

## **KARNATAKA RENT CONTROL ACT, 1961**

**22 of 1961**

**[April 15, 1959]**

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STATEMENT OF OBJECTS AND REASONS Karnatka Gazette, Extraordinary, dated 15-4-1959 [For the Report of the Joint Select Committee on the Karnataka Rent Control Bill, 1959 See Karnataka Gazette, Extraordinary, dated 2-9-1960] STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 14 of 1969 Karnataka Gazette, Extraordinary, dated 23-8-1968 There is no provision in the Mysore Rent Control Act, 1961 to give exemption to the Municipal open lands leased for temporary uses. Hence it is found necessary to amend Section 2 of the Mysore Rent Control Act by substituting the words "premises" for the word "building". It is also considered necessary to provide exemptions to premises belonging to Muzrai Institutions or a religions or Charitable trust under the Management of the State Government. It is further considered necessary that the Controller must have power to evict as well as to prosecute for contravention of any of the provisions of the Act or any rule made

thereunder. Hence new Section 10-A after Section 10 and 51-A after Section 51 are contemplated. Hence this Bill. STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 16 of 1970 Karnataka Gazette, Extraordinary, dated 11-9-1970 The Mysore Rent Control Act which provide for the control of rents and eviction, for the leasing of buildings and for the control of rates of hotels and lodging houses, ceases to be in operation after the 31st December 1970. In view of the continued dearth of buildings both for residential and non-residential purpose, it is considered necessary to continue the duration of the Act for a period of five years. Hence the Bill. STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 31 of 1975 Karnataka Gazette, Extraordinary, dated 26-7-1975 A large number of cases under the Karnataka Rent Control Act pertaining to tenancy termination, rent-recovery etc., (but not in respect of fair rent or accommodation control) are pending for over two years in the Cities of Bangalore, Mysore, Hubli, Mangalore and Belgaum. The delay in the disposal of the cases by the Courts of Munsiffs is stated to be due to the fact that there are two tiers of appeal as well as the revisional jurisdiction of the High Court. The Courts are at the same time preoccupied with the disposal of complicated cases relating to immoveable properties. In order to avoid such delay in the cities, the jurisdiction to entertain the abovementioned class of House Rent Control cases has to be conferred on the Courts of the Civil Judge in the City of Bangalore and the Courts of Munsiff in other cities. Simultaneously, provision for appeals in the H.R.C. Act, to the Courts of District Judges has to be removed, as such removal will shorten the life of rent control litigation. Instead, revision petitions can be filed from the Courts of Munsiffs to District Judges in other cities and from the Courts of District Judges direct to the High Court in the City of Bangalore. The Revision Petitions now coming before the High Court are virtually second appeals. By eliminating the first appeal, a large segment of time and much expense to the litigants will be saved. Further, the Revision Petitions to the High Court or District Courts are not very expensive. The High Court which has been consulted has also opined that the wording of the revisional jurisdiction under the H.R.C. Act is wide enough to go not the questions of not merely jurisdiction of law, but also of facts. The greatest benefit of the proposed amendment is that high level consideration to a case and to the aggrieved party will be given in one final forum instead of making him traverse one or two intermediate Courts of lower level. STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 26 of

1976 Karnataka Gazette, Extraordinary, dated 29-1-1976 The Karnataka Rent Control Act which provides for the control of rents and eviction, for the leasing of buildings and for the control of rates of hotels and lodging houses would cease to be in operation after the 31st December, 1975. In View of the continued dearth of buildings both for residential and non-residential purpose, it was considered necessary to continue the duration of the Act for a period of one more year beyond 31st December, 1975. The State Legislature was not in session and therefore the Karnataka Rent Control (Amendment) Ordinance was issued. This Bill is to replace the said Ordinance. STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 66 of 1976 Karnataka Gazette, Extraordinary, dated 8-11-1976 The need to amend the House Rent Control Act has been felt for several years now. A large number of proposals have been received by the Government representing a wide variety of grievances arising from the existing Act. Government have also been aware of the hardships experienced by the tenants of residential houses in urban areas. The various suggestions and proposals have been extensively considered and after much careful thought the amendment of the House Rent Control Act, 1961, on the following lines has been considered necessary. (a) to provide that no directives or allotment of residential houses under the Act, shall be issued to persons owning residential houses in the same urban area, by amendments to Sections 5 and 8 of the Act; (b) to make it compulsory for persons occupying Rent Controller allotted premises who own residential houses of their own in the same urban area to vacate the rented premises within a period of one year, and to correspondingly enable such persons to recover possession of their houses by a fast summary procedure; (c) to get declarations of irregular leases from both tenants and land lords, and to enable the prescribed authority to regularise such leases, except in favour of persons owning their own houses; (d) to enable tenants to apply for fair rent fixation without the time limit of one year fixed in Section 14; (e) to apply the amendments to pending proceedings also; As the State Legislative Assembly was not in session, these amendments were carried out through the Karnataka Rent Control (Amendment) Ordinance Nos. 20 and 29, which were promulgated on 20th August 1976 and 13th October 1976 respectively. The present Bill is to brought forward to replace the said Ordinances. STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 10 of 1977 Karnataka Gazette, Extraordinary, dated 3-3-1977 The Karnataka Rent Control Act which provides for

the control of rents and eviction, for the leasing of buildings and for the control of rates of hotels and lodging houses would cease to be in operation after the 31st December 1976. In view of the continued dearth of buildings both for residential and non-residential purpose, it was considered necessary to continue the duration of the Act for a period of one more year beyond 31st December 1976. The State Legislature was not in session and therefore the Karnataka Rent Control (Fourth Amendment) Ordinance 1976 was issued. This Bill is to replace the said Ordinance. STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 3 of 1978 Karnataka Gazette, Extraordinary, dated 20-3-1978

The Karnataka Rent Control Act, 1961 which provides for the control of rents, eviction, for the leasing of buildings and for the control of rates of hotels and lodging houses would cease to be in operation after December 1977. In view of the continued dearth of buildings both for residential and non-residential purpose it is considered necessary to extend the duration of the Act for a further period of five years more. As the matter was urgent and as neither House of the State Legislature was in session an Ordinance was promulgated. This Bill seeks to replace the said Ordinance. STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 17 of 1983 Karnataka Gazette, Extraordinary, dated 25-3-1983

The Karnataka Rent Control Act, 1961 was to expire on 31st December, 1982. It was considered necessary to extend the period of operation of the Act till 31st December, 1992. The members of the armed forces of the Union and the members of the family of a deceased member of the armed forces had to take recourse to the general provision for eviction in the Act when they wanted to recover possession of the premises owned by them. This used to cause lot of hardship, when they wanted to rehabilitate themselves on retirement or the members of their family intended to settle in their own house after the death of such member. It was therefore considered necessary to make a special provision to enable them to speedily recover possession of the house owned by them. Subsequent to the enactment of the Karnataka Rent Control Act, 1961, there has been upgradation of city municipalities as corporations, town municipalities as city municipalities etc. Amendment of the Schedule to the Act consequently became necessary. An Ordinance was issued for the above purpose and this Bill is intended to replace the said Ordinance. STATEMENT OF OBJECTS AND REASONS Karnataka Act No. 6 of 1984 Karnataka Gazette, Extraordinary, dated 2-2-1984 The Karnataka State

Government Employees Association, The Karnataka State Secondary Teachers Association and The Karnataka State Pensioners Association have represented that the retired Government servants and their family members are facing difficulties in getting possession of their houses back from their tenants after their retirement or on death under the existing provisions of the Rent Control Act. Therefore, they have requested to amend the Karnataka Rent Control Act, 1961 providing for summary termination of the tenancy of houses owned by Government servants or by the members of their families when they are required for self-occupation on retirement from service or death. It is felt necessary that the Government servants who have put in long years of service should be able to lead peaceful life in their own houses after retirement by making the case of ex-servicemen and their families. Hence the process of securing possession easier and quicker as in Bill.

**STATEMENT OF OBJECTS AND REASONS** Karnataka Act No. 10 of 1998 Karnataka Gazette, Extraordinary, dated 17-3-1998 The Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961), would have expired on 31st December, 1997. Therefore it was considered necessary to extend the duration of the said Act for a further period of two years by amending Section 1 of the said Act. As the matter was urgent and the Karnataka Legislative Council was not in session, the Karnataka Rent Control (Amendment) Ordinance, 1997 was promulgated. This Bill seeks to replace the said Ordinance. Hence the Bill.

**STATEMENT OF OBJECTS AND REASONS** Karnataka Act No. 10 of 2000 Karnataka Gazette, Extraordinary, dated 23-3-2000 The Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961), would have expired on 31st December, 1999. Therefore it was considered necessary to extend the duration of the said Act for a further period of two years by amending Section 1 of the said Act. As the matter was urgent and as both Houses of the Karnataka State Legislature were not in session, the Karnataka Rent Control (Amendment) Ordinance, 1999 was promulgated. This Bill seeks to replace the said Ordinance. Hence the Bill. (First published in the Karnataka Gazette on the Sixteenth day of November, 1961) (Received the assent of the President on the Thirty-first day of October, 1961) (As amended by Act Nos. 14 of 1969; 16 of 1970; 31 of 1975; 26 of 1976; 66 of 1976; 10 of 1977; 3 of 1978; 13 of 1980; 17 of 1983; 6 of 1984; 16 of 1991; 13 of 1993; 32 of 1994; 10 of 1998; 10 of 2000 and 22 of 2000).

**1. Short title, extent, commencement and duration :-**

(1) This Act may be called the Karnataka Rent Control Act, 1961.

(2) It extends to the whole of the State of [Karnataka]. [(3) It shall come into force on such date as the State Government may, by notification, appoint.]

(4) It shall remain in force upto and inclusive of [Thirty-first December, [2001]] and upon the expiry of this Act, Section 6 of the MYSORE GENERAL CLAUSES ACT, 1899 , shall apply as if this Act were a permanent Karnataka Act and had been repealed by a Karnataka Act immediately before its expiry.

**2. Application of the Act :-**

(1) Parts I and VII of this Act shall be applicable to the whole of the State of Karnataka.

