

MEGHALAYA ACT 21 OF 1972

THE MEGHALAYA URBAN AREAS RENT CONTROL ACT (AMENDMENT) ACT, 1972

(As passed by the Assembly)

(Received the assent of the President on the Second November, 1972)

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, 1972]

An

Act

to fix fair rents of houses situated within the limits of urban areas in Meghalaya and for matters connected therewith.

Be it enacted by the Legislature of Meghalaya in the Twenty-third Year of the Republic of India as follows:-

*Short title,
extent and
commence-
ment.*

1. (1) This Act may be called the Meghalaya Urban Areas Rent Control Act, (Amendment) Act, 1972.
- (2) (a) It extends to all urban areas in Meghalaya.
- (b) The State Government may, by notification, extend the Act so such are or areas as are included in Town Committee constituted by the District Council and also to other areas of the Khasi Hills as fall within a radius of eight kilometres from the Court House of the Deputy Commissioner, Khasi Hills District.
- (c) Nothing in this Act shall apply:-
 - (i) to any premises belonging to Central Government, or
 - (ii) to any tenancy or other relationship created by a grant from Central Government in respect of the premises taken on lease, or requisitioned by Central Government :

Provided that where any premises belonging to Central Government have been or are lawfully let to Central Government have been or are lawfully let by any person by virtue of an agreement with that Government or otherwise, then notwithstanding any judgement, decree or order of any Court or other authority the previous of this Act shall apply to such tenancy.

- (3) It shall be deemed to have come into force on the 13th day of March, 1972.

Definitions

2. In this Act, unless there is any thing repugnant in the subject or context –

(i) “Court” means the Court of ordinary Civil Jurisdiction in the area in which a house is situated which would be competent to pass a decree for the eviction of a tenant from that house;

(ii) “house” means any building, hut or shed, or any part thereof, let or to be let separately for residential or non-residential purposes, and includes –

(i) the garden, ground and out-house, if any, appurtenant to such building, hut, shed or part thereof; and

(ii) any furniture supplied by the landlord for use by the tenant in such houses ;

(iii) “landlord” means any person who is, of the time being receiving, or entitled to receive rent in respect of any house 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; and includes in respect of his subtenant, a tenant who has sub-let any house and includes every person not being a tenant who from time to time derives title under a landlord;

(iv) “pucca structure” means a structure with –

(i) cemented or wooden floor,

(ii) iron, brick or concrete posts, and

(iii) roof of reinforced concrete, or of galvanised iron aluminium or asbestos sheets ;

(v) “standard rent” in relation to any house means the rent calculated on the basis of annual payment of an amount equal to seven and half per cent of the aggregate amount of the estimated cost of construction and the market price of the land together with total municipal taxes payable in respect of the house and Urban Immovable Property Tax under the Assam Urban Immovable Property Tax Act, 1969, and month rent shall be equal to one-twelfth of the annual payment so calculated :

Provided that in fixing the “standard rent” of the first floor or any other floor above in a multi-storeyed building, the value of the land is to be taken into consideration as it is so done in case of ground floor or other type of building.

*Assam Act XI of
1969.*

Explanation.- For the purpose of this clause, cost of construction shall mean the estimated cost required for the construction of the house less depreciation at one per cent for a building with pucca structure and two per cent for a building with no-pucca structure per annum of that amount from the actual date of completion of construction of the house provided that if the house was originally constructed as a smaller house or a non-pucca structure and was subsequently extended or developed into a pucca structure, the depreciation in respect of the portion so extended or developed shall be calculated from the date of completion of the extension or development.

(vi) "tenant" means any person by whom or on whose behalf rent is payable for any house and includes every person who from time to time derives title under a tenant;

(vii) "urban areas" means any area declared to be, or included in a municipality under the provisions of sub-section (2) of section 5 of the Assam Municipal Act, 1956 or the Meghalaya Municipal Act, or declared to be notified areas under the provisions of sub-section (4) of section 334 of the said Act.

Pair rent.

