

The Public Premises (Eviction of Unauthorised Occupants) Act, 1971

(ACT NO. 40 OF 1971)

(*As on the 23rd June, 2026*)

IndiaCode

LIST OF AMENDING ACTS

1. The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980 (61 of 1980).
2. The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1984 (35 of 1984).
3. The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1993 (7 of 1994).
4. The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2015 (2 of 2015).
5. The Enemy Property (Amendment and Validation) Act, 2017 (3 of 2017).
6. The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2019 (36 of 2019).
7. The *Jan Vishwas* (Amendment of Provisions) Act, 2026 (8 of 2026).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971

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ARRANGEMENT OF SECTIONS

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THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971

ACT NO. 40 OF 1971

[23*rd August*, 1971.]

An Act to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters.

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

1. Short title, extent and commencement.—(*1*) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

(*2*) It extends to the whole of India.

(*3*) It shall be deemed to have come into force on the 16th day of September, 1958 except sections 11, 19 and 20 which shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

[1]* * * * *

(*b*) "estate officer" means an officer appointed as such by the Central Government under section 3;

(*c*) "premises" means any land or any building or part of a building and includes,—

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

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(*d*) "prescribed" means prescribed by rules made under this Act;

[2][(*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 (61 of 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 [3][the Companies Act, 2013 (18 of 2013)], 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,

(*ii*) any corporation (not being a company as defined in section 3 of the [3][the Companies Act, 2013 (18 of 2013)], or a local authority) established by or under a Central Act and owned or controlled by the Central Government,

[4][(*iii*) any company as defined in clause (*20*) of section 2 of the Companies Act, 2013 (18 of 2013) in which not less than fifty-one per cent. of the paid up capital is held partly by the Central Government and partly by one or more State Governments and includes a company which is a subsidiary (within the meaning of that Act) of the first-mentioned company and which carries on the business of public transport including metro railway.

1. Cl. (*a*) omitted by Act 61 of 1980, s. 2 (w.e.f. 20-12-1980).
2. Subs. by s. 2, *ibid*., for cl. (*e*) (w.e.f. 20-12-1980).
3. Subs. by Act 2 of 2015, s. 2, for "the Companies Act, 1956 (1 of 1956)" (w.e.f. 22-6-2015).
4. Subs. by s. 2, *ibid*., for item (*iii*) (w.e.f. 22-6-2015).

Explanation.—For the purposes of this item, "metro railway" shall have the same meaning as assigned to it in clause (*i*) of sub-section (*1*) of section 2 of the Metro Railway (Operation and Maintenance) Act, 2002 (60 of 2002);

(*iiia*) any University established or incorporated by any Central Act,]

(*iv*) any Institute incorporated by the Institutes of Technology Act, 1961 (59 of 1961);

[1][(*v*) any Board of Trustees or any successor company constituted under or referred to in the Major Port Trusts Act, 1963 (38 of 1963);]

(*vi*) the Bhakra Management Board constituted under section 79 of the Punjab Reorganisation Act, 1966 (31 of 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, [2]***.

[3][(*vii*) any State Government or the Government of any Union territory situated in the National Capital Territory of Delhi or in any other Union territory,

(*viii*) any Cantonment Board constituted under the Cantonments Act, 1924 (2 of 1924); and]

(*3*) in relation to the [4][National Capital Territory of Delhi],—

(*i*) any premises belonging to the [5][Council as defined in clause (*9*) of section 2 of the New Delhi Municipal Council Act, 1994 (44 of 1994) or Corporation or Corporations notified under sub-section (*1*) of section 3 of the Delhi Municipal Corporation Act, 1957 (66 of 1957),] of Delhi, or any Municipal Committee or notified area committee, [2]***

(*ii*) any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by, the said Authority;] [6][and],

[7][(*iii*) any premises belonging to, or taken on lease or requisitioned by, or on behalf of any State Government or the Government of any Union Territory,]

[8][(*iv*) any premises belonging to, or taken on lease by, or on behalf of any Government company as defined in clause (*45*) of section 2 of the Companies Act, 2013 (18 of 2013).