(2) Parts II and III of this Act shall be applicable to the areas specified in Schedule I:

Provided that the said Parts shall not apply to a building constructed after the First of August, 1957 for a period of five years from the date of construction of such building.

(3) Parts IV and V of this Act shall be applicable to the areas specified in Schedule II.

(4) Part VI of this Act shall be applicable to the areas specified in Schedule III.

(5) The State Government may, by notification, apply all or any of the provisions of Part II, III, IV, V or VI to such other areas from such dates as may be specified in the notification.

(6) The State Government may at any time by notification direct that all or any of the provisions of Parts I, III, IV, V or VI shall cease to be applicable to any area whether specified in Schedule I, II or III or not, on such date as may be specified in the notification; and on that date the said provisions shall cease to be applicable to such area:

Provided that Section 6 of the MYSORE GENERAL CLAUSES ACT, 1899 shall apply when any provision of this Act ceases to be



applicable to any area, as if it had then been repealed by a Karnataka Act:

Provided further that the issue of a notification under this sub-section shall not preclude the issue of a notification under sub-section (5) applying all or any of the provisions of the said Parts to such area.

(7) Nothing in this Act shall apply

(a) to any <sup>1</sup> [premises] belonging to the State Government or the Central Government; or

(b) to any [premises] belonging to a municipal corporation, municipal council or other municipal body having jurisdiction in any area specified in Schedule I; or

[(bb) to any premises belonging to,

(i) a taluk development board, a town panchayat, a village panchayat;

1. Clause (d) substituted by Act No. 13 of 1980.

### **3. . :-**

In this Act, unless the context otherwise requires

(a) "Building" means any building or hut or part of a building or hut other than a farm house, 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, hut or part of such building or hut and let or to be let along with such building or hut or part of building or hut;

(ii) any furniture supplied by the landlord for the use in such building or hut or part of a building or hut;

(iii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof, but does not include a room or other accommodation in a hotel or a lodging house;

(b) "Competent Authority" means any officer authorised by the State Government by notification to perform the functions of the competent authority under Part VI of this Act;

(c) "Controller" means in respect of any local area any officer not below the rank of a Gazetted officer appointed by the State

Government to perform the functions of the controller under this Act;

**1**[(d) "Court" means,

(i) in respect of the area comprised within the limits of the City of Bangalore, the Court of Small Causes;

(ii) in such other areas as the State Government may, in consultation with the High Court, by notification specify, the Court of the Civil Judge having territorial jurisdiction over such area; and

(iii) in respect of areas other than those referred to in subclauses (i) and (ii), the Court of Munsiff having territorial jurisdiction over such area];

(e) "Fair Rate" means the rate fixed under Section 32 and includes the rate as revised under Section 33 ;

(f) "Fair Rent" means the fair rent fixed under Section 14 and includes the fair rent or standard rent fixed under any Act repealed by Section 62;

**2** [(ff) "Family" in relation to a person means the wife or husband of such person and his or her dependent children];

(g) "Hotel" or "Lodging House" means a building or a part of a building where lodging with or without board or other service is by way of business provided for a monetary consideration;

(h) "Landlord" means any person who is for the time being receiving or 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 a 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 any person not being a tenant who from time to time derives title under a landlord; and further includes in respect of his subtenant a tenant who has sublet any premises;

(i) "Local Authority" means,

(i) in the City of Bangalore, the Corporation of the City of Bangalore;

(ii) in any urban area, the municipality or the borough municipality or the municipal committee or the municipal council or the

cantonment board or the sanitary board or the town board or the trust board, as the case may be; and

(iii) in any rural area, the panchayat concerned;

(j) "Manager of a Hotel" includes any person-in-charge of the management of a hotel;

(k) "Notification" means a notification published in the Official Gazette;

(l) "Owner of a Lodging House" includes any person who receives or is entitled to receive, whether on his own account or on behalf of himself and others or as an agent or trustee, any monetary

(m) "Person" includes the State Government or the Central Government;

(n) "Premises" means,

(i) a building as defined in clause (a);

(ii) any land not used for agricultural purposes;

(o) "Prescribed" means prescribed by Rules made under this Act;

(p) "Public Authority" means the State Government or the Central Government or a local authority, or a Corporation established by a Central Act or a Karnataka Act, or a Government Company.

Explanation. "Government Company" means a Government Company within the meaning of Section 617 of the Companies Act, 1956 (Central Act 1 of 1956);

(q) "Schedule" means a Schedule to this Act;

(r) "Tenant" means any person by whom or on whose account rent is payable for a premises and includes the surviving spouse or any son or daughter or father or mother of a deceased tenant who had been living with the tenant in the premises as a member of the tenant's family up to the death of the tenant and a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a premises by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter house or of rents for shops has been framed out or leased by a local authority.

1. Clause (d) substituted by Act No. 13 of 1980.

2. Clause (ff) inserted by Act No. 66 of 1976 and shall be deemed to have come into force w.e.f. 20-8-1976.

### **3. Definitions :-**

In this Act, unless the context otherwise requires

(a) "Building" means any building or hut or part of a building or hut other than a farm house, 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, hut or part of such building or hut and let or to be let along with such building or hut or part of building or hut;

(ii) any furniture supplied by the landlord for the use in such building or hut or part of a building or hut;

(iii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof, but does not include a room or other accommodation in a hotel or a lodging house;

(b) "Competent Authority" means any officer authorised by the State Government by notification to perform the functions of the competent authority under Part VI of this Act;

(c) "Controller" means in respect of any local area any officer not below the rank of a Gazetted officer appointed by the State Government to perform the functions of the controller under this Act;

**1**[(d) "Court" means,

(i) in respect of the area comprised within the limits of the City of Bangalore, the Court of Small Causes;

(ii) in such other areas as the State Government may, in consultation with the High Court, by notification specify, the Court of the Civil Judge having territorial jurisdiction over such area; and

(iii) in respect of areas other than those referred to in subclauses (i) and (ii), the Court of Munsiff having territorial jurisdiction over such area];

(e) "Fair Rate" means the rate fixed under Section 32 and includes the rate as revised under Section 33 ;

(f) "Fair Rent" means the fair rent fixed under Section 14 and includes the fair rent or standard rent fixed under any Act repealed

by Section 62;

**2** [(ff) "Family" in relation to a person means the wife or husband of such person and his or her dependent children];

(g) "Hotel" or "Lodging House" means a building or a part of a building where lodging with or without board or other service is by way of business provided for a monetary consideration;

(h) "Landlord" means any person who is for the time being receiving or 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 a 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 any person not being a tenant who from time to time derives title under a landlord; and further includes in respect of his subtenant a tenant who has sublet any premises;

(i) "Local Authority" means,

(i) in the City of Bangalore, the Corporation of the City of Bangalore;

(ii) in any urban area, the municipality or the borough municipality or the municipal committee or the municipal council or the cantonment board or the sanitary board or the town board or the trust board, as the case may be; and

(iii) in any rural area, the panchayat concerned;

(j) "Manager of a Hotel" includes any person-in-charge of the management of a hotel;

(k) "Notification" means a notification published in the Official Gazette;

(l) "Owner of a Lodging House" includes any person who receives or is entitled to receive, whether on his own account or on behalf of himself and others or as an agent or trustee, any monetary

(m) "Person" includes the State Government or the Central Government;

(n) "Premises" means,

(i) a building as defined in clause (a);

(ii) any land not used for agricultural purposes;

(o) "Prescribed" means prescribed by Rules made under this Act;

(p) "Public Authority" means the State Government or the Central Government or a local authority, or a Corporation established by a Central Act or a Kamataka Act, or a Government Company.

Explanation. "Government Company" means a Government Company within the meaning of Section 617 of the Companies Act, 1956 (Central Act 1 of 1956);

(q) "Schedule" means a Schedule to this Act;

(r) "Tenant" means any person by whom or on whose account rent is payable for a premises and includes the surviving spouse or any son or daughter or father or mother of a deceased tenant who had been living with the tenant in the premises as a member of the tenant's family up to the death of the tenant and a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a premises by its tenant or a person to whom the collection of rents or fees in a public market, cart-stand or slaughter house or of rents for shops has been framed out or leased by a local authority.

1. Clause (d) substituted by Act No. 13 of 1980.

2. Clause (ff) inserted by Act No. 66 of 1976 and shall be deemed to have come into force w.e.f. 20-8-1976.

## PART 2

### Lease of buildings

#### **4. Intimation of vacancy by landlords :-**

**1**

(1) Every landlord shall, within fifteen days after the building becomes vacant by his ceasing to occupy it or by the termination of a tenancy or by the eviction of the tenant or by the release of the building from requisition, or otherwise, give intimation <sup>2</sup>[in the prescribed Form] by registered post to the Controller. <sup>3</sup>[x x x.]

<sup>4</sup> [(2) Except as provided in this Part, no person shall let, occupy or otherwise use any building which becomes vacant without the landlord giving intimation under sub-section (1) and for a period of fifteen days from the date on which the intimation is received by the Controller or within a period of one week after the termination of the proceedings under Section 8 , if any, whichever is later:

Provided that this sub-section shall not apply to a building in respect of which the landlord has obtained an order for possession on any of the grounds specified in clause (h) of the proviso to sub-section (1) of Section 21 or to any building which has been released from requisition for the use and occupation of the landlord himself:

Provided further that if the building is not occupied in accordance with an order for possession under clause (h) of the proviso to sub-section (1) of Section 21 , or if the building is not occupied by the landlord after its release

(2) Any landlord who contravenes the provisions of sub-section (1) or

(3) shall, on conviction, be punished with fine which may extend to one thousand Rupees:

Provided that such fine shall not be less than fifty rupees.

(4) Nothing contained in this section shall apply

(i) to a residential building the monthly rent of which does not exceed fifteen rupees per month or the annual rental value of which does not exceed one hundred and eighty rupees; or

(ii) to a non-residential building the monthly rent of which does not exceed twenty-five rupees or the annual rental value of which does not exceed three hundred rupees; or

(iii) to any building in any city, town or village, owned by any local authority, company, association or firm, whether incorporated or not and bona fide intended solely for the occupation of its officers and servants employed in the same city, town or village.

