

Rep. by Act 56 of 1974, S-2 & Sch I

THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 1963

No. 40 OF 1963

[2nd December, 1963]

An Act further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1963. Short title.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (hereinafter referred to as the principal Act), after clause (d), the following clause shall be inserted and shall be deemed always to have been inserted, namely:— Amendment of section 2.

‘(dd) “rent”, in relation to any public premises, means the consideration payable periodically for the authorised occupation of the premises, and includes—

(i) any charge for electricity, water or any other services in connection with the occupation of the premises,

(ii) any tax (by whatever name called) payable in respect of the premises,

where such charge or tax is payable by the Central Government;’.

3. In section 3 of the principal Act,—

(a) in clause (a), after the words “gazetted officers of Government”, the words, brackets, letter and figure “or officers of equivalent rank of the Corporation or any committee or the authority referred to in clause (b) of section 2” shall be inserted; Amendment of section 3.

(b) in clause (b), for the words "each estate officer", the words "the estate officers" shall be substituted.

Amendment of section 5.

4. In sub-section (2) of section 5 of the principal Act,—

(a) for the words "forty-five days", the words "thirty days" shall be substituted;

(b) the proviso shall be omitted.

Amendment of section 6.

5. In sub-section (2) of section 6 of the principal Act, after the words "rent or damages," the words "or costs," shall be inserted.

Amendment of section 7.

6. In section 7 of the principal Act,—

(a) in sub-section (2), the proviso shall be omitted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the estate officer."

Amendment of section 9.

7. In section 9 of the principal Act,—

(a) in sub-section (2), for the words "thirty days" wherever they occur, the words "fifteen days" shall be substituted;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) The costs of any appeal under this section shall be in the discretion of the appellate officer."

Amendment of section 10.

8. To section 10 of the principal Act, the following words shall be added at the end, namely:—

"and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act".

Insertion of new sections 10A, 10B, 10C and 10D.

9. After section 10 of the principal Act, the following sections shall be inserted, namely:—

Offences and penalty.

"10A. (1) If any person who ^{has} been evicted from any public premises under this Act again occupies the premises without authority for such occupation, he shall be punishable

with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Any magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any action that may be taken against him under this Act.

10B. If the estate officer has reasons to believe that any persons are in unauthorised occupation of any public premises, the estate officer or any other officer authorised by him in this behalf may require those persons or any other person to furnish information relating to the names and other particulars of the persons in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

Power to obtain information.

10C. (1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages is to be or has been taken dies before the proceeding is taken or during the pendency thereof, the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

Liability of heirs and legal representatives.

(2) Any amount due to the Central Government from any person whether by way of arrears of rent or damages or costs shall, after the death of the person, be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

10D. If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or costs awarded to the Central Government under sub-section (4A) of section 9 or any portion of such rent, damages or costs, within the time, if any, specified therefor in the order relating thereto, the estate officer may issue a certificate for the amount due to the Collector who shall proceed to recover the same as an arrear of land revenue."

Recovery of rent, etc., as an arrear of land revenue.

10. In section 13 of the principal Act,—

Amendment of section 13.

(a) in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(bb) the distribution and allocation of work to estate officers and the transfer of any proceeding pending before an estate officer to another estate officer;”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Special provision for limitation.

11. For the removal of doubts, it is hereby declared that the amendments made by clause (a) of section 7 of this Act shall not apply to any order made under section 5 or section 7 of the principal Act before the commencement of this Act.