

Approved by W. P. Ordinance  
 44 of 1952

SIND ACT, No. XIX OF 1952.

[THE SIND RENT RESTRICTION ACT, 1952.]

[6th October, 1952]

*An Act to regulate the supply of accommodation, whether residential or non-residential, furnished or un-furnished, in the Province of Sind and to control the rents thereof.*

WHEREAS it is expedient to regulate the supply of accommodation, whether residential or non-residential, furnished or un-furnished, in the Province of Sind, and in particular to provide for controlling the rents chargeable for such supply of accommodation and for preventing in certain cases eviction from accommodation supplied ;

AND WHEREAS the Governor of Sind has, in pursuance of a proclamation issued by the Governor-General of Pakistan under section 92-A of the Government of India Act, 1935, assumed, on behalf of the Governor-General, all powers, vested in or exercisable by the Provincial Legislature under the said Act ;

NOW, THEREFORE, in exercise of the powers so assumed, the Governor is hereby pleased to enact as follows :—

1. (x) This Act may be called the Sind Rent Restriction Act, 1952.

(2) It extends to the whole of the Province of Sind.

(3) (a) it shall apply—

(i) as respects residential premises, to the areas to which the Sind Rent Restriction Act, 1947, applied in respect of such premises, Sind X of 1947.

(ii) as respects premises other than residential premises, to the areas to which the Sind Rent Restriction Act, 1947, applied in respect of such premises. Sind X of 1947.

(b) The Provincial Government may, by notification in the *Official Gazette*, apply this Act to any other area from such date as may be specified in the said notification either in respect of residential premises or in respect of premises other than residential premises or in respect of both kinds of premises.

(c) The Provincial Government may, by notification in the *Official Gazette*, declare that the provisions of this Act shall, from such date as may be specified in the said notification, cease to apply to any area to which they apply by virtue of clause (a) (i) or clause (a)(ii) or by virtue of a notification issued under clause (b).

(4) Nothing in this Act shall apply to—

(i) premises other than residential premises in respect of which monthly rent exceeding fifty rupees was payable on the 1st day of December, 1942 ;

(ii) any premises other than residential premises which were first let after the 1st day of December, 1942, or which are under construction at the commencement of this Act or which are constructed after such commencement, and in respect of which the fair rent payable under this Act exceeds sixty rupees per mensem:

Provided that for the purpose of determining whether any premises fall within clause (ii), the Controller shall have power to determine the fair rent of such premises under this Act.

(3) This Act shall be deemed to have come into force from the 28th day of March, 1948.

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

(1) "Controller" means an officer appointed by the Provincial Government under section 3 to be a Rent Controller and includes an Additional Rent Controller when entrusted with the powers of a Rent Controller ;

(2) "fair rent" means—

(a) in relation to residential premises :—

(i) the rent at which the premises were let on the first day of December, 1941, or where they were not let on that date, the rent at which they were last let before that date, with the addition, in either of the foregoing cases, of the permitted increase ; or

(ii) in the case of any premises let under a lease for a period of five years or upwards commencing on or before the first day of January, 1937, which has expired after the first day of December, 1941, the rent fixed by such lease for the period including the first day of December, 1941, with the addition of the permitted increase ; or

- (iii) in any of the cases specified in section 11 such rent as, having regard to the provisions of this Act and the circumstances of the case, the Controller deems just ; or
- (iv) in any other case, such rent as may be determined by the Controller having due regard to the prevailing rates of rent for the same or similar accommodation in similar circumstances during the twelve months prior to the first day of December, 1941, and in the case of any premises which have been constructed after that date, also to any general increase in the cost of sites and building construction ;

(b) in relation to premises other than residential premises—

- (i) the rent at which the premises were let on the first day of December, 1942, or, where they were not let on that date, the rent at which they were last let before that date, with the addition, in either of the foregoing cases, of the permitted increase ; or
- (ii) in the case of any premises let under a lease for a period of five years or upwards commencing on or before the first day of January, 1938, which has expired after the first day of December, 1942, the rent fixed by such lease for the period including the first day of December, 1942, with the addition of the permitted increase; or
- (iii) in any other case, such rent as may be determined by the Controller having regard to the prevailing rates of rent for the same or similar accommodation in similar circumstances during the twelve months prior to the first day of December, 1942, and in the case of premises which have been constructed after that date, also to any general increase in the cost of sites and building construction.

