

Rep. by Act.....<sup>19</sup>.....of 19 88, S. 2 & sch. I

**THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED  
OCCUPANTS) AMENDMENT ACT, 1980**

No. 61 OF 1980

[20th December, 1980.]

An Act to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980.

Short  
title.

2. In the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as the principal Act), in section 2,—

Amend-  
ment of  
section 2.

(i) clause (a) shall be omitted, and for the words "corporate authority", wherever they occur in the principal Act, the words "statutory authority" shall be substituted;

(ii) for clause (e), the following clause shall be substituted, namely:—

'(e) "public premises" means—

(1) any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government, and includes any such premises which have been placed by that Government, whether before or after the commencement of the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980, under the control of the Secretariat of either House of Parliament for providing residential accommodation to any member of the staff of that Secretariat;

(2) any premises belonging to, or taken on lease by, or on behalf of,—

(i) any company as defined in section 3 of the Companies Act, 1956, in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government or any company which is a subsidiary (within the meaning of that Act) of the first-mentioned company,

1 of 1956.

(ii) any corporation (not being a company as defined in section 3 of the Companies Act, 1956, or a local authority) established by or under a Central Act and owned or controlled by the Central Government,

1 of 1956.

(iii) any University established or incorporated by any Central Act,

(iv) any Institute incorporated by the Institutes of Technology Act, 1961,

59 of 1961.

(v) any Board of Trustees constituted under the Major Port Trusts Act, 1963,

38 of 1963.

(vi) the Bhakra Management Board constituted under section 79 of the Punjab Reorganisation Act, 1966, and that Board as and when re-named as the Bhakra-Beas Management Board under sub-section (6) of section 80 of that Act; and

31 of 1966.

(3) in relation to the Union territory of Delhi,—

(i) any premises belonging to the Municipal Corporation of Delhi, or any municipal committee or notified area committee, and

(ii) any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by, the said Authority;'

(iii) after clause (f), the following clause shall be inserted, namely:—

'(fa) "statutory authority", in relation to the public premises referred to in clause (e) of this section, means,—

(i) in respect of the public premises placed under the control of the Secretariat of either House of Parliament, the Secretariat of the concerned House of Parliament,

(ii) in respect of the public premises referred to in item (i) of sub-clause (2) of that clause, the company or the subsidiary company, as the case may be, referred to therein,

(iii) in respect of the public premises referred to in item (ii) of sub-clause (2) of that clause, the corporation referred to therein,

**REPEALED**

(iv) in respect of the public premises referred to, respectively, in items (iii), (iv), (v) and (vi) of sub-clause (2) of that clause, the University, Institute or Board, as the case may be, referred to therein, and

(v) in respect of the public premises referred to in sub-clause (3) of that clause, the Corporation, committee or Authority, as the case may be, referred to in that sub-clause;'

3. In section 3 of the principal Act,—

(i) in clause (a), the word "and", occurring at the end shall be omitted; and

(ii) to clause (a), the following provisos shall be added, namely:—

"Provided that no officer of the Secretariat of the Rajya Sabha shall be so appointed except after consultation with the Chairman of the Rajya Sabha and no officer of the Secretariat of the Lok Sabha shall be so appointed except after consultation with the Speaker of the Lok Sabha:

Provided further that an officer of a statutory authority shall only be appointed as an estate officer in respect of the public premises controlled by that authority; and"

4. In section 4 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely:—

"(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the public premises,—

(i) to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than seven days from the date of issue thereof, and

(ii) to appear before the estate officer on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown, and also for personal hearing, if such hearing is desired."

5. In section 5 of the principal Act,—

(i) in sub-section (1), for the words "any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard", the words, brackets, letter and figures "any evidence produced by him in support of the same and after personal hearing, if any, given under clause (b) of sub-section (2) of section 4" shall be substituted;

(ii) in sub-section (2),—

(a) for the words, brackets and figure "within thirty days of the date of its publication under sub-section (1)", the words, brackets and figure "on or before the date specified in the said order or within fifteen days of the date of its publication under sub-section (1), whichever is later," shall be substituted;

(b) for the words "may evict that person", the words "may, after the date so specified or after the expiry of the period aforesaid, whichever is later, evict that person" shall be substituted.

