

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;

(b) "landlord" means a person who, for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

(c) "lawful increase" means an increase in rent permitted under the provisions of this Regulation;

(d) "member of the family" in relation to a person means, in the case of an undivided Hindu family, any member of the family of that person and in the case of any other family, the husband, wife, son, daughter, father, mother, brother, sister or any other relative dependent on that person;

(e) "Official Gazette" means the Andaman and Nicobar Gazette;

(f) "premises" means any building or part of a building which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of the building;

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

(g) "prescribed" means prescribed by rules under this Regulation;

(h) "standard rent", in relation to any premises, means,—

(i) where the standard rent has been fixed by the court under section 8, the rent so fixed; or

(ii) where the standard rent has not been fixed under section 8, the standard rent of the premises as determined in accordance with the provisions of the Schedule;

(i) "tenant" means any person by whom or on whose account or behalf the rent of any premises is, or but for a special contract would be, payable and includes a sub-tenant and also any person continuing in possession after the termination of his tenancy but does not include any person against whom any order for eviction has been made.

Regulation not to apply to certain premises.

3. Nothing in this Regulation shall apply—

(a) to any premises belonging to the Government; or

(b) to any tenancy or other like relationship created by a grant from the Government in respect of the premises taken on lease, or requisitioned, by the Government.

CHAPTER II

PROVISIONS REGARDING RENT

Rent in excess of standard rent not recoverable.

4. (1) Except where rent is liable to periodical increase by virtue of an agreement entered into before the 1st day of October, 1941, no tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any premises any amount in excess of the standard rent of the premises, unless such amount is a lawful increase of the standard rent in accordance with the provisions of this Regulation.

(2) Subject to the provisions of sub-section (1), any agreement for the payment of rent in excess of the standard rent shall be construed as if it were an agreement for the payment of the standard rent only and not for the payment of rent in excess thereof.

5. (1) Subject to the provisions of this Regulation, no person shall claim or receive any rent in excess of the standard rent, notwithstanding any agreement to the contrary. Unlawful charges not to be claimed or received.

(2) No person shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any premises,—

(a) claim or receive the payment of any sum as premium or puggree or claim or receive any consideration whatsoever, in cash or in kind in addition to the rent; or

(b) except with the previous permission of the court referred to in section 25, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

(3) It shall not be lawful for the tenant or any other person acting or purporting to act on behalf of the tenant or the sub-tenant to claim or receive any payment in consideration of the relinquishment or transfer or assignment of his tenancy or sub-tenancy, as the case may be, of any premises.

(4) Nothing in this section shall apply —

(a) to any payment made in pursuance of an agreement entered into before the 1st day of October, 1941; or

(b) to any payment made under an agreement by any person to a landlord for the purpose of financing the construction of the whole or part of any premises on the land belonging to, or taken on lease, by the landlord, if one of the conditions of the agreement is that the landlord is to let to that person the whole or part of the premises when completed for the use of that person or any member of his family;

Provided that such payment does not exceed the amount of agreed rent for a period of five years of the whole or part of the premises to be let to such person.

6. (1) Where a landlord has at any time, before the commencement of this Regulation with or without the approval of the tenant or after the commencement of this Regulation with the written approval of the tenant or of the court referred to in section 25, made any improvement, addition or structural alteration in the premises, not being decoration or tenantable repairs necessary or usual for such premises, and the cost of such improvement, addition or alteration has not been taken into account in determining the standard rent of the premises, the landlord may lawfully increase the standard rent per year by an amount not exceeding seven and one-half per cent. of such cost. Lawful increase of standard rent in certain cases and recovery of other charges.

(2) Where in respect of any premises the landlord pays any charge for electricity or water consumed in the premises or any other charge which is levied by a local authority having jurisdiction in the area and which is ordinarily payable by the tenant, the landlord may recover from the tenant the amount so paid by him; but no landlord shall recover from the tenant whether by means of an increase in rent or otherwise the amount of any tax on building or land imposed in respect of the premises occupied by the tenant:

Provided that nothing in this sub-section shall affect the liability of any tenant under an agreement entered into before the 1st day of October, 1941, whether express or implied, to pay from time to time the amount of any such tax as aforesaid.

Notice of increase
of, or addition to,
rent.

7. (1) Where a landlord wishes to increase the rent of any premises, he shall give the tenant notice of his intention to do so; and in so far as such increase is lawful under this Regulation, it shall be due and recoverable only in respect of the period of the tenancy after the end of the month in which the notice is given.

(2) Every notice under sub-section (1) shall be in writing signed by or on behalf of the landlord and given in the manner provided in section 106 of the Transfer of Property Act, 1882.