(3) "landlord" means any person for the time being 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. It includes a tenant who sub-lets any premises and every person from time to time deriving title under a landlord.

(4) "permitted increase" in relation to any premises means—

- (a) in case to which clause (2) (a) (i) or clause (2) (a) (ii) applies—

(i) where the rent of the premises let on the 1st day of December, 1941, or where they were not let on that date, the rent at which they were last let before that date or the rent referred to in sub-clause (2) (a) (ii) does not exceed fifty rupees per mensem, ten per cent. of the rent payable in each such case and where it exceeds fifty rupees per mensem, twenty per cent. of such rent, and

(ii) an amount not exceeding seven and a half per cent. of the cost of any addition, improvement or alteration (not included in necessary repair or repairs usually made to premises in the locality) made, at the landlord's expense, to or in the premises since the first day of December, 1941, or as the case may be, since the date when the premises were last let before that date ;

(b) in a case to which clause (2) (b) (i) or clause (2) (b) (ii) applies—

(i) where the rent of the premises let on the 1st day of December, 1942, or where they were not let on that date the rent at which they were last let before that date or the rent referred to in clause (2) (b) (ii) does not exceed fifty rupees per mensem, or where the premises are used for accommodating a school, hospital, dispensary, library, maternity home, nursing home, or such charitable or public institution as may be notified in this behalf by the Provincial Government in the *Official Gazette*, ten per cent. of the rent payable in each such case, and in all other cases, fifty per cent of such rent, and

(ii) an amount not exceeding seven and a half per cent. of the cost of any addition, improvement or alteration (not included in necessary repair or repairs usually made to premises in the locality) made, at the landlord's expense, to or in the premises since the first day of December, 1942, or as the case may be, since the date when the premises were last let before that date ;

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(5) "original Act" means the Sind Rent Restriction Act, 1947 ;

(6) "premises" means any building or part of a building let for any purpose and includes—

(i) the garden, grounds and out-houses, if any, appurtenant to such building or part of a building ; and

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

but shall not include a room in hotel or a lodging house ;

(7) "residential premises" means premises let or occupied or intended to be let or occupied for residential purposes ;

(8) "tenant" means any person by whom or on whose account rent is payable for any premises and includes every person from time to time deriving title under a tenant and also every person remaining in possession of the premises leased to him after the determination of the lease with or without the consent of the landlord.

Appointment  
of Rent  
Controller  
and Addi-  
tional Rent  
Controller.

3. The Provincial Government may, by notification in the *Official Gazette*, appoint for any area an officer to be called a Rent Controller. The Provincial Government may also appoint an Additional Rent Controller for any area and the Additional Rent Controller shall exercise such powers and perform such duties assigned under this Act to a Rent Controller as the Collector may by general or special order specify.

Rent Con-  
troller to fix  
fair rent.

4. The Controller—

(a) shall in the case of premises in respect of which an application is made by the landlord or the tenant, on such application, and

(b) may in the case of any other premises, of his own motion,

determine, after making such enquiry as he deems fit, the fair rent in accordance with the provisions of this Act.

Re-determi-  
nation of fair  
rent when  
improve-  
ments made.

5. (1) If at any time after the fair rent of any premises has been determined under this Act it appears to the Controller that subsequent to such determination some addition, improvement or alteration, not included in necessary repairs or repairs usually made to premises in the locality, has been made to the premises at the landlord's expense the Controller may, after making such enquiry as he thinks fit, re-determine the fair rent of the premises.

(2) Any increase in fair rent allowed under sub-section (1) shall not exceed seven and a half per cent. per annum of the cost of addition, improvement or alteration and shall not be chargeable with effect from any date earlier than the date on which the addition, improvement or alteration was completed.

Restriction  
on raising  
rent.

6. Where the fair rent of any premises has been determined under this Act—

(a) the landlord shall not claim and shall not be entitled to any rent in excess of the fair rent ;

(b) any agreement for the payment of rent in excess of the fair rent shall be null and void in respect of such excess and shall be construed as an agreement for the payment of the fair rent ;

(c) any sum in excess of the fair rent paid, whether before or after the commencement of this Act, in respect of any use or occupation made—

(i) after the first day of April, 1942, in the case of residential premises, or

(ii) after the first day of October, 1943, in the case of premises other than residential premises,

shall be refunded to the person by whom it was paid, or, at the option of such person, otherwise adjusted.

