

MINISTRY OF FINANCE AND REVENUE.

LANDS AND SURVEY BRANCH.

(Urban Rent Control Rules, 1948.)

No. 98

Rangoon, the 15th March 1948.

No. 98.- In exercise of the powers conferred by sub-section (1) of section 31 of the Urban Rent Control Act, 1948, and in supersession of the Urban Rent Control Rules, 1946, published with the Finance and Revenue Department Notification No. 242, dated the 10th December 1946, the President hereby makes the following rules:-

1. (1) These rules may be cited as the "**Urban Rent Control Rules, 1948.**"
(2) In these rules the "Act" means the "Urban Rent Control Act, 1948."
2. The following procedure is laid down under clause (b) of sub-section (2) of section 31 of the Act for the guidance of the Controller in conducting enquiries under the Act in addition to the procedure provided in sub-section (1) of section 19A and section 21 of the Act:-
 - (i) Applications under the Act shall be presented by a party in person or by a person authorized to act in his behalf in writing by such a party or by an Advocate or a Pleader appearing, applying or acting, as the case may be, on behalf of such a party; provided that any such appearance shall, if the Controller so directs, be made by the party in person.
Such application shall be in writing and signed by the party himself or by his duly authorized agent under a power-of-attorney and the statements in the application shall be verified by the party or his duly authorized agent in the manner required by law for the verification of plaints in Civil suits. The applications shall be, as nearly as possible, in Forms A or A-1, B or B-1, C or C-1 and D hereby prescribed in the Appendix.
 - (ii) Similarly the party against whom an application is made or any person interested in the case, when called upon to show cause against the application, may, and if so required by the Controller, shall present a written statement of his objection or admission and such written statement shall be verified by the party or person making the statement in manner required by law for the verification of such statements in Civil suits.

(iii) (a) The Controller in conducting an enquiry under the Act may examine the parties, witnesses and any other persons who may be able to give relevant evidence in the case under enquiry and record a memorandum of the substance of their statements; and such officer may at his discretion administer an oath to any person examined by him. Every person so examined, whether on oath or not, is bound to state the truth.

(b) Whoever intentionally makes a false statement, whether on oath or not, before the officer making an enquiry under the Act, shall be liable to prosecution in a Criminal Court under section 193 of the Penal Code.

(iv) The Controller or any person authorized in writing by the Controller in this behalf may, with the permission of the proper authority of the Rangoon Corporation or of the Municipality or of any other urban area concerned as defined in section 2 (h) of the Act as the case may be, examine the relevant Assessment or Rent Rolls and take extracts from the rolls when necessary.

3. Except in the Tenasserim Division the 16th day of October 1945, shall be deemed for the purposes of the Act to be the date of resumption of Civil Government on the conclusion of the hostilities with Japan. In the Tenasserim Division the 1st January 1946 shall be deemed to be such date.

4. Subject to the provisions of the Act, the scales of Court fees, Process fees, Witness expenses, Advocates' and Pleaders' fees shall be the same as those prescribed in the respective Acts and Rules in force. The cost of any enquiry or proceeding held before the Controller shall ordinarily be payable by the parties concerned and the Controller may award and apportion the costs of any proceedings before him in such manner as he may deem just; provided the costs in respect of Advocates' and Pleaders' fees so awarded shall not exceed half the amount of the standard rent per mensem of the premises referred to in each case. In the event of the costs so awarded not being paid on demand, the Controller may recover the amount thereof in the same manner as if it were an arrear of land revenue and pay the sum so recovered to the party entitled to receive it.

5. With reference to sub-section (2) of section 19A of the Act, copies of orders of the Controller shall be delivered to the landlord or his authorized agent by hand if he is present in the office of the Controller or if not, by sending such copies by registered post to the last known address of the landlord or his authorized agent.

6. With reference to sub-section (3) of section 19A of the Act, the fees for certified copies of the Controller's orders shall be those prescribed for copies of other documents in the rules contained in paragraph 105 of the Courts Manual.

7. With reference to clause (f) of sub-section (2) of section 31 of the Act, the following rules are prescribed:-

(i) The deposits may be termed as "Deposits under the Urban Rent Control Act."