4 of 1882.

Court to fix stan-
dard rent, etc.

8. (1) The court shall, on an application made to it in this behalf, either by the landlord or by the tenant, in the prescribed manner, fix in respect of any premises—

(a) the standard rent; or

(b) the lawful increase permissible under section 6.

(2) In fixing the standard rent of any premises or the lawful increase thereof, the court shall fix an amount which appears to it to be reasonable having regard to the provisions contained in the Schedule or section 6 and the circumstances of the case.

(3) In fixing the standard rent of any premises part of which has been lawfully sublet, the court may also fix the standard rent of the part sublet.

(4) Where for any reason, it is not possible to determine the standard rent of any premises on the principles set forth in the Schedule, the court may fix such rent as would be reasonable having regard to the situation locality and condition of the premises and the amenities provided therein and where there are similar or nearly similar premises in the locality, having regard also to the standard rent payable in respect of such premises:

Provided that no standard rent so fixed shall exceed seven and one-half per cent. of the reasonable cost of construction at the time of the completion of such construction.

Explanation.—For the purposes of this proviso, "cost of construction" of any premises includes the market price of the land comprised in the premises at the time of the completion of such construction.

(5) The standard rent shall in all cases be fixed for a tenancy of twelve months:

Provided that where any premises are let or re-let for a period of less than twelve months, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months.

(6) In fixing the standard rent of any premises under this section, the court shall fix the standard rent thereof in an unfurnished state and may also determine an additional charge to be payable on account of any fittings or furniture supplied by the landlord and it shall be lawful for the landlord to recover such additional charge from the tenant.

(7) In fixing the standard rent of any premises under this section, the court shall specify the date from which the standard rent so fixed shall be deemed to have effect:

Provided that in no case the date so specified shall be earlier than six months prior to the date of the filing of the application for the fixation of the standard rent.

Fixation of in-
terim rent by the
court.

9. If an application for fixing the standard rent or for determining the lawful increase of such rent is made under section 8, the court, shall, as expeditiously as possible, make an order specifying the amount of the rent or the lawful increase to be paid by the tenant to the landlord pending final decision on the application and shall appoint the date from which the rent or lawful increase so specified shall be deemed to have effect.

10. No collector of rent or middleman shall be liable to pay to his principal, in respect of any premises, any sum by way of rental charges which exceeds the amount which he is entitled under this Regulation to realise from the tenant or tenants of the premises.

Limitation of liability of middleman.

11. No application under section 8 shall be entertained unless it is made—

Limitation for applications for fixation of standard rent.

(a) in the case of any premises which were let, or in which the cause of action for lawful increase of rent arose before the commencement of this Regulation, within six months from such commencement;

(b) in the case of any premises let after the commencement of this Regulation, whether the application is made by the landlord or the tenant, within six months from the date on which the premises were so let;

(c) in the case of premises in which the cause of action for lawful increase of rent arises after the commencement of this Regulation, within six months from the date on which the cause of action arises.

12. Where, before the commencement of this Regulation, any sum or other consideration has been paid by or on behalf of a tenant to a landlord and such payment would, if made after such commencement, contravene the provisions of this Regulation, the court may, on an application made in this behalf, within six months of such commencement, order the landlord to refund to the tenant such sum or the value of such consideration or adjust the same against the rent lawfully payable by the tenant to the landlord.

Refund of rent, etc.

CHAPTER III

CONTROL OF EVICTION OF TENANT

13. (1) Notwithstanding anything to the contrary contained in any other law or any contract, no tenant of any premises shall be liable to be evicted therefrom except by an order of the court on any one or more of the following grounds, namely:—

Protection of a tenant against eviction.

(a) that the tenant has neither paid nor tendered the whole of the arrears of rent legally recoverable from him within one month of the date on which a notice of demand for the arrears of the rent has been served on him by the landlord in the manner provided in section 106 of the Transfer of Property Act, 1882;

(b) that the tenant has, without obtaining the consent in writing of the landlord, sublet the premises or used the premises for a purpose other than that for which they were let;

(c) that the landlord requires the premises *bona fide* for—

(i) occupation as residence for himself or any member of his family;

(ii) carrying out repairs, alterations or additions to the premises and such repairs, alterations or additions cannot be made without the premises being vacated;

(d) that the premises were let for use as residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of institution of any proceeding for eviction;

(e) that the tenant has, whether before or after the commencement of this Regulation, built acquired vacant possession of, or been allotted, a suitable residence;

(f) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Regulation, to be in such service or employment; or

✓(g) that the tenant has, whether before or after the commencement of this Regulation, caused or permitted to be caused substantial damage to the premises, or notwithstanding previous notice, has used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government while giving him a lease of the land on which the premises are situated.

