case be allowed to remain in possession of the building beyond the period permissible under sub-section (1). (3) If the tenant fails to vacate the building on the termination of the lease or as the case may be, on the expiry of the period fixed by the Court under sub-section (2), the Court shall, on an application by the landlord, pass an order for ejectment, which shall be executed as a decree and may further order that the tenant shall pay to the landlord such amount as may be determined by it as daily compensation.] 1. Substituted by Bihar Act 16 of 1955.

13. Remittance Of Rent By Tenant On Refusal Of The Landlord To Accept It Or In Case Of Doubt Or Dispute As To The Person Entitled To Receive It :-

1(1) When a landlord refuses to accept any rent lawfully payable to him by a tenant in respect of any building, the tenant may remit such rent and continue to remit any subsequent rent which becomes due in respect of such building, by postal money-order to the landlord. (2) Where any bona fide doubt or dispute has arisen as to the person who is entitled to receive any rent 2[* * *] in respect of any building, the tenant may deposit such rent in the prescribed manner stating the circumstances under which such deposit is made and may, until such doubt has been removed or such dispute has been settled by the decision of any competent Court or by settlement between the parties continue to deposit in like manner the rent that may subsequently become due in respect of building. 3(3)[* * *] 4(3) When a deposit has been made under sub-section (2), the amount of such deposit shall be held by the Controller pending the removal of the doubt or the settlement of the dispute which has arisen as to the person who is entitled to receive the rent either by the decision of a competent Court or by settlement between the parties, and the amount of such deposit may be withdrawn by the person who is declared by such Court to be entitled to it or who is held by the Controller to be entitled to it in accordance with such settlement. 1. Substituted by Bihar Act 16 of 1951. 2. "Referred to in sub-section (1)" rep. by Bihar Act 16 of

1951. 3. Sub-section (3) rep. by Bihar Act 16 of 1951. 4. Sub-section (4) renumbered as sub-section (3) by Bihar Act 16 of 1951.

14. Tenant Making Payment Of Rent Entitled To Receipt :-

(1) Every tenant who makes a payment on account of rent to his landlord shall be entitled to obtain forthwith from the landlord a receipt in the prescribed form for the amount of rent paid by him, duly signed by the landlord or his appointed agent. (2) If a landlord, without reasonable cause fails to deliver to the tenant a receipt, as required by sub-section (1) such landlord shall be liable to fine not exceeding double the amount of rent so paid, to be imposed after summary inquiry, by the Controller upon a complaint of the party aggrieved within three months from the date of such failure.

15. Controller To Maintain Lists Of Fair Rents :-

(1) The Controller shall maintain up-to-date a list showing the fair rents of buildings as determined or redetermined by him from time to time under this Act. (2) A copy of the list shall remain in the office of the Controller available for inspection free of charge during office hours, and copies of the entries in such list may be granted by the Controller on payment of such charge not exceeding rupee one per copy to be fixed by the Controller.

16. Power Of Controller To Make Inquiries And Inspections :-

(1) For the purpose of any inquiry under this Act, the Controller may,-- (a) enter and inspect any building at any time between sunrise and sunset, or authorise any officer subordinate to him to so enter and inspect any building : Provided that no building shall be entered, without the consent of the occupier, unless at least twenty-four hours previous notice in writing has been given, and (b) by written order, require any person to produce for his inspection such accounts, rent receipts, books or other documents relevant to the inquiry, at such time and at such place, as may be specified in the order. (2) The Controller shall, 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 it provided in the case of a Court by the Code of Civil Procedure, 1908 (V of 1908).

17. Execution Of Orders Of Controller And Commissioner :-

Every order of the Controller passed under this Act 1[where no

appeal against such order has been preferred under Section 18].2[every order of the appellate authority on appeal under Section 18 and every order of the Commissioner passed in revision under Section 18-B] shall be executed by the Court, 3[* * *] as if such order were a decree passed by such Court. 1. Inserted by Bihar Act 5 of 1951. 2. Substituted by *ibid*. 3. Reputed by Bihar Act 16 of 1955.