7. Where the landlord pays any municipal rates, cesses or taxes in respect of any premises, an increase of the rent thereof shall not be deemed to be an increase for the purposes of this Act, and the landlord shall be entitled to the amount thereof in addition to the fair rent if such amount does not exceed any increase in the amount for the time being payable by the landlord in respect of such rates, cesses or taxes over the amount paid, in respect of residential premises, in the period of assessment which included the first day of December, 1941, and, in the case of premises other than residential premises, in the period of assessment which included the first day of December, 1942, :

Increase of rent on account of payment of rates excepted.

Provided that no such sum in excess of the fair rent shall be payable until the expiry of four clear weeks after the landlord has served on the tenant a notice in writing of his intention to increase the rent, accompanied by a statement showing particulars of the increased amount charged in respect of such rates, cesses or taxes.

8. (1) No landlord, tenant, occupant or any person acting on their behalf shall in consideration of the grant, renewal or continuance of a tenancy of any premises require the payment of any fine, premium (Pagri or Mithai) or any other like sum in addition to the rent.

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

(2) Where any such payment has been made, the amount shall be recoverable by the tenant by whom it was made from the landlord, tenant, occupant or any person acting on their behalf and may, without prejudice to any other method of recovery, be deducted from any rent payable by him to the landlord, tenant, occupant or any person acting on their behalf.

(3) Nothing in this section shall apply to any payment made under any agreement entered into—

(a) in the case of residential premises, before the first day of December, 1941;

(b) in the case of premises other than residential premises, before the first day of December, 1942.

(4) Any landlord, tenant, occupant or any person acting on their behalf who receives directly or through an agent any fine, premium (Pagri or Mithai) or other like sum in addition to rent in contravention of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

No order for  
ejectment to  
be made if  
fair rent  
paid.

9. (1) Save as hereinafter provided, no order for the recovery of possession of any premises shall be made by any court so long as the tenant pays or is ready and willing to pay the rent payable under this Act and performs the other conditions of the tenancy.

(2) Nothing in sub-section (1) shall apply where the landlord has obtained a certificate from the Controller certifying—

(a) that the tenant has committed any act contrary to the provisions of clause (o) or clause (p) of section 108 of the Transfer of Property Act, 1882, or has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers, or

(b) that the tenant has sub-let the premises without the permission of the landlord, or

(c) that the premises are reasonably and in good faith required by the landlord—

(i) for the erection or reconstruction of a building, or

(ii) for his own use or for the use of any person for whose benefit the premises are held, or

(d) that the tenant has infringed any conditions of the tenure on which the premises are held by the landlord.

(3) Where a landlord has got back possession of any premises from a tenant on the ground that they were reasonably and in good faith required by the landlord for the erection or re-construction of a building or for his own occupation or for the occupation of any person for whose benefit the premises are held, if the erection or re-construction of the building is not commenced or the premises are not occupied by the landlord or the other person aforesaid

within fifteen days of the vacation of the premises by the original tenant, or having been so occupied are re-let within two months of the said date to any person other than the original tenant, the Controller may, on the application of the original tenant made within three months of his vacating the premises direct the landlord to place the original tenant in possession of the premises on the original terms and conditions and to pay him such compensation as may be fixed by the Controller.

(4) When the Controller directs under sub-section (3) that the landlord shall pay compensation to the tenant the Controller may recover the amount of such compensation as an arrear of land revenue and may, for the purpose of such recovery, exercise all or any of the powers conferred upon a Collector under Chapter XI of the Sind Land Revenue Code, 1879.

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879.

(5) Nothing in sub-section (1) shall apply in the case of any premises—

(a) which being situated within the limits of a municipality or a notified area committee have been specially certified by the municipality or the notified area committee, as the case may be, for the purpose of this Act to be in a ruinous or dangerous condition, or

(b) which, being situated in a cantonment, have been so certified to be in an insanitary state or unfit for human habitation by the cantonment authority,

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and in respect of which notice has been issued under section 149 of the Sind Municipal Boroughs Act, 1925, or under section 119 of the Sind District Municipal Act, 1901, or under section 140 or 142 of the Cantonment Act, 1924.

10. No landlord or his contractor, workman or servant shall, without the previous written consent of the Controller or save for the purposes of affecting repairs or complying with a municipal requisition, wilfully disturb any convenience or easement annexed to the premises or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service comprised in the fair rent.

Easement  
not to be  
disturbed.