(2) No order for eviction shall be passed on the ground specified in clause (a) of sub-section (1), if on the first day of hearing of the proceeding or within such further time as may be allowed by the court, the tenant deposits with the court the arrears of rent then due together with the costs of the suit ;

Provided that no tenant shall be entitled to the benefit under this sub-section, if having obtained such benefit once in respect of any premises, he again makes default in the payment of rent in respect of those premises for three consecutive months.

(3) For the purposes of clause (b) of sub-section (1), a court may presume that the premises let for use as a residence were or are sublet by a tenant in whole or in part to another person, if it is satisfied that such person not being a servant of the tenant or a member of the family of such tenant was or has been residing in the premises or any part thereof for a period exceeding one month otherwise than in commensality with the tenant.

(4) Where an order for the eviction of the tenant is passed on the ground specified in sub-clause (i) of clause (c) of sub-section (1) the landlord shall not be entitled to obtain possession thereof before the expiration of a period of three months from the date of the order.

When a tenant can get benefit of protection against eviction,

14. (1) In every proceeding for the eviction of the tenant on the ground specified in clause (a) of sub-section (1) of section 13, the court shall, after giving the parties an opportunity of being heard, make an order directing the tenant to pay to the landlord or deposit with the court within one month of the date of the order, an amount calculated at the rate of rent at which it was last paid for the period for which the arrears of the rent were legally recoverable from the tenant including the period subsequent thereto up to the end of the month previous to that in which payment or deposit is made and to continue to pay or deposit, month by month, by the fifteenth of each succeeding month, a sum equivalent to the rent at that rate.

(2) If, in any proceeding for the eviction of the tenant on any ground other than that referred to in sub-section (1), the tenant contests the claim for eviction, the landlord may, at any stage of the proceeding, make an application to the court for an order on the tenant to pay to the landlord the amount of rent legally recoverable from the tenant and the court may, after giving the parties an opportunity of being heard, make an order in accordance with the provisions of the said sub-section.

(3) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the amount of rent payable by the tenant, the court shall, within fifteen days of the date of the first hearing of the proceeding, fix an interim rent in relation to the premises to be paid or deposited in accordance with the provisions of sub-section (1) or sub-section (2), as the case may be, until the standard rent in relation thereto is fixed having regard to the provisions of this Regulation, and the amount of arrears, if any, calculated on the basis of the standard rent shall be paid or deposited by the tenant within one month of the date on which the standard rent is fixed or such further time as the court may allow in this behalf.

(4) If, in any proceeding referred to in sub-section (1) or sub-section (2), there is any dispute as to the person or persons to whom the rent is payable, the court may direct the tenant to deposit with the court the amount payable by him under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, and in such a case, no person shall be entitled to withdraw the amount in deposit until the court decides the dispute and makes an order for payment of the same.

(5) If the court is satisfied that any dispute referred to in sub-section (4) has been raised by a tenant for reasons which are false or frivolous, the court may order the defence against eviction to be struck out and proceed with the hearing of the application.

(6) If a tenant makes payment or deposit as required by sub-section (1) or sub-section (3) no order shall be made for the eviction of the tenant on the ground of default in the payment of rent by the tenant, but the court may allow such costs as it may deem fit to the landlord.

(7) If a tenant fails to make payment or deposit as required by this section, the court may order the defence against eviction to be struck out and proceed with the hearing of the application.

15. For the removal of doubts, it is hereby declared that nothing in section 13 or section 14 shall apply to any decree or order for recovery of possession of any premises passed before the commencement of this Regulation. Removal of doubts.

16. (1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under sub-clause (i) of clause (c) of sub-section (1) of section 13, the landlord shall not, except with the permission of the court, obtained in the prescribed manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the court may direct the landlord to put such evicted tenant in possession of the premises. Recovery of possession for occupation and re-entry.

(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the court under sub-section (1) or the possession of such premises is transferred to another person for reasons which do not appear to the court to be *bona fide*, the court may, on an application made to it in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the court thinks fit.

17. (1) When passing any order on the grounds specified in sub-clause (ii) of clause (c) of sub-section (1) of section 13, the court shall ascertain from the tenant whether he elects to be placed in reoccupation of the premises or part thereof from which he is to be evicted and if the tenant so elects, shall record the fact of the election in the order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of carrying out of repairs or building or re-building, as the case may be. Recovery of possession for repairs and re-building and re-entry.