Amendment of section 3.

Amendment of section 4.

Amendment of section 5.

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Insertion  
of  
new  
sections 5A  
and 5B.  
Power  
to re-  
move  
unautho-  
rised  
construc-  
tions,  
etc.

6. After section 5 of the principal Act, the following sections shall be inserted, namely:—

“5A. (1) No person shall—

- (a) erect or place or raise any building or other structure or fixture,
- (b) display or spread any goods,
- (c) bring or keep any cattle or other animal,

on, or against, or in front of, any public premises except in accordance with the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy such premises.

(2) Where any building or other structure or fixture has been erected or any goods have been displayed or spread or any cattle or other animal has been brought on, any public premises in contravention of the provisions of sub-section (1), the estate officer may serve upon the person erecting such building or other structure or fixture or displaying or spreading such goods or bringing such cattle or other animal on the public premises, a notice requiring him either to remove, or to show cause why he shall not remove, such building, other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises within such period, not being less than seven days, as he may specify in the notice; and on the omission or refusal of such person either to show cause, or to remove such building or other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises, or, where the cause shown is not in the opinion of the estate officer, sufficient, the estate officer may remove the building or other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises and recover the cost of such removal from the person aforesaid as an arrear of land revenue.

5B. (1) Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed, on any public premises by any person in occupation of such public premises under an authority (whether by way of grant or any other mode of transfer), and such erection of building or execution of work is in contravention of, or not authorised by, such authority, then, the estate officer may, in addition to any other action that may be taken under this Act or in accordance with the terms of the authority aforesaid, make an order, for reasons to be recorded therein, directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced, or is being carried on, or has been completed, within such period, as may be specified in the order, not being less than seven days, or more than fifteen days, from the date of publication of the order under sub-section (3):

Provided that no order under this sub-section shall be made unless the person concerned has been given, by means of a notice served in the prescribed manner, a reasonable opportunity of showing cause why such order should not be made.

Order of  
demolition  
of  
unautho-  
rised  
construc-  
tion.

(2) Where the erection or work has not been completed, the estate officer may, by the same order or by a separate order, whether made at the time of the issue of the notice under the proviso to sub-section (1) or at any other time, direct the person at whose instance the erection or work has been commenced, or is being carried on, to stop the erection or work until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under section 9.

(3) The estate officer shall cause every order made under sub-section (1), or, as the case may be, under sub-section (2), to be affixed on the outer door, or some other conspicuous part, of the public premises.

(4) Where no appeal has been preferred against the order of demolition made by the estate officer under sub-section (1) or where an order of demolition made by the estate officer under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period, if any, fixed by the appellate officer on appeal, and, on the failure of the person to comply with the order within such period, the estate officer or any other officer duly authorised by the estate officer in this behalf, may cause the erection or work to which the order relates to be demolished.

(5) Where an erection or work has been demolished, the estate officer may, by order, require the person concerned to pay the expenses of such demolition within such time, and in such number of instalments, as may be specified in the order."

7. In section 6 of the principal Act,—

(i) in sub-section (1), after the words and figure "Where any persons have been evicted from any public premises under section 5", the words, figure and letter "or where any building or other work has been demolished under section 5B" shall be inserted;

(ii) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) Where any goods, materials, cattle or other animal have been removed from any public premises under section 5A, the estate officer may, after giving fourteen days' notice to the persons owning such goods, materials, cattle or other animal and after publishing the notice in at least one newspaper having circulation in the locality, dispose of, by public auction, such goods, materials, cattle or other animal.

(1B) Notwithstanding anything contained in sub-sections (1) and (1A), the giving or publication of any notice referred to therein shall not be necessary in respect of any property which is subject to speedy and natural decay, and the estate officer may, after recording such evidence as he may think fit, cause such property to be sold or otherwise disposed of in such manner as he may think fit."

Amend-  
ment of  
section  
6.

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

‘(2A) The expression “costs”, referred to in sub-section (2), shall include the cost of removal recoverable under section 5A and the cost of demolition recoverable under section 5B.’