11. In any of the following case, the Controller may fix the fair rent at such amount as, having regard to the provisions of this Act and the circumstances of the case he deems just:—

Controller  
may deter-  
mine fair  
rent in cer-  
tain cases.

(a) where, by reason of any premises having been let at one time as a whole and at another time in parts or where



a tenant has sub-let or sub-lets a part of any premises let to him, or for any other reason, any difficulty arises in giving effect to this Act, or

(b) where, in the case of any premises let furnished, it is necessary to distinguish for the purpose of giving effect to this Act, the amount payable as rent from the amount payable as hire of furniture, or

(c) where, any premises have been or are let rent-free or at a nominal rent or for some consideration in addition to rent.

12. No tenant shall, without the permission in writing of the Controller, sub-let any premises.

13. (1) When a landlord—

(a) gives or receives notice terminating the tenancy of any premises, or

(b) otherwise receives information that any premises of which he is the landlord are likely to be vacated or have been vacated, or

(c) constructs any new premises or causes any premises to be so repaired, altered or improved that additional accommodation has become available,

he shall send a written intimation to that effect to the Controller.

(2) in the absence of any reasonable cause, the intimation referred to in sub-section (1) shall be sent—

(a) in a case falling under clause (a) of that sub-section, within three days of the notice;

(b) in a case falling under clause (b) of that sub-section, within three days of the date on which the landlord receives the information;

(c) in a case falling under clause (c) of that sub-section, within three days of the completion of the construction, repairs, alterations or improvements, as the case may be.

(3) While sending such intimation the landlord shall supply the following particulars:—

(a) the locality together with the name of the road or the street where such premises are situate;

(b) whether such premises are on the ground-floor or on an upper-floor (in the latter case the number of the floor shall also be stated);

Tenant not to sub-let premises.

Intimation regarding vacant premises by landlord.

(c) the nature of the accommodation available in such premises ;

(d) the date or approximate date on which such premises would be available for being let or re-let, as the case may be.

*Explanation*—In this section the term "landlord" includes a servant or any agent of the landlord who is in charge of the premises on behalf of the landlord.

14. (1) When a tenant occupying any premises—

(a) gives notice terminating the tenancy in respect of any such premises, or

(b) has vacated any such premises,

he shall send a written intimation to that effect to the Controller.

Intimation regarding premises by tenant.

(2) In the absence of any reasonable cause the intimation referred to in sub-section (1) shall be sent within three days of the date on which such notice is given or within three days of the date on which the premises are vacated.

(3) The provisions of sub-section (3) of section 13 shall, so far as may be, apply to every such intimation.

15. (1) When the Controller receives intimation under section 13 or section 14 or otherwise receives information that any premises are vacant or about to become vacant, he may direct the landlord to let the premises when they became vacant or, if the premises are vacant the vacant premises to a person or persons specified in such direction.

Controller's power to direct the letting of premises to a specified person

(2) Every such direction shall be served upon the landlord in the manner prescribed by rules made under this Act. On such service being effected, the landlord shall comply with such direction:

Provided that no such direction which has been served upon a landlord after more than ten days of the receipt of intimation sent under section 13, shall have any effect.

(3) Every tenant who fails to deliver possession to the person or persons specified in the direction issued under sub-section (1) shall be liable to be summarily evicted.

16. Nothing in sections 12, 13, 14 and 15 shall apply to any area which is a cantonment within the meaning of the Cantonments Act, 1924. Saving.

Punishment for contravention of the provisions of sections 10, 12, 13, 14, or 15.  
Review.

17. Whoever contravenes the provisions of sections 10, 12, 13, 14, or section 15 shall, on conviction, be punished with imprisonment which may extend to six months, or with fine, or with both.

18. The Controller may review any order made or deemed to be made by him under this Act and the provisions of Order XLVII in the First Schedule to the Code of Civil Procedure, 1908, shall, so far as may be, apply to such review. v of 1908.

Appeals.

19. (1) Any person aggrieved by an order of the Controller may, within seven days from the date on which the order is communicated to him, present an appeal in writing to the Collector.

(2) The Collector shall then call for the record of the case from the Controller and after perusing such record and after making such further enquiry as he thinks fit, either personally or through the Controller shall decide the appeal.

Revision.

20. The Provincial Government may, upon an application made to it within 7 days of any order made by the Collector in appeal under section 19, or of its own motion, call for and examine the record of such appeal for the purpose of satisfying itself as to the legality or propriety of any decision or order made thereon, and as to the regularity of the proceedings held therein.