1. See also Notification at p. 56

2. Inserted by Act No. 14 of 1969, w.e.f. 21 -7-1969.

3. Proviso omitted by Act No. 14 of 1969, w.e.f. 21-7-1969.

4. Sub-section (2) substituted by Act No. 14 of 1969, w.e.f. 21 -7-1969.

## **5. Order of leasing of vacant building :-**

(1) The Controller may, by order in writing served on the landlord, direct that any vacant building, whether intimation of its vacancy has been given by the landlord under sub-section (1) of Section 4 or not, <sup>1</sup>[be given to the landlord for his use and occupation or on

lease] to such public authority or other persons as he may think fit:

**2** [Provided that where such building is a residential building no such order shall be made in favour of a person not being the landlord, who or any member of whose family owns a residential building in the same city or town or village in which the vacant building is situated.]

Explanation. A building may be directed to be leased under this section notwithstanding that it is subject to an agreement of lease or has been let or occupied in contravention of sub-section (2) of Section 4 .

(2) Any landlord who contravenes an order made under sub-section (1) shall, on conviction, be punished with simple imprisonment for a term which may extend to three months or with fine or with both.

1. Substituted for the words "be given on lease" by Act No. 66 of 1976 and shall be deemed to have come into force w.e.f. 20-8-1976.

2. Proviso inserted by Act No. 66 of 1976 and shall be deemed to have come into force w.e.f. 20-8-1976.

#### **6. Order for leasing of occupied building :-**

(1) Where a landlord is in possession or is entitled to immediate possession of more building than one in the same area and the Controller is of the opinion that having regard to the landlord's calling, standard of living, nature and extent of business and other material facts, the landlord's residential or non-residential requirement, as the case may be, would be adequately served by allotting to him one or more of the said buildings and that the other buildings are needed for a public authority, the Controller may, by order in writing served on the landlord, allot to him for his residential or non-residential purposes, as the case may be, such one or more buildings and order the leasing of other buildings to such public authority as he thinks fit.

(2) Any landlord who contravenes an order directing the leasing of any building made under sub-section (1) shall on conviction, be punished with simple imprisonment for a term which may extend to three months or with fine or with both.

#### **7. Improvements and alterations :-**

(1) Where a building is directed to be leased to a public authority under Section 5 or Section 6 , the Controller may, if he deems fit,



order the landlords to make such improvement or alterations, as may be necessary to the building within such time as may be specified and to make such increase in the rent of the building in accordance with the provisions of Section 14 :

Provided that no such order shall be made unless

(i) the improvement or alteration increases the capital value of the building; and

(ii) the total cost of the improvement or alteration does not exceed twelve per cent of the capital cost of the building.

(2) If the landlord refuses or fails to make such improvements and alterations within the time specified, the Controller shall, subject to such general or special instructions as the State Government may issue from time to time in this behalf, have the power to make or authorise the making of the same, at the cost of the State Government without the consent of the landlord and without liability to pay any enhanced rent to the landlord by reason of such improvements or alterations. Where the public authority to which the building is leased is not the State Government, it shall be liable to pay enhanced rent in respect of such improvement or alterations to the State Government.

#### **8. Procedure to be followed before ordering leasing of any building for a public authority or other person :-**

Procedure to be followed before ordering leasing of any building for a public authority or other person.

(1) Before issuing any order under Section 5 or Section 6 , the Controller.

(a) shall call upon the landlord or any other person who may be in possession of the building by notice in writing to show cause, within seven days from the date of the service of such notice on him, why the building should not be ordered to be leased to a public authority or other person as may be specified in the notice; and

(b) may, by order direct that neither the landlord nor any other person shall, without the permission of the Controller, dispose of or structurally alter the building or let it out to a tenant or occupy it or use it until the expiry of such period not exceeding one month, as may be specified in the order.

(2) In selecting the public authority or other person in whose

favour an order may be made under this section, the Controller shall observe such order of priority as may be prescribed:

Provided that where the State Government, or in respect of any area, any officer not below the rank of a Deputy Commissioner authorised by the State Government in this behalf, directs that any building shall be leased to any public authority or any officer of the State Government or of the Central Government, the Controller shall, subject to the provisions of sub-sections (3), (4) and (5), make an order under this Section in favour of such public authority or officer, as the case may be:

**1** [Provided further that no such direction shall be issued in favour of any person who or any member of whose family owns a residential building in the same city, town or village in which the building is situated.]

(3) In considering the causes, if any, shown by the landlord or other person in possession, the Controller shall, in case the premises to be leased is a part of a building, give due regard to the customs, manners and social convention of the persons occupying the remaining portions of the building, in so far as such customs, manners and social conventions are not opposed to law, public order, morality or health.

(4) If, after considering the causes, if any, shown by the landlord or other person in possession of the building, the Controller is satisfied that it is necessary or expedient so to do, he may by an order in writing direct the building to be leased to such public authority or other person specified in the notice under sub-section (1) at such rent as shall be specified in such order and may make such further orders as appear to him to be necessary or expedient in connection therewith:

Provided that the rent specified in any such order shall not be less than

- (i) the fair rent, if any, fixed for the building; or
- (ii) if any fair rent has not been fixed for the building, the rent last paid for the building; or
- (iii) if no rent was last paid, the rent determined by the Controller, on the basis of the rental value of the building as entered in the property tax assessment book of the local authority; or

(iv) if no property tax has been assessed in respect of the building, the rent determined by the Controller on the basis on the prevailing rates of rent in the locality for similar buildings in similar circumstances:

Provided further that unless the rent specified in such order is the fair rent of the building, the tenant or the landlord shall be entitled to apply for fixation of fair rent in respect of the building.

(5) Notwithstanding anything contained in sub-section (4), no order under the said sub-section shall be made in favour of a person other than a public authority, unless.

(i) such person has made an application in the prescribed Form to the Controller for allotment of a building for his use or occupation;

(ii) such person has deposited or deposits with the Controller for payment to the landlord an amount equal to one month's rent of the building as advance; and

(iii) the Controller is satisfied that such person is not occupying or for reasonable cause cannot occupy a building, which is his own or for the possession of which he is entitled and which is suitable for his requirements.

1. Further proviso inserted by Act No. 66 of 1976 and shall be deemed to have come into force w.e.f. 20-8-1976.

**9. Contents of the order directing leasing of a building to a public authority or other person. :-**

Every order under Section 5 or Section 6 shall be in writing and shall specify

(a) the person to whom possession of the building should be delivered;

(b) the date on which such possession should be delivered, such date not being earlier than five days from the date of service of the order; and

(c) the rent, if any, as fixed by the Controller under sub-section (4) of Section 8 .

**10. Rights over the building ordered to be leased to a public authority or other person :-**

(1) Upon the service of the order under Section 5 or Section 6 , the landlord shall deliver possession of the building to the authority or

person to whom building is directed to be leased on the date specified in such order and such authority or person shall be deemed to be the tenant of the landlord with effect from the date on which the possession of the building is delivered to such authority or person at the rate of rent specified in such order, the other terms of tenancy being such as may be agreed upon between the landlord and the tenant or in default of an agreement, as may be determined by the Controller.

(2) If the landlord fails to deliver possession under sub-section (1), the Controller or any officer authorised by him may take possession of the building breaking open locks, if any, using such force with such police assistance as may be required for evicting any person in occupation or control of such building who refuses to deliver and for removing any obstruction or resistance in the taking of such possession.

(3) Any building in respect of which the State Government or the Central Government becomes a tenant under sub-section (1), may be put to any such use as the State Government or the Central Government, as the case may be, thinks fit and in particular the State Government or the Central Government may permit the use of the building for the purposes of any other State Government or as the residence of any officer in the service of the State Government or of the Central Government or any other State Government.

#### **10A. Eviction by the Controller :-**

(1) Where in accordance with the provisions of Section 4 , the vacancy of any building is required to be intimated to the Controller and is not so intimated, and the Controller believes or has reason to believe that any person has in contravention of sub-section (2) of Section 4 occupied the building or any part thereof, he may by notice in writing, call upon the person in occupation to show cause, within a time to be fixed by the Controller, why such person should not be evicted there from.

(2) If the person to whom a notice was issued under sub-section (1) fails to appear before the Controller, or having appeared, fails to satisfy the Controller that he is entitled to remain in occupation of the building, the Controller may, without prejudice to any other action which may be taken against him under this Act or under any other law for the time being in force, direct him by order in writing

to vacate the building within such period as may be specified in the order and deliver possession thereof to the Controller.

(3)

(a) Upon service of an order under sub-section (2), the person against whom an order is made and every person claiming under him shall vacate the building and deliver possession thereof to the Controller. If the building is not vacated and its possession delivered to the Controller within the period specified in the order, the Controller may summarily dispossess the persons in occupation and take possession of the building and thereupon the provisions of Section 4 , Section 5 , Section 8 , Section 9 and Section 10 shall apply to the building as if intimation of vacancy of the building was given to the Controller on the date on which he took possession of it.

(b) The provisions of sub-section (2) of Section 10 shall apply to any action taken by the Controller under clause (a).]

### **11. Conversion of residential building :-**

(1) Save as otherwise

provided in this Act, no residential building shall be converted into a non-residential building except with the permission in writing of the Controller.

(2) If the Controller does not within sixty days from the date of receipt of an application for permission under sub-section (1), pass any order on the application, he shall be deemed to have granted the permission applied for.

(3) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees.

### **12. Appeal :-**

Any person aggrieved by an order passed by the Controller under the provisions of this Part may within thirty days from the date of communication of the order, appeal

(i) to the Deputy Commissioner, when the officer passing the order is an officer below the rank of a Deputy Commissioner; and

(ii) to the Divisional Commissioner, when the officer passing the order is an officer not below the rank of a Deputy Commissioner,

and the appellate authority may pass such order on the appeal as it deems n't.