(2) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of the work of repairs or alterations or additions place the tenant in occupation of the premises or part thereof.

(3) If, after the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or alterations or additions within one month of the specified date or fails to complete the work in a reasonable time or having completed the work, fails to place the tenant in occupation of the premises in accordance with sub-section (2), the court may, on the application of the tenant made within one year from the specified date, order the landlord to place the tenant in occupation of the premises or part thereof or to pay to such tenant such compensation as may be fixed by the court.

Recovery of possession in case of tenancies for limited period.

18. Where a landlord does not require the whole or any part of any premises for a particular period and he lets the whole of the premises or part thereof as a residence for such period as may be agreed to in writing between himself and the tenant and the tenant does not on the expiry of the said period, vacate such premises, then, notwithstanding anything contained in section 13 or in any other law, the court may, on an application made to it in this behalf by the landlord within such period as may be prescribed, place him in vacant possession of the premises or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

Special provision for recovery of possession in certain cases.

19. Where the landlord in respect of any premises is any company or other body corporate or any local authority, or any public institution and the premises are required for the use of employees of such landlord or in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in section 13 or in any other law, the court may, on an application made to it in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the court is satisfied,—

(a) that the tenant to whom such premises were let use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or

(b) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or

(c) that any other person is in unauthorised occupation of such premises; or

(d) that the premises are required *bona fide* by the public institution for the furtherance of its activities.

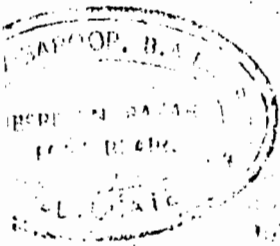
Explanation.—For the purposes of this section, “public institution” includes any educational institution, library, hospital and charitable dispensary.

Permission to construct additional structure.

20. Where the landlord proposes to make any improvement in, or construct any additional structure on, any building which has been let to a tenant and the tenant refuses to allow the landlord to make such improvement or construct such additional structure, and the court, on an application made to it in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that such work will not cause any undue hardship to the tenant, the court may permit the landlord to do such work and may make such other order as it thinks fit in the circumstances of the case.

Special provisions regarding vacant building sites.

21. (1) The provisions of this section shall apply notwithstanding anything contained in section 13 but only in relation to premises in such areas as the Chief Commissioner may from time to time by notification in the Official Gazette specify.



(2) Where any premises which have been let comprise vacant land upon which it is permissible under the building regulations or municipal bye-laws, for the time being in force, to erect any building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him, and the court, on an application made to it in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant land from the rest of the premises will not cause undue hardship to the tenant, the court may—

- (a) direct such severance,
- (b) place the landlord in possession of the vacant land,
- (c) determine the rent payable by the tenant in respect of the rest of the premises, and
- (d) make such other order as it thinks fit in the circumstances of the case.

22. (1) Where, after the commencement of this Regulation, any premises are sublet either in whole or in part by the tenant, with the previous consent in writing of the landlord, the tenant or the sub-tenant to whom the premises are sublet, may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within one month from the date of such subletting and notify the termination of such sub-tenancy within one month of such termination.

Notice of creation and termination of sub-tenancy.

(2) Where, before the commencement of this Regulation, any premises have been lawfully sublet either in whole or in part by the tenant, the tenant or the sub-tenant to whom the premises have been sublet may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within six months of the commencement of this Regulation, and notify the termination of such sub-tenancy within one month of such termination.

(3) Where in any case mentioned in sub-section (2), the landlord contests that the premises were not lawfully sublet, and an application is made to the court in this behalf, either by the landlord or by the sub-tenant, within two months of the date of the receipt of the notice of subletting by the landlord or the issue of the notice by the tenant or the sub-tenant, as the case may be, the court shall decide the dispute.

23. (1) Where an order for eviction in respect of any premises is made under section 13 against a tenant but not against a sub-tenant referred to in section 22 and a notice of the sub-tenancy has been given to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to become a tenant holding directly under the landlord in respect of the premises in his occupation on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

Sub-tenant to be tenant in certain cases.

(2) Where, before the commencement of this Regulation, the interest of a tenant in respect of any premises has been determined without determining the interest of any sub-tenant to whom the premises either in whole or in part had been lawfully sublet, the sub-tenant shall, with effect from the date of the commencement of this Regulation, be deemed to have become a tenant holding directly under the landlord on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

24. Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason whatsoever and any order is passed by a court under this Regulation for the recovery of possession of such premises, the order shall, subject to the provisions of section 23, be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom:

Vacant possession to the landlord.