(ii) The tenants shall deposit rent direct into the treasury accompanied by chalans in triplicate countersigned by the Controller. The Treasury Officer shall return the original receipted chalans to the payee and forward the duplicate copy to the Controller. The Controller shall record the transaction in his register of receipts of rent.

(iii) (a) Repayments to landlords of rent deposited for premises in the City of Rangoon shall be made by means of pre-audit cheques issued by the Accountant-General on the basis of refund vouchers passed by the Controller for presentation at the Counter of the Accountant-General's Office. The Controller shall hand over the refund voucher in Form 3 appended to these rules to the payee and issue an advice list to the Accountant-General.

(b) Repayments to landlords of rent deposited for premises in other urban areas than the City of Rangoon shall be made on refund vouchers passed by the Controller and presented for payment by the landlords at the treasury or sub-treasury concerned. An advice list shall be sent by the Controller to the treasury or sub-treasury.

(iv) A statement of the actual payments during the previous month shall be furnished by the Accountant-General in the case of payments at Rangoon and by the treasury or sub-treasury in the case of payments in other urban areas on the 10th of each month to the Controller concerned who shall verify the payments with the entries made in his books in the first instance.

(v) (a) A register for deposit receipts and repayments in Form 1 appended to these rules shall be maintained by the Controller. Each item of deposit receipt and repayment voucher passed shall be recorded immediately in the register under the dated initials of the Controller. The Controller shall forward to the Accountant-General an extract from the register in Form 2 appended to these rules not later than the 7th of every month, columns 8 to 11 being kept blank for use in the office of payment. A half-yearly statement of items remaining unpaid as at 30th September and 31st March shall also be furnished by the Controller to the Accountant-General so as to reach him by the 15th April and 15th October.

(b) The treasuries shall deal with the transactions in the same manner as "Revenue Deposits" and forward the relevant accounts and returns to the Accountant-General. The transactions shall be recorded in separate registers distinct from Revenue Deposits.

(vi) With regard to lapses of the deposits the provisions of Articles 206, 207 and 208 of Civil Account Code shall be followed.

----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 FORM A. IN THE OFFICE OF THE CONTROLLER OF RENTS, CITY OF RANGOON.
Proceedings No. of 19 . [Application under section 19 (1) of the Urban Rent Control Act by Landlord.]
[ATTACH LIST 2] 02 FORM A-1. IN THE OFFICE OF THE CONTROLLER OF RENTS, CITY OF RANGOON.
Proceedings No. of 19 . [Application under section 19 (1) of the Urban Rent Control Act by Landlord's authorized agent.]

[ATTACH LIST 3] 03 FORM B. IN THE OFFICE OF THE CONTROLLER OF RENTS, CITY OF RANGOON.
Proceedings No. of 19 . [Application under section 19 (2) of the Urban Rent Control Act by Tenant.]
[ATTACH LIST 4] 04 FORM B-1. IN THE OFFICE OF THE CONTROLLER OF RENTS, CITY OF RANGOON.
Proceedings No. of 19 . [Application under section 19 (2) of the Urban Rent Control Act by Tenant's authorized agent.]

[ATTACH LIST 5] 05 FORM C. IN THE OFFICE OF THE CONTROLLER OF RENTS, CITY OF RANGOON.
Proceedings No. of 19 . [Application under section 6 or 8 or both and section 19 (1) of the Urban Rent Control Act by Landlord.]

[ATTACH LIST 6] 06 FORM C-1. IN THE OFFICE OF THE CONTROLLER OF RENTS, CITY OF RANGOON.
Proceedings No. of 19 . [Application under section 6 or 8 or both and section 19 (1) of the Urban Rent Control Act by Landlord's authorized agent.]

[ATTACH LIST 7] 07 FORM D. IN THE OFFICE OF THE CONTROLLER OF RENTS, CITY OF RANGOON.
Proceedings No. of 19 . [Application under sections 12 (1) and 19 (2) of the Urban Rent Control Act.]
[ATTACH LIST 8] 08 FORM 1. Register of Rent Receipts and Repayments.
[ATTACH LIST 9] 09 FORM 2. Extract Register of Rent Receipts and Repayments.
[ATTACH LIST 10] 10 FORM 3. Refund Voucher.