### **13. Payment of cost of eviction :-**

<sup>1</sup>[Where possession of any building is taken by the Controller or any officer authorised by him under sub-section (2) of Section 10 or under clause (a) of sub-section (3) of Section 10A , the landlord] shall be liable to pay the State Government the expenses, if any, incurred by the State Government in effecting <sup>2</sup> [the eviction of the landlord or any other person] from such building, as may be determined by the Controller and the amount so payable shall be recoverable as arrears of land revenue.

1. Substituted for the words "Any person refusing to vacate a building directed to be leased under Section 5 or Section 6" by Act No. 14 of 1969, w.e.f. 21-7-1969.

2. Substituted for the words "his eviction" by Act No. 14 of 1969, w.e.f. 21-7-1969.

### **PART 3**

Provisions regarding rent

### **14. Fixation of fair rent, etc :-**

(1) The landlord or tenant of any building, other than a building in respect of which the fair rent has been fixed either before or after the coming into operation of this Act, may make an application to the Controller for fixing the fair rent of the building.

<sup>1</sup> [(a) xxx.]

[(b) xxx.]

(2) On receipt of an application under sub-section (1), the Controller shall, after holding such inquiry as he thinks fit, fix the fair rent for such building. On fixing the fair rent for any building part of which has been lawfully sublet, the Controller may also fix the fair rent of the part sublet.

(3) In fixing the fair rent under this Section the Controller shall have due regard

(a) to the prevailing rates of rent in the locality for the same or similar accommodation in similar circumstances during the twelve months prior to the First day of April, 1947;

(b) to the rental value as entered in the property tax assessment book of the local authority concerned relating to the period

mentioned in clause (a);

(c) to the circumstances of the case, including any amount paid by the tenant by way of premium or any other like sum in addition to rent after the First day of April, 1947.

(4) In fixing the fair rent of a residential building the Controller may allow

(i) if the rate of rent or rental value referred to in sub-section (3) does not exceed fifty rupees per mensem, an increase not exceeding twenty-five per cent on such rate or rental value;

(ii) if the rate of rent or rental value exceeds fifty rupees per mensem, an increase not exceeding fifty per cent of such rate or rental value.

Explanation. For purposes of this Section 'residential building' includes building let out for the purpose of a public hospital, an educational institution, a public library, reading room or orphanage.

(5) In fixing the fair rent of a non-residential building, the Controller may allow

(i) if the rate of rent or rental value referred to in sub-section (3), does not exceed fifty rupees, an increase not exceeding fifty per cent of such rate or rental value;

(ii) if the rate of rent or rental value exceeds fifty rupees per mensem, an increase not exceeding one hundred per cent of such rate or rental value.

(6) In fixing the fair rent of a building which has been constructed after the First day of April, 1947, the Controller may take into consideration the rental value of the building as entered in the property tax assessment book of the local authority for the year in which the building was constructed:

Provided that where no such records are available, the Controller may fix the fair rent calculated on the basis of six per cent per annum of the aggregate amount of the reasonable cost of construction and the market price of the land comprised in the building on the date of the commencement of the construction.

(7) In fixing the fair rent of any building under this Section the Controller shall fix the fair rent thereof in an unfurnished state and may also determine an additional charge to be payable on account

of any fitting or furniture supplied by the landlord.

(8) In fixing the fair rent of any building under this Section, the Controller shall specify a date from which the fair rent so fixed shall be deemed to have effect:

Provided that in no case shall the date be earlier than the date of filing of the application for the fixation of the fair rent.

(9) No tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any building any amount in excess of the fair rent of the building unless such amount is a lawful increase of the fair rent in accordance with the provisions of this Act.

(10) Subject to the provisions of sub-section (9), any agreement for the payment of rent in excess of the fair rent shall be null and void and shall be construed as if it were an agreement for the payment of the fair rent.

1. Clause (a) omitted by Act No. 66 of 1976 and shall be deemed to have come into force w.e.f.13-10-1976. Clause (b) omitted by Act No. 66 of 1976 and shall be deemed to have come into force w.e.f. 13-10-1976.

**15. Restriction on sale or hire of furniture in any house let to a tenant :-**

(1) No person shall make the purchase or hire of any furniture in any house, a condition of the grant, renewal or continuance of a tenancy of such house and no person shall sell or hire the furniture in any house of which he is the landlord to the tenant of such house, except under a permit in the prescribed Form from the Controller and such permit shall not be given unless the price or hire is reasonable.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to one thousand rupees.

**16. Lawful increase of or reduction in fair rent in what cases admissible :-**

(1) When the fair rent of a building has been fixed no further increase in such fair rent shall be permissible except in cases where some addition, improvement, or structural alteration has been carried out at the landlord's expense other than tenantable repairs



necessary or usual for such building and if the building is then in the occupation of a tenant at the request of such tenant:

Provided that the increase in fair rent under this sub-section shall not exceed six per centum per annum on the cost of such addition, improvement or alteration, and it shall not be chargeable until such addition, improvement or alteration has been completed.

(2) Notwithstanding anything contained in sub-section (1), where the cost of repairs effected in pursuance of orders of the Court under sub-section (3) of Section 44 <sup>1</sup>, exceeds one sixth of the annual rent of a building, such excess shall for purpose of sub-section (1), be deemed to be expense incurred by the landlord in respect of an addition, improvement or structural alteration of the building in respect of which the landlord is entitled to increase of the fair rent.

(3) Where after the fair rent of a building has been fixed there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.

(4) Any dispute between the landlord and the tenant in regard to any increase or reduction claimed under this section, shall be decided by the Controller.

1. Read for the figures "46" by GSR 299, dated 11 -1 -1962.

### **17. Increase of rent where tax or cess is increased :-**

(1) Where the rate of tax or cess payable by the landlord in respect of any building to a local authority is enhanced, the landlord shall be entitled to claim such excess from the tenant in addition to the rent payable for the building:

Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under Sub-section (1) shall be decided by the Controller.

### **18. . :-**

Unlawful charges not to be claimed or received.(1) Where the fair rent of a building has been determined.

(a) no person shall claim, receive or stipulate for the payment of

any sum as premium or pugree or any consideration whatsoever in cash or kind, in addition to such fair rent or save as provided in Section 16 and Section 17 any rent in excess of such fair rent:

Provided that the landlord may receive or stipulate, for the payment of an amount not exceeding two months rent by way of advance;

(b) save as provided in clause (a), any premium or pugree or other consideration or any rent paid in addition to such fair rent whether before or after the commencement of this Part in consideration of the grant or continuance or renewal of the tenancy of the building after such commencement shall be refunded or returned by the landlord or other person to the person by whom it was paid or at the option of such person otherwise adjusted by the landlord or other person:

Provided that where before the determination of the fair rent any amount has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess after the date of application for fixing the fair rent.

(2) Where the fair rent of a building has not been so determined,

(a) no person shall after the commencement of this Part receive or stipulate for the payment of any sum as premium or pugree or any consideration whatsoever in cash or kind, in addition to the agreed rent;

(b) save as provided in clause (a) any sum or consideration paid in excess of the agreed rent whether before or after the commencement of this Part in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement shall be refunded or returned by the landlord or other person to the person by whom it was paid or at the option of such person otherwise adjusted by the landlord or other person.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.

(4) It shall not be lawful for the tenant or any person acting or purporting to act on behalf of the tenant or a subtenant to claim or receive any sum or any consideration as a condition of relinquishment, transfer or assignment of his tenancy or sub-tenancy, as the case may be, of any building.

(5) Any landlord who contravenes the provisions of sub-section (1) or sub-section (2) and any tenant or other person who contravenes the provisions of sub-section (4) shall, on conviction, be punished with fine which may extend to five hundred rupees:

Provided that such fine shall not be less than the amount of premium or pugree or the value of the consideration referred to in sub-section (1), (2) or (4), as the case may be.

#### PART 4

#### Deposit of rent

### **19. Right of tenant to deposit rent in certain cases :-**

(1) Where the address of the landlord or his authorised agent is not known to the tenant, or the landlord refuses to accept the rent remitted by postal money order under Section 47 <sup>1</sup>, the tenant may deposit the rent lawfully payable to the landlord in respect of the premises together with such fee and such particulars as may be prescribed for the service of the notice referred to in sub-section (2), in Court and in such manner as may be prescribed and continue to deposit any rent, which may subsequently become due in respect of the premises together with the fees prescribed as aforesaid in Court in the same manner until the address of the landlord or his authorised agent becomes known to the tenant, or until the landlord signifies by notice in writing to the tenant his willingness to accept any subsequent rent which becomes due in respect of the premises, as the case may be.

(2) When any deposit is made under sub-section (1), the Court shall cause notice of the deposit to be served by affixture at the last known place of residence of the landlord and in such other manner as may be prescribed; and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Court in that behalf.

(3)

(a) Where any bona fide doubt or dispute arises as to the person who is entitled to receive the rent for the premises, the tenant may deposit such rent in Court in such manner as may be prescribed and may continue to deposit any rent which may subsequently become due in respect of the premises in Court in the same manner or until the Court makes an order under clause (b) or until the doubt is removed or the dispute is settled by the decision of a

competent Court or by a settlement between the parties, as the case may be.

(b) If after such inquiry as it thinks fit, the Court is not satisfied that a bona fide doubt or dispute exists in the matter it shall forthwith order payment of the amount deposited to the landlord.

(4) Where the Court does not pass an order under clause (b) of sub-section (3), any amount or amounts deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent Court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties only by the person who is held by the Court to be entitled to the amount or amounts in accordance with such settlement.

1. Read for the figures "46" by GSR 299, dated 11 -1 -1962.

## **20. Time for deposit and savings :-**

(1) No rent deposited under Section 19 shall be deemed to have been validly deposited under that Section for purposes of Section 21 unless deposited within fifteen days of the time fixed in the agreement of tenancy with the landlord for payment of the rent, or in the absence of such agreement unless deposited within fifteen days after the last day of the month for which the rent was payable or within fifteen days from the date on which the rent remitted by postal money order under sub-section (2) of Section 47<sup>1</sup> is returned by the postal authorities as undelivered, as the case may be.