(3) Where any repairs without which the premises are not habitable or usable except with undue inconvenience are to be made and the landlord neglects or fails to make them after notice in writing, the tenant may apply to the court for permission to make such repairs himself and may submit to the court an estimate of the cost of such repairs, and thereupon, the court may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost, by an order, permit the tenant to make such repairs at such cost, as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord :

Provided that the amount so deducted or recoverable in any year shall not exceed one-half of the rent payable by the tenant for that year :

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the court and the tenant agrees to bear the excess cost himself, the court may permit the tenant to make such repairs.

29. (1) No landlord either himself or through any person purporting to act on his behalf shall without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

Cutting off or withholding essential supply or service.

(2) If a landlord contravenes the provisions of sub-section (1), the tenant may make an application to the court complaining of such contravention.

(3) If the court is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compel the tenant to vacate the premises or to pay an enhanced rent, the court may pass an order directing the landlord to restore the amenities immediately pending the inquiry referred to in sub-section (4).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the court on inquiry finds, that the essential supply or service enjoyed by the tenant in respect of the premises was cut off or withheld by the landlord without just or sufficient cause, the court shall make an order directing the landlord to restore such supply or service.

(5) The court may in its discretion direct that compensation not exceeding fifty rupees—

(a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously ;

(b) be paid to the tenant by the landlord if the landlord had cut off or withheld the supply or service without just or sufficient cause.

Explanation 1.—In this section “essential supply or service” includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation 2.—For the purposes of this section, “withholding any essential supply or service” shall include acts or omission attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

30. Whenever, after the commencement of this Regulation, any premises are constructed, the landlord shall, within thirty days of the completion of such construction, give intimation thereof in writing to such officer as may be specified in this behalf by the Chief Commissioner.

Landlord's duty to give notice of new construction to Government.

Penalties.

31. (1) If any person receives any payment in contravention of the provisions of section 5, he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to a sum, which exceeds the unlawful charge claimed or received under that section by one thousand rupees, or with both.

(2) If any tenant sublets the whole or part of any premises in contravention of the provisions of clause (b) of sub-section (1) of section 13, he shall be punishable with fine which may extend to one hundred rupees.

(3) If any landlord contravenes the provisions of section 29, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(4) If any landlord fails to comply with the provisions of section 30, he shall be punishable with fine which may extend to one hundred rupees.

Cognizance of offences.

32. (1) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Regulation.

(2) No court shall take cognizance of an offence punishable under this Regulation, unless the complaint in respect of the offence has been made within three months from the date of the commission of the offence.

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class to pass a sentence of a fine exceeding two thousand rupees on a person convicted of an offence punishable under this Regulation. 5 of 1898.

Power to make rules.

33. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which a court may try a case under this Regulation;

(b) levy of court-fees and other fees for applications and proceedings under this Regulation;

(c) the manner of service of notices under this Regulation;

(d) any other matter which has to be, or may be, prescribed.

THE SCHEDULE

[See sections 2 (h) (ii) and 8 (2)]

PROVISIONS FOR DETERMINING THE STANDARD RENT OF PREMISES IN

THE UNION TERRITORY OF ANDAMAN AND NICOBAR ISLANDS

In this Schedule, the "basic rent" in relation to any premises, means the rent that the premises could have fetched had they been actually let out on the 1st day of January, 1950.

2. In the case of any premises, whether residential or not, constructed after the 1st day of January, 1950, but before the commencement of this Regulation, the annual rent calculated with reference to the rent at which the premises were let for the month of November, 1959, or if they were not so let, with reference to the rent at which they were last let out, shall be deemed to be the standard rent.

3. In the case of any premises, whether residential or not, constructed after the commencement of this Regulation, the annual rent, calculated with reference to the rent agreed upon between the landlord and the tenant when such premises were first let out, shall be deemed to be the standard rent for a period of three years from the date of such letting out.

4. Where the premises in respect of which rent is payable are let for use as a residence, not being premises to which paragraph 2 or paragraph 3 applies, the standard rent of the premises shall be the basic rent of such premises together with 18 per cent. of such basic rent.

5. Where the premises in respect of which rent is payable are let for business or profession, not being premises to which paragraph 2 or paragraph 3 applies, the standard rent of the premises shall be the basic rent of such premises together with 25 per cent. of such basic rent.

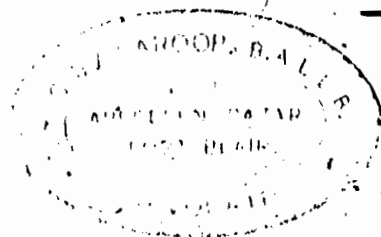
6. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 or paragraph 3 applies, are used mainly as a residence and incidentally for business or profession, the standard rent of the premises shall be the basic rent of such premises together with 20 per cent. of such basic rent.