Explanation.—For the purposes of this clause, the expression "State Government" occurring in clause (*45*) of the said section shall mean the Government of the National Capital Territory of Delhi.]

[9][(*4*) any premises of the enemy property as defined in clause (*c*) of section 2 of the Enemy Property Act, 1968 (34 of 1968).]

(*f*) "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 or the [10][statutory authority];

1. Subs. by Act 2 of 2015, s. 2, for item (*v*) (w.e.f. 22-6-2015).
2. The word "and" omitted by Act 7 of 1994, s. 2 (w.e.f. 1-6-1994).
3. Ins. by s. 2, *ibid*. (w.e.f. 1-6-1994).
4. Subs. by s. 2, *ibid*., for "Union territory of Delhi" (w.e.f. 1-6-1994).
5. Subs. by Act 2 of 2015, s. 2, for "Municipal Corporation" (w.e.f. 22-6-2015).
6. The word "and" added by Act 7 of 1994, s. 2 (w.e.f. 1-6-1994).
7. Ins. by s. 2, *ibid*. (w.e.f. 1-6-1994).
8. Ins. by Act 2 of 2015, s. 2 (w.e.f. 22-6-2015).
9. Ins. by Act 3 of 2017, s. 20 (w.e.f. 7-1-2016).
10. Subs. by Act 61 of 1980, s. 2, for "corporate authority" (w.e.f. 20-12-1980).

[1][(*fa*) "residential accommodation occupation" in relation to any public premises means occupation by any person on grant of licence to him to occupy such premises on the basis of an order of allotment for a fixed tenure or for a period he holds office, in accordance with the rules and instructions issued in this regard, made under the authority of the Central Government, a State Government, a Union territory Administration or a statutory authority, as the case may be;]

[2][3][(*fb*)] "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*) [4][and in item (*iv*) of sub-clause (*3*)] 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,

(*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 [5][Council, Corporation or Corporations], Committee or Authority, as the case may be, referred to in that sub-clause;]

[6][[7][(*fc*)] "temporary occupation", in relation to any public premises, means occupation by any person on the basis of an order of allotment made under the authority of the Central Government, a State Government, the Government of a Union territory or a statutory authority for a total period (including the extended period, if any) which is less than thirty days;]

(*g*) "unauthorised occupation", in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation, and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

3. Appointment of estate officers.—The Central Government may, by notification in the Official Gazette,—

(*a*) appoint such persons, being gazetted officers of Government [8][or of the Government of any Union Territory] or officers of equivalent rank of the [9][statutory authority], as it thinks fit, to be estate officers for the purposes of this Act; [10]***

[11][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; [12]***]

1. Ins. by Act 36 of 2019, s. 2 (w.e.f. 15-9-2019).
2. Ins. by Act 61 of 1980, s. 2 (w.e.f. 20-12-1980).
3. Cl. (*fa*) renumbered as cl. (*fb*) by Act 36 to 2019, s. 2 (w.e.f. 15-9-2019).
4. Ins. by Act 2 of 2015, s. 2 (w.e.f. 22-6-2015).
5. Subs. by s. 2, *ibid*., for "Corporation" (w.e.f. 22-6-2015).
6. Ins. by Act 7 of 1994, s. 2 (w.e.f. 1-6-1994).
7. Cl. (*fb*) renumbered as cl. (*fc*) by Act 36 of 2019, s. 2 (w.e.f. 15-9-2019).
8. Ins. by Act 7 of 1994, s. 3 (1-6-1994).
9. Subs. by Act 61 of 1980, s. 2, for "corporate authority" (w.e.f. 20-12-1980).
10. The word "and" omitted by s. 3, *ibid*. (w.e.f. 20-12-1980).
11. Provisos added by s. 3, *ibid*. (w.e.f. 20-12-1980).
12. The word "and" omitted by Act 3 of 2017, s. 20 (w.e.f. 7-1-2016).