If in any case, it shall appear to the Provincial Government that any decision on such appeal should be modified, annulled or reversed, it may pass such order thereon as it deems fit.

Suspension of order.

21. (1) An order made by the Controller shall not take effect—

(a) until the period of limitation prescribed for an appeal under section 19 has expired, or

(b) where an appeal has been made under that section, until the appeal is decided.

(2) An order made by the Collector in appeal under section 19 shall not take effect—

(a) until the period of limitation prescribed under section 20 has expired, or

(b) where the Provincial Government has called for the record of the case, until Government make an order in the matter.

22. An order made by the Provincial Government under section 20 and, subject to the provisions of that section, an order of the Controller or the Collector shall be final and shall not be called in question in any court.

Order under sections 19 and 20 to be final.

23. (1) Any appeal or revision application under this Act may be entertained after the period of limitation prescribed, therefor when the appellant or applicant shows sufficient cause for not preferring the appeal or making the application within such period.

Extension, computation of period of limitation.

(2) The period prescribed for preferring any appeal or making any revision application under this Act shall be computed in accordance with the provisions of the Limitation Act, 1908.

of 1908.

24. For the purposes of an enquiry under this Act the Controller may—

Controller may require information to be furnished and summon witnesses.

(a) require the landlord to produce any book of account, document or other information relating to the premises ;

(b) enter and inspect the premises ;

(c) authorise any officer subordinate to him to enter and inspect the premises; or

(d) summon and enforce the attendance of witnesses and compel the production of documents by the same means and so far as may be, in the same manner as is provided in the case of a court by the Code of Civil Procedure, 1908.

of 1908.

*Explanation.*—In this section, the word "landlord" shall include a servant or an agent of the landlord who is in charge of or looks after the premises on behalf of the landlord.

25. The Controller may for the purpose of—

(a) enforcing a direction issued under sub-section (3) of section 9 (requiring a landlord to deliver possession of the premises to the original tenant), or

(b) evicting a tenant who is liable to be summarily evicted under sub-section (3) of section 15,

take or cause to be taken such steps and use or cause to be used such force as may, in his opinion, be reasonably necessary, and for the removal of doubts it is hereby declared that the power to take steps under this section includes the power to enter upon the property.

Use of force in certain cases.

- Control of Provincial Government.** 26. The Provincial Government may, from time to time, issue general directions for the guidance of officers of Government in all matters connected with the administration of this Act and not therein specially provided for.
- Bar of Jurisdiction.** 27. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or deemed to have been done under this Act.
- Cognizance of offence.** 28. No court shall take cognizance of an offence under this Act except on a complaint in writing of the Controller.
- Act does not permit increase of rent if not otherwise permissible.** 29. Nothing in this Act shall be deemed to entitle a landlord to increase the rent of any premises in any case in which he would not be entitled to do so if this Act had not been enacted.
- Validation of appointments and acts.** 30. (1) Every person from time to time appointed or deemed to have been appointed as Controller under the original Act shall be deemed to have been so appointed under and for the purposes of this Act.
- (2) The fair rent of any premises determined or deemed to have been determined under the original Act shall be deemed to have been determined under the original Act shall be deemed to have been determined under section 4 and every order made or deemed to have been made or act done or deemed to have been done by any officer or authority acting or purporting to act in exercise of the powers conferred by the original Act shall be deemed to have been made or done by such officer or authority under the corresponding provisions of this Act.
- (3) Every proceeding pending under or by virtue of the original Act shall be continued and completed in accordance with the corresponding provisions of this Act.
- Effect of provisions inconsistent with other enactments.** 31. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment for the time being in force.
- Repeal of Sind X of 1947.** 32. The original Act is hereby repealed but the repeal shall not— Sind X  
of  
1947.
- (a) render recoverable any rent which during the continuance thereof was irrecoverable or effect the right of a tenant to recover any sum which during the continuance thereof was recoverable by him ;

(b) affect anything done or any obligation or liability incurred thereunder or affect any penalty or punishment in respect of any contravention thereof or any investigation or legal proceeding in respect of any such obligation, liability, penalty or punishment as aforesaid; and any such investigation or legal proceeding may be instituted or continued and any such penalty or punishment may be imposed as if this Act had commenced on the 28th day of March, 1947.

33. The Provincial Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying out the provisions of this Act. <sup>Rules.</sup>