7. Where the premises in respect of which rent is payable, not being premises to which paragraph 2 or paragraph 3 applies, are let for business or profession or incidentally for use as a residence and mainly for business or profession, the standard rent of the premises shall be the basic rent of such premises together with 22 per cent. of such basic rent.

S. RADHAKRISHNAN,

President.

Dated the 1964.



R. C. S. SARKAR,
Secy. to the Govt. of India.



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 97, PORT BLAIR, SATURDAY, OCTOBER 30, 1965.

ANDAMAN AND NICOBAR ADMINISTRATION
CHIEF COMMISSIONER'S SECRETARIAT

NOTIFICATION

Port Blair, the 30th October 1965.

No. 119/65/1-93(104)/65-J.—In exercise of the powers conferred by Section 33 of the Andaman and Nicobar Islands Rent Control Regulation, 1964 (7 of 1964), the Chief Commissioner, Andaman and Nicobar Islands hereby makes the following rules, namely:—

CHAPTER I—PRELIMINARY.

1. **SHORT TITLE.**—These rules may be called the Andaman and Nicobar Islands Rent Control Rules, 1965.
2. **DEFINITIONS.**—In these rules, unless the context otherwise requires—
 - (a) "Regulation" means the Andaman and Nicobar Islands, Rent Control Regulation, 1964;
 - (b) "form" means a form appended to these rules;
 - (c) "recognised agent" means a persons holding a power of attorney authorising him to act on behalf of his principal or an agent empowered by written authority under the hand of his principal;
 - (d) "section" means a section of the Regulation.

CHAPTER II—MANNER IN WHICH THE COURT MAY TRY CASE.

3. **PROCEDURE OF THE CODE OF CIVIL PROCEDURE, 1908, TO BE GENERALLY FOLLOWED.**—In deciding any question relating to procedure not specifically provided by the Regulation and by these Rules, the Court shall, as far as possible, be governed by the provisions contained in the Code of Civil Procedure, 1908.

4. **SERVICE OF SUMMONS.**—If the party instituting a case under the Regulation so wishes, the Court may serve the summons on the opposite party or parties in the manner laid down in the Code of Civil Procedure, 1908 for service of summons.

CHAPTER III—COURT FEES.

5. **LEVY OF COURT FEES AND OTHER FEES.**—(1) The Court Fee leviable on any application to the Court under the Regulation shall be one rupee and on the memorandum of any appeal against an order passed on such an application five rupees.

(2) In any suit, appeal or other proceeding not covered by sub-rule (1), the Court Fee shall be the same as is chargeable under the Court Fees Act, 1870 and in its application to the Andaman and Nicobar Islands and the provisions of that Act shall apply to the recovery of such Court Fee.

PRICE: SEVENTY-FIVE PAISE.

CHAPTER IV—NOTICES.

6. NOTICE RELATING TO SUB-TENANCY.—A notice of the creation of termination of a sub-tenancy required under Section 22 shall be in Form—' A '.

7. SERVICE OF NOTICE, ETC.—Unless otherwise provided by the Regulation, any notice of intimation required or authorised by the Regulation to be served on any person shall be served—

- (a) by delivering it to the person; or
- (b) by forwarding it to the person by registered post with acknowledgement due.

CHAPTER V—APPLICATIONS TO THE COURT.

8. APPLICATION UNDER SECTION 8, 12, OR 16 (1).—(1) Every application to the Court under Section 8, Section 12 or Sub-section (1) of Section 16 shall be in Form—' B '.

(2) An application under Section 12 shall also give particulars of the sum or consideration paid, the circumstances under which such payment was made and the provision of the Regulation which has been contravened.

(3) An application for permission to re-let premises under Sub-section (1) of Section 16 shall also state the grounds on which the premises are sought to be re-let in whole or in part.

9. APPLICATION FOR RE-ENTRY.—An application by a tenant under Sub-section (2) of Section 16 of putting him in possession of the premises or part thereof shall be made within six months from the date on which the cause of action for re-entry arises and shall state the grounds on which such possession is claimed.

10. APPLICATION FOR RECOVERY OF POSSESSION UNDER SECTION 18.—An application for recovery of possession under Section 18 by the landlord shall be made within six months from the date of expiry of the period of tenancy.

11. FORM OF OTHER APPLICATION.—An application not hereinbefore specified in these rules shall, so far as may be, be made in Form—' B ' and shall state the grounds on which it is made.