18. Appeal :-

(1) Any person aggrieved by an order passed by the Controller may within fifteen days from the date of receipt of such order by him, prefer an appeal in writing to 1[the appellate authority]. 2[* * *] 1[(2) On such appeal being preferred, the appellate authority may,-- (a) after per using the memorandum of appeal and hearing the appellant, if necessary, summarily dismiss the appeal; or (b) call for records of the case from the Controller and after examining such records and, if necessary, making such further inquiry as he thinks fit 1[decide the appeal]. 2[* * *] 1[(3) Subject to the provisions of Section 18-B, the decision of the appellate authority] and subject only to such 5[where an appeal lies] an order of the Controller shall be final, and shall not be liable to be questioned in any Court of law whether in a suit or other proceeding by way of appeal or revision. 1. Substituted by Bihar 5 of 1951. 2. The proviso to sub-sections (1) and (2) of Section 18 rep. by Bihar Act 16 of 1955. Section

18A

- Award of costs 1[In every order passed by the Controller under this Act and every order of the appellate authority or the Commissioner, passed an appeal under Section 18 or in revision under Section 18-B, as the case may be, the authority passing such order may, if it thinks fit, award costs to the person in whose favour the order is passed and the costs so awarded shall include such sum as compensation for the expense, trouble and loss of time incurred in or incidental to the hearing of the case, as to the authority may seem just and reasonable.] 1. Inserted by Bihar Act 5 of 1951. Section

18B

- Power of revision of Commissioner 1[Subject to such rules as may be prescribed and reasons to be recorded in writing, the Commissioner may either of its own motion or on application made to him in this behalf, revise any order passed by the Controller or by the appellate authority on appeal under this Act [* * *]. 1. Reputed by Bihar Act 16 of 1955.

19. Notice To Landlord Or Tenant By Controller Before Exercising Powers Under The Act :-

Before exercising any of the powers conferred by this Act, the Controller shall give notice of his intention to do so to the landlord and to the tenant if any, and shall consider any application that may be received by him, within the period specified in the notice, from such landlord or tenant or from any other person likely to be affected by the exercise of such powers and shall hear applicant, if so desired by him.

20. Penalties :-

(1) If any person contravenes any of the provisions of this Act, he shall, except as otherwise provide in Section 14, be punishable with imprisonment for a term which may extend to two years or with fine or with both. (2) Whoever fails to comply with any direction made or deemed to have been made under this Act shall be punishable with imprisonment for a term which may extend to one year or with fine or with both : 1[Provided that the Court trying any offence under this section may order the whole or any part of the fine recovered to be applied to the payment to any person of compensation for any loss caused by offence.] 1. Added by Bihar Act 16 of 1955.

21. Supply Of Certified Copies Or Order And Decisions Of Controller And Commissioner :-

Any person affected by any order of the Controller or 1[any decision of the appellate authority on appeal or any order of the Commissioner in revision] made or passed under this Act shall be entitled to be furnished with a copy thereof duly 1[certified by Controller, the appellate authority or the Commissioner] as the case may be, to be a true copy, on payment of such fee as may be prescribed, and such copy shall be admissible in evidence in any Court of law to prove the order of the Controller, 2[the decision of the appellate authority on appeal or the order of the Commissioner in revision], as the case may be. 1. Substituted by Bihar Act 5 of 1951.

22. Decisions Which Have Becomes Final Not To Be Reopened :-

The Controller shall summarily reject any application which raises substantially the same issues and have been heard and finally decided in a former proceeding under this Act between the same parties or between parties under whom they or any of them claim.

23. Protection Of Action Taken Under The Act :-

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to have been made under this Act. (2) No suit or other legal proceeding shall lie against the 1[Government] for any damage 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. 1. Substituted by Adaptation of Laws Order. Section

23A

- Act not to apply to buildings owned by Government 1[Nothing contained in this Act shall apply to a tenant whose landlord is 2[the local authority or] State or the Central Government.] 1. Inserted by Bihar Act 5 of 1951. 2. Inserted by Bihar Act 16 of 1955.