(2) If the rent is deposited within the time specified in sub-section (1), the deposit shall constitute a payment of rent to the landlord if the amount deposited would have been valid legal tender of rent if tendered to the landlord on the date fixed in the agreement of tenancy with the landlord for payment of rent, or in the absence of such agreement by the first day of the month next following that for which the rent is payable.

(3) The receipt of payment of rent deposited under Section 19 from the Court, in the manner provided therein, shall not operate as an admission against the receiver of the correctness of that rate of rent, the amount due or any other particulars furnished by the tenant while depositing the rent under the said Section, nor shall it operate as a waiver of any notice to quit given by him to the tenant.

1. Read for the figures "46" by GSR 299, dated 11 -1 -1962.

PART 5

Control of eviction of tenants and obligation of landlords

**21. Protection of tenants against eviction :-**

(1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any Court or other authority in favour of the landlord against the tenant:

Provided that the Court may on an application made to it, make an order for the recovery of possession of a premises on one or more of the following grounds only, namely:

(a) that the tenant has neither paid nor tendered the whole of the arrears of the rent legally recoverable from him within two months of the date on which a notice of payment for the arrears of rent has been served on him by the landlord by tender or delivery either personally to the tenant or to a member or servant of his family at his residence (or if such tender or delivery is not practicable) by affixture to a conspicuous part of the premises;

(b) that the tenant has committed any act contrary to the provisions of clause (o) of Section 108 of the Transfer of Property Act, 1882 ; or

(c) that the tenant has without the landlord's consent given in writing, erected on the premises any permanent structure; or

(d) that the tenant or any person residing with the tenant has been guilty of conduct which is a nuisance or annoyance to the adjoining or neighbouring occupiers, or has been convicted of using the premises or allowing the premises to be used for immoral or illegal purposes; or

(e) that the tenant has given notice in writing to quit and in consequence of that notice the landlord has contracted to sell or let the premises or has taken any other steps as a result of which he would in the opinion of the Court, be seriously prejudiced if he could not obtain possession of the premises; or

(f) that the tenant has unlawfully sublet the whole or part of the premises or assigned or transferred in any other manner his interest therein and where the subletting, assignment or transfer has been made before the coming into operation of this part

(except in respect of subletting, assignment or transfer to which the provisions of Section 61 are applicable), such subletting, assignment or transfer has been made contrary to any provision of law then in force; or

(g) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the coming into operation of this Act, to be in such service or employment; or

(h) that the premises are reasonably and bona fide required by the landlord for occupation by himself or any person for whose benefit the premises are held or where the landlord is a trustee of a public charitable trust, that the premises are required for occupation for the purposes of the trust; or

(i) that the premises are reasonably and bona fide required by the landlord for carrying out repairs which cannot be carried out without the premises being vacated; or

(j) that the premises are reasonably and bona fide required by the landlord for the immediate purpose of demolishing them and such demolition is to be made for the purpose of erecting a new building in place of the premises sought to be demolished; or

(k) that the premises are required for the immediate purpose of the demolition ordered by any local authority or other competent authority; or

(l) that where the premises are land, such land is reasonably and bona fide required by the landlord for the erection of a new building which a local authority or other competent authority has approved or permitted him to build thereon; or

(m) that where the premises are land in the nature of garden or grounds appurtenant to a building or part of a building such land is required by the landlord for the erection of a new residential building which a local authority has approved or permitted him to build thereon; or

(n) that the rent charged by the tenant for the premises or any part thereof which are sublet before the coming into operation of this part is in excess of the fair rent in respect of such premises or part or that the tenant has received any fine, premium or other like sum or consideration in respect of such premises or part; or

(o) that the premises have not been used without reasonable cause for the purpose for which they were let for a continuous period of six months immediately preceding the date of the application; or

(p) that the tenant whether before or after the coming into operation of this part has built, or acquired vacant possession of, or been allotted, a suitable building.

**1** [(2) No order for the recovery of possession of any premises shall be made on the ground specified in clause (a) of the proviso to sub-section (1), if the tenant.

(i) complies with the provisions of Section 29 ;

(ii) satisfies the Court that he had sufficient cause for the default to pay or tender the rent within the period referred to in the said clause (a); and

(iii) pays to the landlord or deposits in the Court such further amount, as may be determined by the Court to be due, along with a sum not exceeding ten per cent of the rent thereof as may be fixed by the Court, within one month from the date of the order of the Court.]

(3) For the purposes of clause (f) of the proviso to sub-section (1) the Court may presume that the premises have been sublet by a tenant

(a) in any case where such premises have been let for use as residence if the Court is satisfied that any other person not being a servant or a member of the family of such servant has been residing in the premises or any part thereof for a period exceeding one month otherwise than in commensality with the tenant; or

(b) in any case where such premises have been let for non-residential purposes if the Court is satisfied that the tenant without obtaining the consent in writing of the landlord has allowed any person to occupy the whole or any part of the premises ostensibly on the ground that such person is a partner of the tenant in the business or profession but really for the purpose of subletting such premises to that person.

(4) No decree for eviction shall be passed on the ground specified in clause (h) of the proviso to sub-section (1) if the Court is satisfied that, having regard to all the circumstances of the case including the question whether other reasonable accommodation is

available for the landlord or the tenant, greater hardship would be caused by passing the decree than by refusing to pass it. If the Court is satisfied that no hardship would be caused either to the tenant or to the landlord by passing the decree in respect of a part of the premises, the Court shall pass the decree in respect of such part only.

Explanation. For the purpose of clause (h) of the proviso to sub-section (1), the expression 'landlord' shall not include a rent-farmer or rent-collector or estate manager.

(5) The Court may pass the decree on the ground specified in clause (i) of the proviso to sub-section (1) only in respect of part of the premises which in its opinion it is necessary to vacate for carrying out the work of repairs.

(6) No application for the recovery of possession of any premises shall lie under sub-section (1) on the ground specified in clause (o) of the proviso thereto, unless the landlord has given to the tenant a notice in the prescribed manner requiring him to stop the misuse of the premises and the tenant has refused or failed to comply with such requirement within one month of the date of service of notice; and no order for eviction against the tenant shall be made in such a case, unless the Court is satisfied that the misuse of the premises is of such a nature that it is a public nuisance or that it causes damage to the premises or is otherwise detrimental to the interests of the landlord.

1. Sub-section (2) substituted by Act No. 14 of 1969, w.e.f. 21-7-1969.

### **21A. Vacation of residential building in certain cases :-**

(1) Notwithstanding anything contained in this Act, on and from the date of coming into force of this section,

(a) any person who is in occupation or possession of a residential building as a tenant on allotment by the Controller, shall, within one year from the said date vacate such building if he owns in his name or in the name of any member of his family, a residential

(b) such person shall be entitled to recover possession of his own building, in case it is let out to any other person and he may apply to the prescribed authority for eviction of such other person:

Provided that no such application, shall be entertained unless the



applicant has given notice of not less than four months requiring the person sought to be evicted to vacate the said building;

(c) the prescribed authority shall, after making such summary inquiry as it deems necessary, evict such other person, if necessary, by using force and put the applicant in possession of his own building:

Provided that where such person owns more than one building which are all let out, the choice of which building he seeks possession for his own occupation shall lie with such person;

(d) the controller shall, while allotting premises under Section 5 , give first priority immediately after the State Government and the Central Government to the person to whom notice under the proviso to clause (b) has been issued if such person makes an application in this behalf.

(2) Notwithstanding anything contained in this Act, any person who being in occupation or possession of a residential building as a tenant on allotment by the Controller acquires or constructs on or after the 20th day of August, 1976 either in his own name or in the name of any member of the family a residential building in the same city, town or village shall within such time as may be prescribed, vacate the building of which he is the tenant.

(3) Any person who contravenes the provisions of clause (a) of sub-section (1), or sub-section (2) shall, on conviction, be punished with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.]

**21B. Special provision for recovery of possession of premises by members of Armed Forces of the Union or a member of the family of a deceased member of such Forces :-**

(1) Notwithstanding anything contained in this Act.

(a) a landlord, who is a member of the Armed Forces of the Union or who was such a member and is duly retired which term shall include premature retirement shall be entitled to recover possession of any premises on the ground that the premises is bona fide required by him for occupation by himself or any member of his family and the Court shall pass a decree for eviction on such ground if the landlord, at the hearing of the suit, produces a certificate

given by the head of his service or his commanding officer, to the effect that,

(i) he is presently a member of the Armed Forces of the Union or he was such a member and is now retired; and

(ii) he does not possess any other suitable accommodation in the local area where he or the members of his family can reside.

(b) Where a member of the Armed Forces of the Union dies while in service or such member is duly retired as stated above and dies within five years of his retirement, his widow who is or becomes a landlady of any premises shall be entitled to recover possession of such premises on the ground that the accommodation is bona fide required by her for occupation by herself, or any member of her family and the Court shall pass a decree for eviction on such

(i) she is the widow of a deceased member of the Armed Forces as aforesaid; and

(ii) she does not possess any other suitable accommodation in the local area where she or the members of her family can reside.

Explanation. For the purposes of clause (a) of this sub-section, the expression, "the head of his service" in the case of members retired from the Indian Army includes the Area Commander, in the case of members retired from the Indian Navy includes the Flag Officer Commanding-in-Chief and in the case of the members retired from the Indian Air Force includes the Station Commander.

(2) For the purposes of this Section, any certificate referred to in sub-section (1) shall be conclusive evidence of the facts stated therein.]

**21C. Special provision for recovery of possession of premises by the retired Government Servants or a member of the family of the deceased retired Government Servant :-**

**1** (1) Notwithstanding anything contained in this Act

(a) a landlord, being a person who was appointed to a public service or post in connection with the affairs of the State of Karnataka (hereinafter referred to as the Government servant) and is duly retired (which term shall include premature retirement) shall be entitled to recover possession of any premises on the ground that the premises is bona fide required by him for occupation by

himself or any member of his family and the Court shall pass a decree for eviction on such ground if the landlord at the hearing of the suit, produces a certificate signed by the Controlling Officer to the effect that

(i) the landlord is a person who was appointed to a public service or post in connection with the affairs of the State of Karnataka and is now a retired Government servant;

(ii) he does not possess any other suitable premises in the local area where he or the members of his family can reside.