12. MANNER IN WHICH APPLICATIONS ARE TO BE MADE.—(1) Every application under the Regulation shall be signed and verified in the manner prescribed under Rule 14 and 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908, and shall be presented by the applicant or his recognised agent to the Court.

(2) Every such application shall be accompanied by a copy or sufficient number of copies thereof for service on the respondent or respondents mentioned therein.

13. APPEARANCE BEFORE COURT.—A party may appear before the Court either in person or by a recognized agent provided that if the Court so directs the party shall appear in person.

CHAPTER VI—APPEAL.

14. FORM OF APPEAL.—(1) Every appeal to the District Court under Section 26 shall be preferred in the form of a memorandum signed by the appellant or his recognized agent and presented either in person or through the recognised agent to the said Court or to such officer as it may appoint in this behalf.

(2) Every such memorandum shall be accompanied by a copy of the order of the Court appealed from and shall set forth concisely and under distinct heads, the grounds of objection to the order appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

15. APPEARANCE BEFORE THE DISTRICT COURT.—A party may appear before the District Court either in person or by a recognized agent provided that if the District Court so directs, the party shall appear in person.

FORM ' A '.

(See rule—6)

FORM OF NOTICE REGARDING CREATION OF TERMINATION OF SUB-TENANCY.

1. No. of the premises and name, if any.
2. Municipal ward of division in which the premises are situated.
3. Name of the tenant.
4. Name of the sub-tenant.
5. Details of the portion sub-let.
6. Rent payable by the sub-tenant.
7. Purpose for which sub-let—residential or non-residential and if latter, the nature of business, etc., and the number of employees, if any, working therein.
8. Date of creation termination of the sub-tenancy.
9. Any other relevant information.

Signature of tenant sub-tenant.

FORM 'B'

(See rule—8)

Before.....Court.

Name.....Petitioner.

Versus

Name.....Respondent.

Application for

* fixation of standard rent
increase of standard rent
eviction of tenant.

Under Section.....

(* Strike out whatever is in applicable).

- (1) Municipal No. of the premises and the name, if any.
- (2) Municipal ward or division in which the premises are situated.
- (3) (a) Name and address of the landlord.
(b) Name and address of the tenant/tenants.
- (4) Whether the premises are residential or non-residential.
- (5) In the case of residential premises, the number of persons occupying the same and in the case of non-residential premises, the purpose for which they are used and the number of employees, if any, working therein.
- (6) Whether any furniture is supplied by the landlord for use in the premises.
- (7) Details of fittings, if any, provided by the landlord.
- (8) Details of accommodation available together with particulars as regards ground area, garden and out-houses, if any. (Plan to be attached).
- (9) Whether the premises are occupied by a single tenant or by more than one tenant.
- (10) Amenities available in regard to lighting, water, sanitation and the like.
- (11) Monthly rent together with details of house-tax, electricity, water and other charges paid by the tenant.
- (12) (a) Date of completion of construction of the premises and the cost thereof.
(b) Whether completion report was obtained from the local authority and the date thereof.
- (13) Rateable value as entered in the last property assessment book of the Port Blair Municipal Board.
- (14) Date on which the premises were let to the tenant and details of agreement, if any, with the landlord. (Attested copy of the agreement to be attached).
- (15) Whether the rent of the premises has been fixed under the Andaman and Nicobar Islands Rent Control Regulation, 1964, and if so, the amount of such rent and the date from which it took effect.
- * (16) Whether there are any sub-tenants and if so, the date of such sub-letting, accommodation sub-let, whether with or without the written consent of the landlord and the rent charged from sub-tenant.
- ** (17) Whether any additions or alterations have been made since the rent was fixed as stated under item No. 15 and if so, the date on which such additions or alterations were made, the cost of such additions or alterations and whether they were carried out with the approval of the tenant or of the court.
- @ (18) (a) The grounds on which the eviction of the tenant is sought.
(b) Whether notice required has been given; and if so, particulars thereof. (Copies of such notice and the tenant's reply, if any, should be furnished).
- (19) Any other relevant information.
- (20) Relief claimed. (Verification).

Place:

Date:

(Signature of applicant/recognised agent)

* This information should be given in applications for eviction due to unauthorised sub-letting.

** This information should be given in applications for increase of rent due to additions or alteration.

@ This information should be given in application for eviction of tenants.

By order
A. A. KHAN

Asst. Secretary to the Chief Commissioner-

Andaman and



Nicobar Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

109, PORT BLAIR, MONDAY, DECEMBER 13, 1965.

