

# The Cantonments Rent Restriction Act, 1963

( ACT NO. XI OF 1963 )

**An Act to make provision for the control of rents of certain class of buildings within the limits of the Cantonment areas and for the eviction of tenants therefrom.<sup>1♣</sup>**

WHEREAS it is expedient to make provision for the control of rents of certain class of buildings within the limits of the cantonment areas, for the eviction of tenants therefrom and for matters connected therewith;

**Short title,  
extent and  
commencement**

1. (1) This Act may be called the Cantonments Rent Restriction Act, 1963.

(2) It extends to all the cantonments in Bangladesh.

(3) It shall come into force at once.

**Definitions**

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

(a) “building” means any building or part of a building, whether residential or not, together with all fittings and fixtures therein, if any, and includes any gardens, grounds, garages and outhouses attached or appurtenant to such building or part, and vacant land, but does not include any place of religious worship;

(b) “Cantonment Board” means a Cantonment Board constituted under the Cantonments Act, 1924;

(c) “commercial building” means a building used solely for the purposes of business or trade;

(d) “Controller” means a Controller of Rents appointed by the Government under sub-section (1) of section 6 and includes an Additional Controller of Rents appointed under sub-section (2) of that section;

(e) "family" of a person means and includes a husband, wife, children, dependent parents, dependent brothers, unmarried or widowed sisters and a deceased son's widow and children residing with, and wholly dependent upon, that person;

(f) "a house" is said to be in a state of reasonable repair, when-

(i) all floors, walls, pillars, arches and roofs are sound and watertight,

(ii) all doors and windows are intact, properly painted or oiled, and provided with proper hooks or bolts or other necessary fastenings,

(iii) all rooms, outhouses and appurtenant buildings are properly colour-washed or white-washed, and

(iv) all electric, water and sanitary fittings, if any, are properly maintained and are safe, sound and without leakage;

(g) "Landlord" means any person for the time being entitled to receive rent in respect of any building whether on his own account or on behalf or for the benefit of any other person, or as a trustee, guardian or receiver and includes a tenant who, being authorised under the terms of his lease so to do, sublets the building and every other person for the time being deriving title from the landlord;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "residential building" means any building used for the purposes of residence and includes a hostel, boarding-house and residential hotel; and

(j) "tenant" means any person who undertakes or is bound to pay rent as consideration for the possession or occupation of a building by him or by any other person on his behalf, and includes:-

(i) any person who continues to be in possession or occupation of the building after the termination of his tenancy; and

(ii) in the event of the death of the tenant, his heirs and successors and after the termination of the tenancy, his heirs and successors who continue to be in possession or occupation of the building.

### **3. Act not to apply to certain buildings**

3. Nothing contained in this Act shall apply to-

<sup>2</sup>[\* \* \*]

(b) any property owned by the Government <sup>3</sup>[\* \* \*], Railway, Port Trust or Cantonment Board and any property owned, managed or controlled by any other local authority under the administrative control of the Government <sup>4</sup>[\* \* \*].

### **Power of exemption**

4. The Government may, by notification in the official Gazette, direct that all or any of the provisions of this Act shall not apply to any cantonment or to any particular building or class of buildings or to buildings in any specific area.

### **Act to override other laws**

5. The provisions of this Act and any rule or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any instrument or document.

### **Appointment of Controller**

6. (1) The Government may, for purposes of this Act, by notification in the official Gazette, appoint a person to be the Controller of Rents for one or more cantonments.

(2) The Government may also, by notification in the official Gazette, appoint a person to be the Additional Controller of Rents for one or more cantonments.

### **Determination of fair rent**

7. (1) The Controller shall, on application by the tenant or landlord of a building, fix the fair rent of such building after holding such inquiry as he may think fit.

(2) The fair rent shall be fixed after taking into consideration the following factors, namely:-

(a) in the case of a building which was in existence before the 1st July, 1961, the rent of that building during the twelve months immediately preceding that date and where that building was not let out during the said period the rent prevailing in the locality during that period for buildings

having similar accommodation, amenities, conveniences, facilities and environment; or

(b) in the case of a building completed on or after the 1st July, 1961, the rent at which such building is first let out within twelve months of its completion, and where that building is not let out during the said period, the rent prevailing in the locality during that period for buildings having similar accommodation, amenities, conveniences, facilities and environment; and

(c) the annual value of the building as assessed by the Cantonment Board under the provisions of the Cantonments Act, 1924, relating to the period mentioned in clause (a) or clause (b).

(3) In fixing the fair rent of a building, the Controller shall also take into consideration the fixtures of the buildings, such as lifts and electric and other fittings, the rise and fall of the costs of construction and repairs and the imposition, abolition, enhancement or reduction of taxes since the 1st July, 1961.

(4) In working out the depreciation of a building, the Controller shall take into consideration the location, climatic conditions, the nature of materials used in its construction, and the attention paid to its regular maintenance.

(5) On and from such date as the Government may, by notification in the official Gazette, appoint in this behalf, the Controller shall not entertain any application under sub-section (1) after the expiry of one hundred and twenty days-

(a) from the said date, where the building has been occupied by the tenant since before the said date; and

(b) from the date of the occupation of the building by the tenant, in any other case.

**Increase of fair rent in certain cases**

8. (1) Where the fair rent of a building has once been fixed under section 7, it shall not be increased with or without the consent of the tenant unless some addition, improvement or alteration otherwise than by way of

ordinary or usual repairs has been made in the building at the landlord's expense and, if the building be in the occupation of a tenant, at the tenant's request in writing, or unless a new tax has been imposed or an existing tax has been increased.

(2) Every dispute between a landlord and his tenant relating to the increase of rent under sub-section (1) shall be decided by the Controller:

Provided that the Controller shall in no case allow any increase beyond seven and a half per centum of the cost of the addition, improvement or alteration made in the building, or beyond the amount of the additional tax payable by the land lord, as the case may be.

**Landlord  
not to claim  
anything in  
excess of  
fair rent**

9. Save as provided in section 8, where the fair rent of a building has been fixed under section 7 the landlord shall not claim or receive any premium or other like sum in addition to fair rent, or any rent in excess of such fair rent and any agreement or contract stipulating payment of any such premium, sum or excess rent shall to the extent of such stipulation be void:

Provided that nothing in this section shall affect any stipulation for or payment of advance rent for not exceeding three months.

**Fine or  
premium  
not to be  
charged for  
grant,  
renewal or  
continuance  
of tenancy**

10. No landlord shall, in consideration of the grant, renewal or continuance of a tenancy of any building, require the payment of any fine, premium or any other like sum in addition to the rent.

**Moneys  
which  
should not  
have been  
paid may be  
recovered**

11. Where, after the commencement of this Act, any sum not payable by a tenant under this Act has been paid by him, it may at any time within four months of the date of such payment be recovered by the tenant and may, without prejudice to any other mode of recovery be deducted by the tenant from the rent payable by him to the landlord.

**Tenant to  
pay taxes**

12. Notwithstanding anything contained in any other law for the time being in force or in any agreement, the tenant shall be bound to pay the taxes