Amendment  
of section  
7.

8. In section 7 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) While making an order under sub-section (1) or sub-section (2), the estate officer may direct that the arrears of rent or, as the case may be, damages shall be payable together with simple interest at such rate as may be prescribed, not being a rate exceeding the current rate of interest within the meaning of the Interest Act, 1978.”

14 of 1978.

Amend-  
ment of  
section  
9.

9. In section 9 of the principal Act,—

(i) in sub-section (1), for the word and figure “section 5”, the words, figures and letter “section 5 or section 5B” shall be substituted;

(ii) in sub-section (2),—

(a) in clause (a), for the words “within fifteen days”, the words “within twelve days” shall be substituted;

(b) in clause (b), for the words and figure “under section 7, within fifteen days”, the words, figures and letter “under section 5B or section 7, within twelve days” shall be substituted;

(c) in the proviso, for the words “said period of fifteen days”, the words “said period” shall be substituted;

(iii) to sub-section (3), the following proviso shall be added, namely:—

“Provided that where the construction or erection of any building or other structure or fixture or execution of any other work was not completed on the day on which an order was made under section 5B for the demolition or removal of such building or other structure or fixture, the appellate officer shall not make any order for the stay of enforcement of such order, unless such security, as may be sufficient in the opinion of the appellate officer, has been given by the appellant for not proceeding with such construction, erection or work pending the disposal of the appeal.”

Amend-  
ment of  
section  
13.

10. In section 13 of the principal Act,—

(i) in sub-section (1), after the words “for the assessment of damages”, the words “or for the determination of the amount payable by way of interest on such arrears of rent or damages” shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where any person from whom any cost of removal of any building or other structure or fixture, or, as the case may be,

any goods, cattle or other animal is to be recovered under sub-section (2) of section 5A, or any expenses of demolition are to be recovered under sub-section (5) of section 5B, dies before any proceeding is taken for the recovery of such cost 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.”;

(iii) in sub-section (2), for the words “rent or damages or costs”, the words, figures, letters and brackets “rent or damages or costs of removal referred to in section 5A or expenses of demolition referred to in section 5B or interest referred to in sub-section (2A) of section 7 or any other cost” shall be substituted.

11. In section 14 of the principal Act,—

(a) after the words “fails to pay”, the words, brackets, figures and letter “the expenses of demolition payable under sub-section (5) of section 5B or” shall be inserted;

(b) after the words, brackets and figure “payable under sub-section (2)”, the words, brackets, figure and letter “or the interest determined under sub-section (2A)” shall be inserted;

(c) for the words “portion of such rent, damages”, the words “portion of such rent, damages, expenses, interest” shall be substituted.

12. For section 15 of the principal Act, the following section shall be substituted, namely:—

“15. No court shall have jurisdiction to entertain any suit or proceeding in respect of—

(a) the eviction of any person who is in unauthorised occupation of any public premises, or

(b) the removal of any building, structure or fixture or goods, cattle or other animal from any public premises under section 5A, or

(c) the demolition of any building or other structure made, or ordered to be made, under section 5B, or

(d) the arrears of rent payable under sub-section (1) of section 7 or damages payable under sub-section (2), or interest payable under sub-section (2A), of that section, or

(e) the recovery of—

(i) costs of removal of any building, structure or fixture or goods, cattle or other animal under section 5A, or

(ii) expenses of demolition under section 5B, or

(iii) costs awarded to the Central Government or statutory authority under sub-section (5) of section 9, or

Amendment of section 14.

Substitution of new section for section 15.

Bar of jurisdiction.

**REPEALED**

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*Amendment*

(iv) any portion of such rent, damages, costs of removal, expenses of demolition or costs awarded to the Central Government or the statutory authority.”.

Amend-  
ment of  
section  
18.

13. In section 18 of the principal Act,—

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

“(ea) the rate at which interest shall be payable on arrears of rent specified in any order made under sub-section (1) of section 7, or damages assessed under sub-section (2) of that section;”;

(ii) in sub-section (3), for the words “in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following,” the words “in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.