



## THE CANTONMENTS RENT RESTRICTION ACT, 1963



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# THE CANTONMENTS RENT RESTRICTION ACT, 1963

<sup>1</sup>Act No. XI OF 1963

[27<sup>th</sup> April, 1963]

## **An Act to make provisions for the control of rents of certain class of buildings within the limits of the Cantonment areas and for the eviction of tenants therefrom.**

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;

It is hereby enacted as follows: -

**1. Short title, extent and commencement.**—(1) This Act may be called the Cantonments Rent Restriction Act, 1963.

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

(3) It shall come into force at once.

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

<sup>2</sup> [(a) “Additional Controller” means an Additional Controller of Rent appointed under sub-section (2) of section 6;]

<sup>3</sup> [(aa) “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 ([II of 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 <sup>4</sup>[Federal Government] under sub-section (1) of section 6 and includes an Additional Controller <sup>5</sup>\* \* \*;

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<sup>1</sup> For Statement of Objects and Reasons, see Gaz. of P., Ext., dated the 13<sup>th</sup> March, 1963, p. 238/.

<sup>2</sup> Ins. by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), s.2.

<sup>3</sup> Re-lettered *ibid.*,

<sup>4</sup> Subs. by F.A. O., 1975, Art. 2 and Table, for “Central Government”.

<sup>5</sup> Certain words omitted by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), s.2.

- (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 persons, 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.** Nothing contained in this Act shall apply to—

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- (a) any evacuee property as defined in the Pakistan (Administration of Evacuee Property) Act, 1957 (XII of 1957); and
- (b) any property owned by the<sup>1</sup>[Federal Government], any Provincial Government, Railway, Port Trust or Cantonment Board and any property owned, managed or controlled by any other local authority under the administrative control of the <sup>1</sup>[Federal Government] or of any Provincial Government.

**4. Power of exemption.** The <sup>1</sup>[Federal 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.

**5. Act to override other laws.** 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.

**6. Appointment of Controller.**— (1) The <sup>1</sup>[Federal Government] may, for purposes of this Act, by <sup>2</sup>notification in the official Gazette, appoint a person to be the Controller of Rents for one or more cantonments.

(2) The <sup>1</sup>[Federal Government] may also, by notification in the official Gazette, appoint a person to be the Additional Controller of Rents for one or more cantonments.

<sup>3</sup> **[6A. Applications to be filed with Controller.** Every application under this Act shall be filed with the Controller who shall either hear it himself or assign it to an Additional Controller for hearing and disposal.

**6B. Power of Controller to transfer cases.** The Controller may, either on an application or on his own motion, at any stage,—

- (a) transfer any case pending before him to the Additional Controller for hearing and disposal; or
- (b) withdraw any case pending in the court of an Additional Controller; and
  - (i) hear and dispose of the same himself, or
  - (ii) transfer it to another Additional Controller for hearing and disposal, or

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<sup>1</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

<sup>2</sup> For specimen of such a notification, see, Gaz. of P., 1963, Pt. III, p. 1960.

<sup>3</sup> Ins. by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), s.3.