(b) Where a person who was appointed to a public service or post in connection with the affairs of the State of Karnataka dies within five years of his retirement, his widow who is or becomes a land lord of any premises which belonged to him shall be entitled to recover possession of such premises on the ground that the accommodation is bona fide required by herself or any member of her family and the Court shall pass a decree for eviction on such ground, if such widow at the hearing of the suit, produces a certificate signed by the Controlling Officer to the effect that

(i) she is the widow of a deceased Government servant as aforesaid;

(ii) she does not possess any other suitable premises in the local area where she or the members of her family can reside.

Explanation. For the purposes of this sub-section "Controlling Officer" means the officer of the State Government drawing the salary of the retired or deceased Government servant immediately before his retirement or death, as the case may be, and where the retired or deceased Government servant was drawing his salary himself, his successor in office or where the drawing officer is not an officer of the State Government, the State Government.

(2) For the purposes of this Section, any certificate referred to in sub-section (1), shall be conclusive evidence of the facts stated therein.]

1. Section 21-C inserted by Act No. 6 of 1984, w.e.f. 20-3-1984.

## **22. Subtenant to become tenant on determination of tenancy :-**

Where the interest of a tenant of any premises is determined for any reason, any subtenant to whom the premises or any part

thereof has been lawfully sublet before the coming into operation of this Act shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms and conditions as he would have held from the tenant if the tenancy had continued.

**23. Tenant not to sublet or transfer after commencement of this Part :-**

(1) Notwithstanding anything contained in any law, but subject to any contract to the contrary, it shall not be lawful after the coming into operation of this Part, for any tenant to sublet whole or any part of the premises let to him or to assign or transfer in any other manner his interest therein:

Provided that the State Government may, by notification, permit in any area the transfer of interest in premises held under such leases or class of leases and to such extent as may be specified in the notification:

Provided further that nothing in this Section shall apply to a tenant having a right to enjoy any premises in perpetuity.

(2) Any person who contravenes the provisions of sub-section (1), shall, on conviction, be punished with fine which may extend to one hundred rupees.

**24. Recovery of possession for repairs and re-entry :-**

(1) The Court shall when passing a decree on the ground specified in clause (i) of the proviso to sub-section (1) of Section 21 , ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and, if the tenant so elects, shall record the fact of the election in the decree the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs.

(2) If the tenant delivers possession on or before the date specified in the decree, the landlord shall, two months before the date on which the work of repairs is likely to be completed, give notice to the tenant of the date on which the said work shall be completed. Within fifteen days from the date of receipt of such notice, the tenant shall intimate to the landlord his acceptance of the accommodation offered and deposit with the landlord rent for one

month. If the tenant gives such intimation and makes the deposit, the landlord shall, on completion of the work of repairs, place the tenant in occupation of the premises or part thereof on the original terms and conditions but subject to payment of increased rent under sub-section (1) of Section 16 . If the tenant fails to give such intimation and to make the deposit, the tenant's right to occupy the building shall terminate.

(3) If, after the tenant has delivered possession on or before the date specified in the decree, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of the premises in accordance with sub-section (2), the Court may, on the application of the tenant made within one year of the specified date, order the landlord to place him in occupation of the premises or part thereof, on the original terms and conditions but subject to payment of increased rent under sub-section (1) of Section 16 ; and on such order being made the landlord and any person who may be in occupation shall give vacant possession to the tenant of the premises or part thereof.

(4) Any landlord who, when the tenant has vacated by the date specified in the decree, without reasonable excuse fails to commence the work of repairs and any landlord or other person in occupation of the premises who fails to comply with the order made by the Court under sub-section (3) shall, on conviction, be punished with fine which may extend to one thousand rupees.

## **25. Recovery of possession for occupation and re-entry :-**

(1) Where a decree for eviction has been passed by the Court on the ground specified in clause (h) of the proviso to sub-section (1) of Section 21 and the premises are not occupied within a period of three months from the date the landlord recovers possession, or the premises are relet within one year of the said date to any person other than the original tenant, the Court may, on the application of the original tenant made within thirteen months of such date, order the landlord to place such tenant in occupation of the premises on the original terms and conditions, and on such order being made, the landlord and any person who may be in occupation of the premises Shall give vacant possession to the original tenant.

(2) Any landlord who recovers possession on the ground specified in clause (h) of the proviso to sub-section (1) of Section 21 , and keeps the premises unoccupied without reasonable excuse for a period of three months from the date he recovered possession and any landlord or other person in occupation of the premises who fails to comply with the order of the Court under sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees.

**26. Recovery of possession for demolishing building and re-entry :-**

(1) Where a decree for eviction has been passed by the Court on the ground specified in clause (j) of the proviso to sub-section (1) of Section 21 and the work of demolishing the premises has not been commenced by the landlord within the period specified in the decree, the tenant may give the landlord a notice of his intention to occupy the premises from which he has been evicted and if the landlord does not forthwith deliver to him vacant possession of the premises on the same terms and conditions on which he occupied them immediately before the eviction, the tenant may make an application to the Court within six weeks from the date of expiry of the period specified in the decree.

(2) If the Court is satisfied that the landlord has not substantially commenced the work of demolishing the premises within the period of one month in accordance with his undertaking, the Court shall order the landlord to deliver to the tenant vacant possession of the premises on the terms and conditions on which he occupied it immediately before the eviction. On such order being made, the landlord shall forthwith deliver vacant possession of the premises to the tenant. Such order shall be deemed to be an order within the meaning of clause (14) of Section 2 of the Code of Civil Procedure, 1908 .

(3) Any landlord who recovers possession on the ground specified in clause (j) of the proviso to sub-section (1) of Section 21 and fails to demolish and construct a new building without any reasonable excuse, or fails to comply with the order of the Court under sub-section (2), shall, without prejudice to his liability in execution of the order under sub-section (2), on conviction, be punished with fine which may extend to five hundred rupees.

**27. . :-**

Tenant's right to give notice to the landlord of his intention to occupy tenement in new building. Where a decree for eviction has been passed by a Court on the ground specified in clause (j) of the proviso to sub-section (1) of Section 21 and the work of demolishing the premises and of the erection of a new building has been commenced by the landlord, the tenant may, within six months from the date on which he delivered vacant possession of the premises to the landlord, give notice to the landlord of his intention to occupy the new building on its completion on the following conditions, namely:

(a) that he shall pay to the landlord the fair rent in respect of the building:

Provided that in respect of a residential building the tenant shall not be required to pay rent in relation to the area at more than double the rate at which he paid rent for his former building immediately before his eviction unless the landlord obtains an order of the Controller fixing the fair rent in respect of the building at a higher rate;

(b) that his occupation of the building shall, save as provided in condition (a), be on the same terms and conditions as the terms and conditions on which he occupied the building immediately before the eviction.

**28. Landlord to intimate the tenant, date of completion and tenants right to occupy the new building :-**

(1) On receipt of notice from the tenant under Section 27 , the landlord shall, not less than three; months before the date on which the erection of the new building is likely to be completed, intimate the tenant the date on which the said erection shall be completed. On the said date the tenant shall be entitled to occupy the building.

(2)

(a) If the tenant fails to occupy the building within a period of one month from the date on which he is entitled to occupy it under sub-section (1), the tenant's right to occupy the said building under the said sub-section shall terminate and the landlord shall be entitled to recover from the tenant, a sum equal to three times the amount of the monthly fair rent in respect of the building.

(b) If the landlord fails without reasonable excuse to comply with the provisions of sub-section (1), or to place the tenant in occupation of the building he shall, without prejudice to his liability to place the tenant in vacant possession of the building, on conviction, be punished with fine which may extend to five hundred rupees.

**29. Deposit and payment of rent during the pendency of proceedings for eviction :-**

(1) No tenant against whom an application for eviction has been made by a landlord under Section 21 , shall be entitled to contest the application before the Court under that Section or to prefer or prosecute <sup>1</sup> [a revision petition under Section 50 against an order made by the Court on application under Section 21 ] unless he has paid or pays to the landlord or deposits with the Court or the District Judge or the High Court, as the case may be, all arrears of rent due in respect of the premises upto the date of payment or deposits and continues to pay or to deposit any rent which may subsequently become due in respect of the premises at the rate at which it was last paid or agreed to be paid, until the termination of the proceedings before the Court or the District Judge or the High Court, as the case may be.

(2) The deposit of the rent under sub-section (1) shall be made within the time and in the manner prescribed and shall be accompanied by such fee as may be prescribed for the service of the notice referred to in sub-section (5).

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1), the Court shall, on application made to it either by the tenant or the landlord and after making such enquiry as it deems necessary determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or deposit the rent as aforesaid, the Court, the District Judge or the High Court, as the case may be, shall unless the tenant shows sufficient cause to the contrary, stop all further proceedings

(5) When any deposit is made under sub-section (1), the Court, the District Judge or the High Court, as the case may be, shall cause notice of the deposit to be served on the landlord in the prescribed manner and the amount deposited may, subject to such conditions



as may be prescribed, be withdrawn by the landlord on application made by him to the Court in this behalf.

1. Substituted for the words "an appeal or revision petition under Section 48 or Section SO against any order made by the Court on an application under Section 21 or an order passed by the District Judge on appeal, as the case may be" by Act No. 31 of 1975 and shall be deemed to have come into force w.e.f 22-5-1975.

**30. Vacant possession to landlord :-**

Notwithstanding anything contained in any other law, where the interest of the tenant in any premises is determined for any reason whatsoever and any order is made by the Court under this Act for the recovery of possession of such premises the order shall, subject to the provisions of Section 21, be binding on all persons who may be in occupation of the premises and vacant possession thereto shall be given to the landlord by evicting such persons therefrom;

Provided that nothing in this Section shall apply to any person who has an independent title to such premises.