24. Power To Make Rules :-

(1) The 1[State] Government may make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely,-- 2[(a) the manner of depositing rent under sub-section (2) of Section 13 and the manner of service of notice of such deposit of rent on the landlord.] (b) the form of receipt on account of payment of rent under this Act; (c) charging or remitting of costs and fees under this Act and the fixing of the amount or the scale of such costs and fees; 3[(d) the manner of exercising the powers of revision by the Commissioner under Section 18-B; and 2[(e) any other matter by this Act required or expressly or impliedly authorised, to be prescribed.] 1. Substituted by Adaptation of Laws Order. 2. Inserted by Bihar Act 16 of 1955. 3. Inserted by Bihar Act 5 of 1951.

25. Repeal And Saving :-

(1) The Bihar Buildings (Lease, Rent and Eviction) Control Ordinance, 1946, is hereby repealed. (2) Any rule, order or direction made or given or deemed to be made or given under the said Ordinance and in force immediately before the commencement of the Act shall continue in force and be deemed to be an order or direction made or given under this Act and anything done and any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 1st day of October, 1946.

SCHEDULE 1
THE SCHEDULE

[See Section 1(2)]

Sl. No.	Name of district		Local areas to which the Act applies (as notified upto-date)
1	2		3
1.	Patna	Local areas comprising the police station of	Pribahore, Sultanganj, Alamganj, Khajekalan, Chaukkalan Malsalami, Phuiwari, Digha, Patna Kotwali, Kadamkuan, Dinapur and Khagaul, [excluding the local areas comprised within the Dinapore Contonment] Barh, Mokamah, Rajgir Notified Area and town of Bikram.
2.	Gaya	Ditto	Kotwali and Mofassil Gaya Jahanabad Unin Comittee Civil Line Police Station, Nawada and Aurangabad Union Committees.
3.	Shahabad	Local areas comprised within the	Arrah Municipality and Dalmianagar-Dehri Notified Area Sasaram, Buxar and Bhabua Municipalities.
4.	Muzaffarpur	Ditto	Muzaffarpur town, Hajipur town and Sitamarhi town and also local areas comprised within the Dumra Notified Areas.
5.	Saran	Ditto	Chapra, Siwan and Gopakjunj.
6.	Champaran	Local areas comprised within the	Motihari and Bettiah Municipalities.
7.	Darbhanga	Ditto	Darbhanga town Laheriasarai town, Samastipur, Rosera, Dalsingsarai, Madhubani and Jainagar.
8.	Bhagalpur	Ditto	Bhagalpur Kotwali, Bhagalpur Mufassil, Nathnagar and also local areas comprised within the Colgong Municipality.
9.	Monghyr	Ditto	Monghyr town, Jamalpur and Khagaria, Jamui Union and Begusarai Notified Area Committee, Jhajha Union Committee.
10.	Purnea	Ditto	Katihar, Purnea Sadar Khajanchihat, Kishanganj and Forbesganj.
11.	Santhal Parganas	Ditto	Dumka town, Deoghar, Madhupur, Jamtara, Hirapur Bazar, Pakur, Sahebganj, Rajmahal and Godda Union Committee and Mihijam Notified Area Committee.
12.	Ranchi	Local areas comprising the P.S. of	Ranchi Sadar, Ranchi Kotwali Gumla, Khunti and Lohardaga.
13.	Mazaribagh	Ditto	Hazaribagh. Ichak. Giridih. Ramgarh [excluding

13.	Palamau	Ditto	the local areas comprised within the Ramgarh Contonment] and Kodarma, Chatra Municipality Bermo P.S.
14.	Palamau	Ditto	Daltonganj.
15.	Dhanbad	Ditto	Dhanbad, Jharia, Katras and Kenduadih, Chandil P.S. and Chas P.S.
16.	Singhbhum	Ditto	Sakchi, Bistupur, Jugsalal and Golmuri, Saraikela, Chaibasa, Chakradherpur Municipalities.
17.	Manbhum	Local areas comprised the P.S. of	Sindri, Chirkunda Chandol, Bara Bazar and Balrampyr P.S.
18.	Saharsa	Ditto	Saharsa N. Area Committee Supaul and Madhupura P.S.
19.	Manbhum	Ditto	Kashipur and also local areas comprised within the Purtia, Raghunathpur and Jhalda Municipalities.