3. (1) Subject to the provisions of this Act and notwithstanding any contract to the contrary, no landlord shall be entitled to charge rent for any house at a figure higher than the standard rent.

(2) If at any time after five years from the date on which a house is in continuous occupation of a tenant, the market price of the land and the estimated cost of construction of the house increase by more than twenty-five percent on the basis of the value of land cost of construction of the house on the date of preceding fixation of fair rent, then the landlord shall be entitled to have monthly rent increased by an amount not exceeding one-twelfth of the seven and half percent of the increase in the market price of land and cost of construction, on the date as may be prescribed subject to a maximum of a fifty percent of the preceding standard rent:

Provided that subsequently after lapse of every five years of the revision of fair rent, if the market price of land and the estimated cost of construction of house increase by more than twenty-five percent on the basis of market value of land and the estimated cost of construction of house on the date of preceding revision of fair rent, then the landlord shall be entitled to have monthly rent increased by one and half percent of the additional increase in the market value of land and the estimated cost of construction of house on the date of preceding revision of fair rent, from the date as may be prescribed subject to a maximum of fifty percent of the revised fair rent.

(3) If at any time after the standard rent is fixed under the provisions of Act, any addition, improvement or alteration (not being repairs within the meaning of the provision of section 6) is effected at the landlord's expense which was not taken into account, the landlord shall be entitled to have the monthly rent increased by an amount not exceeding one-twelfth of seven and half percent per annum of the cost of such addition, improvement or alteration with effect from the date on which the addition, improvement or alteration was completed.

(4) If at any time after the standard rent is fixed under the provision of the Act, there is a variation of tax by way of Municipal assessment of the building and under Assam Urban Immovable Property Tax Act, 1969, then the standard rent will be to be fixed taking the variation into account.

4. (1) If any dispute arises regarding the rent payable in respect of any house, it shall be determined by the Court.

(2) The Court shall, on application, made by either the landlord or the tenant issue notice on both the parties, and after making such enquiry as it thinks fit determine the monthly rent for the house in accordance with the provisions of section 3 and the rent so determined shall be binding on both the parties.

(3) Where the Court determines the monthly rent for any house under this section, it shall do so for the house in the unfurnished state, but it may allow the landlord to charge an additional amount per month on account of the furniture supplied by him:

Provided that such additional amount shall not exceed one-twelfth of seven and half percent of the cost of such furniture on the date on which the Court determines the monthly rent for the house.

*Assam
Act XI
of 1969*

*Procedure for
determination of
fair rent.*

Explanation.— Where according to the term of any arrangement by the landlord and the tenant, the rent is payable on a basis other than at a monthly or a yearly rate, the average monthly rent for such a house shall be calculated as thirty times the proportionate daily rent for the period in respect of which the arrangement is made.

Bar against passing and execution of decree and orders for ejectment.

5. (1) No order of decree for the recovery of possession of any house shall be made or executed by any Court so long as the tenant pays rent to the full extent allowable under this Act and performs the conditions of the tenancy:

Provided that nothing in this sub-section shall apply in a suit or proceedings for eviction of the tenant from the house:-

- (a) where the tenant has done anything contrary to the provisions of clause (m), clause (o) or clause (p) of section 108 of the Transfer of Property Act, 1882 or to the spirit of the aforesaid clauses in areas where the said Act does not apply, or
- (b) where the tenant has been guilty of conduct which is nuisance or an annoyance to the occupiers of the adjoining or neighbouring houses, or
- (c) where the house is *bonafide* required by the landlord either for purposes of repairs or rebuilding, or for his own occupation or for the occupation of any person for whose benefit the house is held, or where the landlord can show any other cause which may be deemed satisfactory by the Court, or
- (d) where the tenant sublets the house or any part thereof or otherwise transfers his interest in the house or any part thereof without permission in writing from the landlord, or
- (e) where the tenant has not paid the rent lawfully due from him in respect to the house within fortnight of its falling due, or
- (f) where the tenant has built, acquired or been allotted a suitable residence.

*Central
Act
4 of 1882*

(2) The transfer of the interest of the landlord in the house shall not affect the right of the tenant provided the tenant pays rent allowable under this Act to the transferee.