**31. Exemption in respect of certain buildings. :-**

Nothing contained in this Part shall apply to a non-residential building the monthly rent of which exceeds five hundred rupees or the annual rental value of which exceeds six thousand rupees:

Provided that the exemption under this Section shall not apply:

(i) to any building taken on lease by a public authority or by an educational institution; or

(ii) to any building occupied by more than one tenant each paying monthly rent not exceeding five hundred rupees or an annual rent not exceeding six thousand rupees.

**PART 5A**

Special provisions

**31A. Application of the Part :-**

The provisions of this Part shall apply in respect of residential buildings to which Part II applies.

**31B. Voluntary declaration :-**

(1) Notwithstanding anything contained in this Act,

(i) any landlord who has occupied or let out a residential building;  
or

(ii) any person who has occupied such building as a tenant in contravention of Section 4 or Section 5 , may, within sixty days from the date of coming into force of this Section, make a declaration in this behalf to the prescribed authority:

Provided that the prescribed authority may entertain the declaration after the expiry of the said period of sixty days if it is satisfied that the declarant was prevented by sufficient cause from filing the declaration in time.

(2) Such declaration shall contain the following particulars, namely:

(a) Name and address of the declarant;

(b) Name and address of the landlord and tenant, if any;

(c) Location of the building along with its Municipal Number;

(d) Date on which it was occupied or let out;

(e) Whether such landlord or tenant or any member of his family owns any residential building in the same city, town or village and if so, details thereof

(f) The person in occupation of the building referred to in clause (e).

### **31C. Regularisation of occupation :-**

(1) On receipt of the declaration under Section 31B , the prescribed authority shall, if so satisfied pass an order declaring that the occupation or letting out from its inception is lawful:

Provided that no such order shall be passed in favour of a declarant who owns either in his own name or in the name of his family any residential building in the same city, town or village in when the building referred to in the declaration is situated.

(2) On the passing of an order under sub-section (1), the declarant if he is a tenant shall be deemed for all purposes of the Act to be a person in whose favour the building is ordered to be leased under Section 5 .

(3) The provisions of sub-section (3) of Section 4 and Section 10A shall not apply when an order under sub-section (1) is made.

### **31D. Regularisation not to affect other remedies :-**

Any order passed under sub-section (1) of Section 31C , shall not in

any way prejudice any action taken or to be taken by any person under Section 21 .]

## PART 6

### Hotels and Lodging Houses

#### **32. Fixation of fair rates and number of lodgers :-**

Fixation of fair rates and number of lodgers.

(1) The competent authority may fix a fair rate to be charged for board, lodging or other service provided in a hotel or lodging house at such amount as having regard to the circumstances of the case, he deems just.

(2) The competent authority may fix a fair rate separately for

(i) lodging with reference to the nature of the accommodation and the number of lodgers to be accommodated;

(ii) board, partial or full;

(iii) other service.

(3) The competent authority may fix fair rates separately for daily and monthly lodgers.

(4) The competent authority may fix the number of lodgers to be accommodated in each room or specified accommodation in the hotel or lodging house:

Provided that where any room or specified accommodation is provided to any lodger, the members of his family may also be accommodated in the same room or accommodation in excess of the number fixed under this sub-section.

Explanation. For the purposes of this Part, a lodger who agrees to reserve accommodation in a hotel or lodging house for a period of less than a month shall be deemed to be a daily lodger.

#### **33. Revision of fair rates and number of lodgers :-**

The competent authority may, from time to time, revise the fair rates or the number of lodgers fixed under Section 32 .

#### **34. Notice of fair rate and number of lodgers to be displayed :-**

Where under Section 32 or Section 33 the competent authority has fixed or revised the fair rate, or the number of lodgers to be accommodated in each room or specified accommodation, the

manager of the hotel or the owner of the lodging house, as the case may be, shall display a notice of the fair rate number of lodgers and all the provisions of this Part relating thereto, in a conspicuous manner in the hotel or lodging house and also in the room or accommodation in respect of which the fair rate and the number of lodgers are fixed or revised.

**35. Charges not recoverable in excess of fair rate :-**

(1) Notwithstanding any agreement to the contrary, no manager of a hotel or owner of a lodging house shall charge any amount in excess of the fair rate.

(2) When the competent authority has fixed the fair rate, any agreement for the payment of any charges in excess of such fair rate shall be void in respect of such excess and shall be construed as if it were an agreement for payment of the said fair rate.

(3) Any sum paid by a lodger in excess of the fair rate shall be recoverable by him at any time within a period of one year from the date of payment from the manager of the hotel or the owner of the lodging house or his legal representative, and may, without prejudice to any other remedy for recovery be deducted by such lodger from any amount payable by him to such manager or owner.

**36. Restriction on ejection of lodger :-**

No manager of a hotel or owner of a lodging house shall evict or refuse board or other service to a lodger so long as he pays or is ready and willing to pay, the fair rate and observes and performs the other conditions of his agreement in so far as they are consistent with the provisions of this Act.

**37. When manager of a hotel or owner of lodging house may recover possession :-**

Notwithstanding anything contained in this Act, a manager of a hotel or owner of a lodging house shall be entitled to recover possession of the accommodation provided by him to a lodger on obtaining a certificate from the competent authority certifying that.

(a) the lodger has been guilty of conduct which is a nuisance or an annoyance to any adjoining or neighbouring lodger; or

(b) the accommodation is reasonably and bona fide required by the owner of the hotel or lodging house, as the case may be, either for his own occupation or for any other cause which may be deemed

satisfactory by the competent authority; or

(c) the lodger is habitually irregular in making payment of the charges for board, lodging or other service provided in the hotel or lodging house; or

(d) the lodger has failed to vacate the accommodation on the termination of the period of the agreement in respect thereof; or

(e) the lodger has done any act which is inconsistent with the purpose for which the accommodation is provided to him or which is likely to affect adversely and substantially the owner's interest therein.

### **38. Intimation to competent authority of particulars relating to hotels and lodging houses :-**

A manager of a hotel or an owner of a lodging house carrying on business in an area prior to the application of this Part, to such area/ shall within thirty days from the date of application of this Part, to such area, and a manager of a hotel or an owner of a lodging house commencing business in any area to which this Part is applicable after the date of such application, shall within thirty days of commencing business, submit to the competent authority a statement in the prescribed Form showing the accommodation in the hotel or lodging house, the rates charged for the board, lodging and other service provided in the hotel or lodging house and such other particulars as may be prescribed.

### **39. Penalties :-**

(1) If any manager of a hotel or owner of a lodging house either himself or through any person acting or purporting to act on his behalf or if any person acting or purporting to act on behalf of a manager of a hotel or owner of a lodging house receives any fine, premium or other like sum or deposit or any consideration other than the fair rate, in respect of the grant or continuance of accommodation in the hotel or lodging house, such manager, owner or person shall, on conviction, be punished with fine which may extend to one thousand rupees; provided that such fine shall not be less than twice the amount of the fine, premium or sum or deposit or the value of the consideration received by him. The Magistrate shall out of the fine levied, direct payment to the lodger of an amount equal to the fine, premium or other like sum or deposit or to the value of the consideration received from him.

(2) Any manager of a hotel or owner of a lodging house who charges any amount in excess of the fair rate in contravention of Section 35 shall, on conviction, be punished with fine which may extend to five hundred rupees.

(3) Any manager of a hotel or owner of a lodging house who accommodates lodgers or permits lodgers to be accommodated in a room or specified accommodation in excess of the number fixed under sub-section (4) of Section 32 , shall, on conviction, be punished with fine which may extend to one thousand rupees.

(4) Any manager of a hotel or owner of a lodging house who fails to comply with the provisions of Section 34 shall, on conviction, be punished with fine which may extend to five hundred rupees.

(5) Any manager of a hotel or owner of a lodging house who fails to comply with the provisions of Section 34 shall, on conviction, be punished with fine which may extend to one thousand rupees.

Explanation. For the purpose of sub-section (1), receipt of charges in advance for more than one month shall be deemed to be a fine or premium or consideration.

**40. Provisions relating to inquiries by competent authority**  
:-

(1) No order under this Part shall be made by the competent authority except after holding an inquiry.

(2) Every such inquiry shall be made summarily in the prescribed manner.

(3) For the purposes of holding an inquiry under sub-section (1), the competent authority shall have the same powers as are vested in Civil Courts in respect of

(a) proof of facts by affidavits;

(b) summoning and enforcing the attendance of any person and examining him on oath;

(c) compelling the production of documents; and

(d) issuing commissions for the examination of witnesses.

(4) The competent authority may himself enter or authorise any person subordinate to him to enter upon any premises, hotel or lodging house or any part thereof to which the inquiry relates.

**41. Appeal :-**

An appeal shall lie to the Divisional Commissioner from an order passed by the competent authority under the provisions of this Part (including an order granting or refusing a certificate under Section 37 ) within fifteen days from the date of communication of the order and the Divisional Commissioner may pass such order thereon as he deems fit.

**42. Deposit in Court of charges payable by lodger :-**

Where any suit is instituted by a manager of a hotel or an owner of a lodging house against a lodger for recovery of charges for accommodation provided in the hotel or lodging house, pending the final decision of the suit, the manager of the hotel or the owner of the lodging house may make an application to the Court requiring the lodger to deposit in Court the amount of such charges. On such application the Court may make an order directing lodger to deposit in Court such amount of charges within such period as it thinks fit and shall serve the order upon the lodger and a copy thereof upon the manager of the hotel or the owner of the lodging house. If the lodger fails to deposit such amount within the period specified in the order, the Court may at any time thereafter pass an order for the eviction of the lodger.

**PART 7****Miscellaneous****43. Landlord not to cut off or withhold essential supply or service :-**

(1) No landlord either himself or through any person acting or purporting to act on his behalf, shall, without just or sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the building let to him.

(2) A tenant in occupation of the building may, if the landlord has contravened the provisions of sub-section (1), make an application to the Court for a direction to restore such supply or service.

(3) If the Court on perusal of the application and affidavits, if any, filed by the tenant after making such examination of the applicant as it thinks fit, is prima facie satisfied that the essential supply or service was cut off or withheld without sufficient cause, the Court may pass an interim order directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation. An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Court on inquiry finds that the essential supply or service enjoyed by the tenant in respect of the building was cut off, or withheld by the landlord without just or sufficient cause, it shall make an order directing the landlord to restore such supply or service.