ANDAMAN AND NICOBAR ADMINISTRATION
CHIEF COMMISSIONER'S SECRETARIAT

NOTIFICATIONS

Port Blair, the 13th December 1965.

No. 139/65/1-93(104)/65-J.—In exercise of the powers conferred by section 21 of the Andaman and Nicobar Islands Rent Control Regulation, 1964 (7 of 1964), the Chief Commissioner, Andaman and Nicobar Islands has been pleased to specify the Deputy Commissioner, Andaman and Nicobar Islands to be the Deputy Commissioner for the purpose of the said section.

No. 140/65/1-93(104)/65-J.—In exercise of the powers conferred by section 21 of the Andaman and Nicobar Islands Rent Control Regulation, 1964 (7 of 1964), the Chief Commissioner, Andaman and Nicobar Islands has been pleased to specify Port Blair Municipal Area to be the area to which the provisions of the said section shall apply.

By order

A. A. KHAN

Assistant Secretary to the Chief Commissioner.

PRICE: SEVENTY-FIVE PAISE.

MINUTES OF THE MEETING OF THE HIRING COMMITTEE HELD ON
11TH MARCH, 1997 IN THE CHAMBER OF ADDL. DISTRICT MAGISTRATE,

PORT BLAIR

1. Shri C. Mohammed, AM - Convenor
2. " B.L. Chablani, AE, FBND - Member
3. " H.P. Pillai, AO (Finance) - Member

The cases for assessment of rent in respect of the buildings of the persons mentioned in the attached list were placed before the Committee for fixation of standard rent and to revise the standard rent previously fixed. The existing standard rate of rent (as per decision taken in the meeting of the Hiring Committee held on 18.2.1994) are as under:-

1. RCC building within Municipal area of Port Blair. - Rs.2.50 per sq. feet per month
2. RCC building outside Municipal area. - Rs.2.20 per sq. feet " "
3. Semi-permanent (wooden structure) building within Municipal area - Rs.1.70 per sq. feet " "
4. Semi-permanent (wooden structure) building outside Municipal area - Rs.1.50 per sq. feet " "

However, considering the cost of living, cost of building materials and labour cost, the Executive Engineer, FBND, APWD, Port Blair was requested to furnish a revised proposal for revision of standard rent with reference to present cost index. Accordingly, the EE, FBND proposed to increase the standard rate of rent by 23.30% from the existing rate vide his letter No.B-3(A)/DB/ND/97/94 dated 16.1.97 which is further recommended and approved by the S.E, PBCC, APWD, Port Blair vide his U.O. No.WS/32-1/PBCC/96-97/326 dated 17.1.97. As per recommendation made by the APWD, after allowing 23.30% increase from the existing rate, the revised rate of standard rent is worked out.

Henceforth the area of South Andaman was classified as "Municipal area" and "Outside Municipal area" for determining standard rent. However considering the demands from the private building owners of School Line, Prothorpore, Bhathubasti, Garacharama and Austinabad to increase the standard rent at par with Municipal area, the Committee while discussing the matters, it is decided that the entire area of South Andaman should be classified into three i.e (1) Urban area i.e Municipal area of Port Blair. (2) Sub-Urban area i.e the area from School Line to Garacharama including Austinabad and Prothorpore and (3) Rural area i.e All other area of South Andaman as per the

Notification issued by the A & H. Administration vide No. 71/93/F.No.34-227/80-H&H dated 5/7.93 (copy attached). Thus it is also decided that different rate of standard rent to be fixed for Urban area, Sub-urban area and Rural area as detailed below:-

1. R. C. C. building within Municipal area (Urban area) of Fort Blair - Rs. 3.00 p. per sq. feet.
2. R. C. C. building in Sub-urban area (from School Line to Garacharam including Austinabad and Prothimpore - Rs. 2.70 p. " " "
3. R. C. C building in the Rural area of South Andaman (other than Urban & Sub-urban area) - Rs. 2.60 p. " " "
4. Semi-permanent building (Wooden-structure) in Municipal area (Urban area) - Rs. 2.00 p. per sq. feet.
5. Semi-permanent building (wooden-structure) in Sub-urban area of South Andaman as mentioned at sl.No.2 - Rs. 1.85 p. " " "
6. Semi-permanent building (Wooden-structure) in Rural area of South Andaman - Rs. 1.70 p. per sq. feet.

(G. Mohammed)
Chairman
Hiring Committee

(Signature)
Accounts Officer (Fin)
A & H. Admn.

(B.L. Chakrabarti)
AE, PDD
Representative of EE, PDD, P/Blair.