The Other Areas, as mentioned in Section 1(2) to which the Act applies with their notifications are the following :

1. Local area comprised within the limits of	Forbesgunj Municipality in the District of Purnea	Notification No. 19003 PC Dated 5.7.1949 Published in Bihar Gazette (Extraordinary).
2. Local area comprised within the limits of	Sasaram Municipality in the District of Sahabad	Notification No. 31739 PC dated 30.12.1949 published in Bihar Gazette (Extra) dated 31st December, 1949.
3. Local area comprised within the limits of	Jamui Union and Begusarai Notified area in District of Monghyr	Notification No. Misc. 14/50 PC 16649 dated 12.8.1950 published in Bihar Gazette (Extra) dated 16th August, 1950.
4. Local area comprised within the limits of	Chatra Municipality in the District of Hazaribagh	Notification No. Misc. 14/50 17889 PC dated 30.8.1950 published in Bihar Gazette (Extra) dated 31.8.1950.
5. Local area comprised within the limits of	Godda Union Committee in the District of Santhal-pargana	Notification No. Misc. 14/50 20916 PC dated 7th October, 1950 published in Bihar Gazette (Extra) dated 11th October, 1950.
6. Local area comprised within the limits of	Chaibasa and Chakardharpur Municipal areas in the District of Singhbhum	Notification No. 6755 PC dated 21st March, 1947.
7. Local area comprised within the limits of	Jhajha Union Committee in Jamui sub-division of Monghyr District	Notification No. Misc. 10/53 PC 18919 dated 13th November, 1953.
8. Local area	Jogra Jograokhar Sindri	Notification No. Misc. 10/53 PC

8. Local area comprised within the limits of	Sagra Sagarpankha Chirakunda P.S. in the District of Manbhum	Notification No. Misc. 14/50 PC 17826 dated 23.10.1953.
9. Local area comprised within the limits of	Jahanabad Union Committee in the District of Gaya	Notification No. Misc. 14/50-2149 PC dated 20 January, 1951.
10. Local area comprised within the limits of	Civil Line P.S. Sadar sub-division of the District of Gaya	Notification No. Misc. 14/50-1057 PC dated 9th February, 1951.
11. Local area comprised within the limits of	Mihijam Notified Area Committee in the District of Santhal-pargana	Notification No. Misc. 23/51-9173 PC dated 4th April, 1951.
12. Local area comprised within the limits of	Saharsa Notified Area in the sub-division of Saharsa	Notification No. Misc. 23/51 PC 24834 dated 8/12th September, 1951.
13. Local area comprised within the limits of	Barh	Notification No. (not found).
14. Local area comprised within the limits of	Nawadah and Aurangabad Union Committees in Gaya District	Notification No. Misc. 6-Q No. 1/54 PC 7567 dated 28.4.1954 published in Bihar Gazette (Extra.), dated 30.4.1954.
15. Local area comprised within the limits of	Gopalgunj	Notification No. 5574 PC dated 26th March, 1953.
16. Local area comprised within the limits of	Buxar Municipality Police Station	Notification No. 837 PC dated 13th January, 1950.
17. Local area comprised within the limits of	Burmo Police Station	Notification No. 2098 PC dated 27th July, 1951.
18. Local area comprised within the limits of	Seraikella Municipality	Notification No. 2238 PC dated 3rd February, 1953.
19. Local area comprised within the limits of	Barabazar Chandil Balrampur & Chas Police Station	Notification No. 2423 PC dated 28th October, 1952.
20. Local area comprised within the limits of	Supaul & Madhipura	Notification No. 6505 PC dated 20th March, 1952.
21. Local area comprised within the limits of	Chandil Police Station in the District of Singhbhum and Chas P.S. in Dhanbad	Notification No. NA-105/56-57-SC.-4724 dated 4.4.1957.
22. Local area comprised within the limits of	Bhabuha Municipality in the District of Shahabad	Notification No. M- A/102-57 SC-9936, dated 20.7.1957.
23. Local area comprised within	Mokameh Notified Area Committee and town of	

the limits of	Bikram in the District of Patna	
24. Local area comprised within the limits of	Notified Area Committee, Rajgir in the District of Patna	Notification No. M.A.-106/61-SC-8250, dated 6th May, 1961.

1. Inserted by Bihar Act 16 of 1955.

* Inserted by Bihar Act 16 of 1955.