(3) Where the landlord recovers possession of a house from a tenant on the ground that the house is *bonafide* required by him for the purpose of repairs or rebuilding or for his own occupation or for the occupation of any person for whose benefit the house is held, and the repairs or the re-building of the house are or is not commenced or the house are or in not occupied by the landlord or such person within thirty days of the date of vacation of the house by such tenant or the house having been so occupied is within six months of the said date re-let to or allowed to be possessed by any other person, the Court may, on the application of the evicted tenant made within seven months of his vacating the house, direct the landlord to put the evicted tenant in possession of the house within such period as the Court may fix and to pay him such compensation as appears to the Court to be reasonable and proper. Such a direction shall be deemed to be a decree under the Code of Civil Procedure, 1908 and to be capable of execution as such under the provisions of that Code or under the spirit of the aforesaid Code in areas where the said Code does not apply.

*Central Act 5 of
1908*

(4) Where the landlord refuses to accept the lawful rent offered by his tenant, the tenant may, within 30 days of its becoming due, deposit in Court the amount of such rent together with process fees for service of notice upon the landlord, and on receiving such deposit, the Court shall cause a notice of the receipt of such deposit to be served on the landlord, and the amount of the deposit may thereafter be withdrawn by the landlord on application made by him to the Court in that behalf. A tenant who has made such deposit shall not be treated as a defaulter under clause (e) of the proviso to sub-section (1) of this section.

*Duties of
landlord*

6. Every landlord shall be bound to keep waterproof any house which is in occupation of a tenant and to carry out other repairs which he is bound to make by law, contract or custom and also to maintain the existing essential supplies and services such as sanitary arrangement, water supply, supply of electricity or drainage service in respect of the house.

Explanation – “Repair” includes annual white-washing and recolouring.

*Notice on landlord
to perform duties*

7. (1) If the landlord neglects to make such repairs or to maintain such existing essential supplies and services as he is bound to do under the provisions of section 6, the Court may, on the application of the tenant, direct the landlord by notice to appear before it and to show cause against the application of the tenant.

(2) If the landlord fails to show sufficient cause, the court, the Court may direct him to make such repairs or as the case may be, to take such measures for the restoration of the essential supplies and services as contemplated in section 6 within a period fixed by the Court.

(3) If the landlord fails or neglects to make such repairs or take such measures within the period fixed by the Court, the Court may on application of the tenant permit him to make such repairs or take such measures, as the case may be, at a cost not exceeding the amount determined by the Court after taking such evidence as it may consider necessary; and it shall thereafter be lawful for the tenant to make such repairs or take such measures and to deduct the cost thereof from the rent or to recover the Court by execution, and for the purpose of this sub-section the order of the Court shall be deemed to be a decree under the Code of Civil Procedure, 1908 and to be capable of execution as such under the provisions of the Code or under the spirit of the aforesaid Code in areas where the said Code does not apply.

*Central
Act
5 of 1908*

Appeals.

8. A landlord or a tenant aggrieved by any decision or order of the Court under the provisions of section 4, sub-sections (3) and (4) of section 5 and subsection (2) of section 7 of this Act shall have a right of appeal against the same as if such decision or order were a decree in a suit for ejection of the tenant from the house and such decision of the appellate Court shall be final.

*Power to
make Rules*

9. The State Government may, by notification in the official Gazette, make rules prescribing the Court fees to be paid on applications made to the Court under the provisions of this Act and also for the purpose of carrying out the provisions thereof.

Repeal and Savings

10. (1) The Assam Urban Areas Rent Control Act, 1966 and the Meghalaya Urban Areas Rent Control Act are hereby repealed. *Assam Act II of 1967*

(2) Notwithstanding such repeal –

- (a) rent for a house payable for the period during the life of the Acts repealed will be determined under the corresponding provisions of the Acts repealed.
- (b) If any decree or order has been made by any Court under the provisions of the Acts repealed, fixing the rent of any house then the rent so fixed shall be liable to be refixed under the corresponding provisions of this Act.