(5) Any landlord who fails to restore the supply or service as directed under sub-section (3) or sub-section (4), shall, for each day during the period the default continues after the date of the order be liable upon further directions by the Court to that effect to pay to the tenant damages not exceeding fifty rupees for every day of such period of default.

(6) Any landlord who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees.

(7) The Court may in its discretion direct that compensation not exceeding one hundred rupees

(a) be paid to the landlord by the tenant if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the essential supply or service without just or sufficient cause.

Explanation 1. In this Section essential supply or service includes supply of water, electricity, lights in passages and on staircases, lifts and conservancy or sanitary services.

Explanation 2. For the purposes of this Section, withholding any essential supply or service, shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

#### **44. Repairs and improvements :-**

(1) Every landlord shall be bound to keep the building in reasonably good repair.

(2) If the landlord neglects to make, within a reasonable time after a notice by the tenant is served upon him by registered post any



repairs which he is bound to make under sub-section (1), the tenant may make the repairs himself and deduct the cost of such repairs from the rent or otherwise recover it from the landlord:

Provided that where the tenant makes the repairs himself, the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where the cost of such repairs exceeds one-twelfth of the rent payable by the tenant for that year or where the building is directed to be leased under Section 5 or Section 6, the Court may, by order, direct the landlord to execute such repairs which he is bound to make under sub-section (1), and as may be specified in the notice within such reasonable time as may be mentioned therein; and if the landlord fails to execute repairs in pursuance of such order, the Court may permit the tenant to cause the repairs specified in the order, to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the rent payable to the landlord.

#### **46. Orders to be pronounced in open Court :-**

Every order passed by a Court or the Controller or a competent authority under this Act, shall be pronounced in open Court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

#### **47. Issue of receipt for an amount received :-**

(1) Every landlord shall give a written receipt to the tenant for any amount at the time when such amount is received by him in respect of any premises in such Form and in such manner as may be prescribed.

(2) If the landlord fails to issue a receipt in accordance with sub-section (1), or refuses to accept or evades the receipt of any amount lawfully payable to him by a tenant in respect of any premises, the tenant may remit to the landlord the amount within fifteen days from the date on which it falls due by postal money order deducting the money order commission.

(3) Any landlord who fails to give written receipt for any amount received by him in respect of any premises shall, on conviction, be punished with fine which may extend to one hundred rupees.

#### **48. Appeals :-**

**1**

[(1) x x x x.]

(2) In computing the period specified in this Act for filing appeals the time taken to obtain certified copies of the order appealed against shall be excluded.

(3) The provisions of S.5 of the Limitation Act, 1908, shall be applicable to appeals under this Act.

(4) On an appeal being preferred under this Act, the appellate authority may order stay of further proceedings in the matter pending decision on the Appeal.

[(5) The Appellate Authority shall send 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 enquiry as it thinks fit either itself or through the Controller shall decide the appeal.

(6) An order of the Court or the Controller, shall, subject to the decision of the District Judge or the High Court under Section 50 or of the relevant appellate authority under this Act, be final and shall not be liable to be called in question in any Court of law whether in a suit or other proceeding or by way of appeal or revision.]

1. Substituted for the words "or other Appellate Authority" by Act No. 31 of 1975 and shall be deemed to have come into force w.e.f. 22-5-1975.

#### **49. Costs :-**

Subject to such conditions and limitations, if any, as may be prescribed, the cost of, and incidental to all proceedings before <sup>1</sup> [the Court or the Controller] shall be in the discretion of [the Court or the Controller] which or who shall have full power to determine by whom or out of what property and to what extent such costs, are to be paid, and to give all necessary directions for the purpose.

Explanation. [x x x x,]

1. Substituted for the words "or other Appellate Authority" by Act No. 31 of 1975 and shall be deemed to have come into force w.e.f. 22-5-1975.

#### **50. Revision :-**

(1) The High Court may, at any time call for and examine any order passed or proceeding taken by [the Court of Small Causes or the Court of Civil Judge] under this Act or any order passed by the Controller under Section 14 , Section 15 , Section 16 or Section 17 for the purpose of satisfying itself as to the legality or correctness of such order or proceeding and may pass such order in reference thereto as it thinks fit.

(2) The District Judge may, at any time call for and examine any order passed or proceeding taken by the Court of Munsiff referred to in sub-clause (iii) of clause (d) of Section 3 for the purpose of satisfying himself as to the legality or correctness of such order or proceeding and may pass such order in reference thereto as he thinks fit. The order of the District Judge shall be final.

(3) The costs of and incidental to all proceedings before the High Court or the District Judge shall be in the discretion of the High Court or the District Judge, as the case may be.]

#### **51. Proceedings by or against legal representatives :-**

(1) Any application made, appeal preferred, or proceeding taken under this Act by or against any person, may, in the event of his death be continued by or against his legal representative.

(2) Where any application, appeal or other proceedings would have been made, preferred or taken under this Act by or against any person, such application, appeal or other proceedings may, in the event of his death, be made, preferred or taken by or against his legal representatives.

#### **51A. . :-**

Power to prosecute. The Controller or any other officer authorised by the State Government in this behalf, may prosecute any person for contravention of any of the provisions of this Act or any Rule made thereunder.]

#### **52. Local authorities to furnish certified extracts from property tax assessment books. :-**

Every local authority, shall on application made in this behalf and on payment of such fee, as may, from time to time, be fixed by the State Government by notification, grant to the applicant a certified copy of the extract from the property tax assessment book of the local authority showing the rental value of the building or buildings in respect of which application has been made, relating to the

period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

**53. Landlord and tenant to furnish particulars :-**

(1) Every landlord and every tenant of a building shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the building as may be prescribed.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees.

**54. Controller and competent authority to be deemed public servants :-**

The Controller and competent authorities appointed under this Act shall be deemed to be public servants within the meaning of Section 31 of the Indian Penal Code, 1860 and the Prevention of Corruption Act, 1947 (Central Act II of 1947), for the time being in force.

**55. All proceedings before a Controller to be judicial proceedings :-**

All proceedings before a Controller shall be deemed to be judicial proceedings for the purposes of Section 193 OF THE INDIAN PENAL CODE, 1860 and Section 228 of the Indian Penal Code, 1860 .

**56. Offences by companies, etc :-**

(1) Where an offence under this Act is committed by a company, the company, as well as every person-in-charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or

connivance of, or that commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this Section

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

### **57. Power of Magistrate to levy fine exceeding two thousand rupees :-**

Notwithstanding anything contained in S.32 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), it shall be lawful for any Magistrate of the first class to pass a sentence of fine exceeding two thousand rupees on a person convicted of an offence punishable under this Act.

### **58. Protection of action taken in good faith :-**

(1) No suit, prosecution or other legal proceedings shall lie against the Controller or the competent authority or any officer or servant of the State Government or any person acting under his direction or assisting him for anything which is in good faith done or intended to be done, in pursuance of this Act or of any Rules or Orders made thereunder.

(2) No suit or other legal proceedings shall lie against the State 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 this Act or of any Rules or of Orders made thereunder.

### **59. Power to make Rules :-**

(1) The State Government may, subject to the condition of previous publication, by notification, make Rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for

(a) the procedure to be followed by the Controller, the Court, the District Judge<sup>1</sup> [or an appellate authority] in the performance of their functions under this Act;

(b) the manner in which intimation, notices and orders under this Act shall be given or served;

(c) setting aside ex-parte orders passed under this Act and the time within which applications for setting aside such orders shall be made;

(d) applications for making legal representatives of deceased persons parties to proceedings under this Act and the time within which such applications, shall be preferred;

(e) the levy of fee in respect of applications, petitions, certificates, appeals and processes under this Act;

(f) the manner in which enquiries shall be made summarily under sub-section (2) of Section 40 .

(3) In making a Rule under this Section, the State Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to five hundred rupees.

1. Substituted for the words "or other Appellate Authority" by Act No. 31 of 1975 and shall be deemed to have come into force w.e.f. 22-5-1975.

#### **60. Rules and notifications to be laid before the State Legislature :-**

Every Rule made under this Act and notification issued under sub-section (6) of Section 2 , shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the Rule or notification or both Houses agree that the Rule or notification should not be made, the Rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule or notification.

#### **61. Bar against subletting, etc., never to have had effect in certain cases :-**

Notwithstanding anything contained in any Judgment, decree or order of a Court or any contract, the bar against subletting,

assignment or transfer of premises contained in S.15 of the Bombay Rents, Hotels and Lodging Houses Rates Control Act, 1947 (Bombay Act LVII of 1947) as in force before the commencement of this Act, or in any contract, shall, in respect of such sub-lessees, assignees or transfers as have entered into possession despite the bar before the coming into force of this Act, and as continued in possession at such commencement, have no effect and be deemed never to have had any effect.

SCHEDULE 1

SCHEDULE

SCHEDULE III
[See Section 2(4)]
Areas within the limits of cities under the Karnataka Municipal Corporations Act, 1976, and the areas within a radius of three kilometres from the limits of the said cities.]

SCHEDULE

SCHEDULE

<b>SCHEDULE 2</b>	
[See Section 2(3)]	
I. Areas within the limits of cities under the Karnataka Municipal Corporations Act, 1976, and the area within a radius of three kilometers from the limits of the said cities.	
II. Areas within the limits of City Municipalities, Town Municipalities and Notified Areas constituted or deemed to be constituted under the Karnataka Municipalities Act, 1964, except the Notified Area Committee, Bhadravathi.	
III.. Areas within the limits of the Notified Area Committee, Bhadravathi, excluding New Town and Paper Town.	
IV. Area within the limits of Kolar Gold Field Sanitary Board.	
<b>V. Area within the limits of Town Panchayats of:</b>	
1.	Bankapur
2.	Gokarna
<b>VI. Areas within the limits of Revenue</b>	
<b>Village of:</b>	
1.	Buntwal
2.	Kod

3.	Mudabidri
4.	Mulki

SCHEDULE 1

SCHEDULE