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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 26th May, 1984/*Jyaistha* 5, 1906 (*Saka*)

The following Act of Parliament received the assent of the President on the 26th May, 1984, and is hereby published for general information:—

THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 1984

No. 35 OF 1984

[26*th May*, 1984.]

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

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

Short title and commencement.

1. (*1*) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1984.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Amendment of section 5A.

40 of 1971

2. In section 5A of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as the principal Act),—

(*a*) in sub-section (*1*), in clause (*a*), for the words "other structure or fixture", the words "any movable or immovable structure or fixture" shall be substituted;

(*b*) for sub-section (*2*), the following sub-sections shall be substituted, namely:—

"(*2*) Where any building or other immovable structure or fixture has been erected, placed or raised 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, a notice requiring him either to remove, or to show cause why he shall not remove such building or other structure or fixture 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 from the public premises, or where the cause shown is not, in the opinion of the estate officer, sufficient, the estate officer may, by order, remove or cause to be removed the building or other structure or fixture from the public premises and recover the cost of such removal from the person aforesaid as an arrear of land revenue.

(*3*) Where any movable structure or fixture has been erected, placed or raised, or any goods have been displayed or spread, or any cattle or other animal has been brought or kept, on any public premises, in contravention of the provisions of sub-section (*1*) by any person, the estate officer may, by order, remove or cause to be removed without notice, such structure, fixture, goods, cattle or other animal, as the case may be, from the public premises and recover the cost of such removal from such person as an arrear of land revenue.".

Amendment of section 5B.

3. In section 5B of the principal Act, in sub-section (*1*),—

(*a*) in the opening paragraph, the words, brackets and figure ", not being less than seven days, or more than fifteen days, from the date of publication of the order under sub-section (*3*)" shall be omitted;

(*b*) in the proviso, after the words "by means of a notice", the words "of not less than seven days" shall be inserted.

Insertion of new section 5C.

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

Power to seal unauthorised constructions.

"5C. (*1*) It shall be lawful for the estate officer, at any time, before or after making an order of demolition under section 5B, to make an order directing the sealing of such erection or work or of the public premises in which such erection or work has been commenced or is being carried on or has been completed in such manner as may be prescribed, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such erection or work.

(*2*) Where any erection or work or any premises in which any erection or work is being carried on has, or have been sealed, the estate officer may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(3) No person shall remove such seal except—

(a) under an order made by the estate officer under sub-section (2); or

(b) under an order of the appellate officer made in an appeal under this Act.".

Amendment of section 9.

5. In section 9 of the principal Act,—

(a) in sub-section (1), after the words, figure and letter "or section 5B", the words, figure and letter "or section 5C" shall be inserted;

(b) in sub-section (2),—

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

(ii) in clause (b), the word "and" shall be inserted at the end;

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

"(c) in the case of an appeal from an order under section 5C, within twelve days from the date of such order:".

Amendment of section 11.

6. In section 11 of the principal Act,—

(a) sub-sections (1) and (2) shall be renumbered as sub-sections (2) and (3) thereof respectively, and before sub-section (2) as so renumbered, the following sub-section shall be inserted, namely:—

"(1) If any person unlawfully occupies any public premises, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both:

Provided that a person who, having been lawfully in occupation of any public premises by virtue of any authority (whether by way of grant, allotment or by any other mode whatsoever) continues to be in occupation of such premises after such authority has ceased to be valid, shall not be guilty of such offence.";

(b) in sub-section (2) as so renumbered, for the words "one thousand rupees", the words "five thousand rupees" shall be substituted;

(c) in sub-section (3) as so renumbered, for the word, brackets and figure "sub-section (1)", the word, brackets and figure "sub-section (2)" shall be substituted.

Insertion of new section 11A.

7. After section 11 of the principal Act, the following section shall be inserted, namely:—

Offences under section 11 to be cognizable.

"11A. The Code of Criminal Procedure, 1973, shall apply to an offence under section 11 as if it were a cognizable offence—

(i) for the purposes of investigation of such offence, and

(ii) for the purposes of matters, other than—

(1) matters referred to in section 42 of that Code, and

2 of 1974.

(2) arrest of a person except on the complaint of, or upon information received from,—

(*a*) a Group A officer as may be appointed by the Central Government, in the case of an offence in relation to the public premises specified in sub-caluse (*1*) of clause (*e*) of section 2;

(*b*) an officer equivalent to the rank of a Group A officer of the Central Government or where it is not possible to specify an officer of such equivalent rank, such executive officer as may be appointed by the statutory authority in the case of an offence in relation to the public premises specified in sub-clause (*2*) of clause (*e*) of section 2;

(*c*) such Deputy Commissioner, in the case of an offence in relation to the public premises belonging to the Municipal Corporation of Delhi, as may be appointed by the Administrator of the Union territory of Delhi;

(*d*) the Secretary, New Delhi Municipal Committee, in the case of an offence in relation to the public premises belonging to the New Delhi Municipal Committee;

(*e*) the Secretary of a notified area committee, in the case of an offence in relation to the public premises belonging to that committee;

(*f*) such Director, in the case of an offence in relation to the public premises belonging to the Delhi Development Authority, as may be appointed by the Administrator of the Union territory of Delhi.".

Amendment of section 13.

8. In section 13 of the principal Act, in sub-section (*1A*), after the word, brackets and figure "sub-section (*2*)", the words, brackets and figure "or sub-section (*3*)" shall be inserted.

Amendment of section 15.

9. In section 15 of the principal Act, after clause (*c*), the following clause shall be inserted, namely:—

"(*cc*) the sealing of any erection or work or of any public premises under section 5C, or".

Amendment of section 18.

10. In sub-section (2) of section 18 of the principal Act, after clause (*e*), the following clause shall be inserted, namely:—

"(*ee*) the manner in which the sealing of any erection or work or of any public premises shall be made under sub-section (*1*) of section 5C;".

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

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