[1][Provided also that the Custodian, Deputy Custodian and Assistant Custodian of the enemy property appointed under section 3 of the Enemy Property Act, 1968 (34 of 1968), shall be deemed to have been appointed as the Estate Officer in respect of those enemy property, being the public premises, referred to in sub-clause (*4*) of clause (*e*) of section 2 of this Act for which they had been appointed as the Custodian, Deputy Custodian and Assistant Custodian under section 3 of the Enemy Property Act, 1968.]

(*b*) define the local limits within which, or the categories of public premises in respect of which, the estate officers shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under this Act.

[2][**3A. Eviction from temporary occupation**.—Notwithstanding anything contained in section 4 or section 5, if the estate officer, after making such inquiry as he deems expedient in the circumstances of the case, is satisfied that any persons who were allowed temporary occupation of any public premises are in unauthorised occupation of the said premises, he may, for reasons to be recorded in writing, make an order for the eviction of such persons forthwith and, thereupon, if such persons refuse or fail to comply with the said order of eviction, he may evict them from the premises and take possession thereof and may, for that purpose, use such force as may be necessary.]

[3][**3B. Eviction from residential accommodation.—**(*1*) Notwithstanding anything contained in section 4 or section 5, if the estate officer has information that any person, who was granted residential accommodation occupation, is in unauthorised occupation of the said residential accommodation, he shall—

(*a*) forthwith issue notice in writing calling upon such person to show cause within a period of three working days why an order of eviction should not be made;

(*b*) cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the said residential accommodation, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been served upon such person.

(*2*) The estate officer shall, after considering the cause, if any, shown by the person on whom the notice is served under sub-section (*1*) and after making such inquiry as it deems expedient in the circumstances of the case, for reasons to be recorded in writing, make an order of eviction of such person.

(*3*) If the person in unauthorised occupation refuses or fails to comply with the order of eviction referred to in sub-section (*2*), the estate officer may evict such person from the residential accommodation and take possession thereof and may, for that purpose, use such force as may be necessary.]

4. Issue of notice to show cause against order of eviction.—[4][(*1*) If the estate officer has information that any person is in unauthorised occupation of any public premises and that he should be evicted, the estate officer shall issue in the manner hereinafter provided a notice in writing within seven working days from the date of receipt of the information regarding the unauthorised occupation calling upon the person concerned to show cause why an order of eviction should not be made.

(*1A*) If the estate officer knows or has reasons to believe that any person is in unauthorised occupation of the public premises, then, without prejudice to the provisions of sub-section (*1*), he shall forthwith issue a notice in writing calling upon the person concerned to show cause why an order of eviction should not be made.

(*1B*) Any delay in issuing a notice referred to in sub-sections (*1*) and (*1A*) shall not vitiate the proceedings under this Act.]

(*2*) The notice shall—

(*a*) specify the grounds on which the order of eviction is proposed to be made; and

1. Ins. by Act 3 of 2017, s. 20 (w.e.f. 7-1-2016).
2. Ins. by Act 7 of 1994, s. 4 (w.e.f. 1-6-1994).
3. Ins. by Act 36 of 2019, s. 3 (w.e.f. 15-9-2019).
4. Subs. by Act 2 of 2015, s. 3, for ss. (*1*) (w.e.f. 22-6-215).

[1][(*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 [2][later 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.]

(*3*) The estate officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly given to all persons concerned.

[3]* * * * *

5. Eviction of unauthorised occupants.—[4][(*1*) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence produced by him in support of the same and after personal hearing, if any, given under sub-clause (*ii*) of clause (*b*) of sub-section (*2*) of section 4, the estate officer is satisfied that the public premises are in unauthorised occupation, the estate officer shall make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order but not later than fifteen days from the date of the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises:

Provided that every order under this sub-section shall be made by the estate officer as expeditiously as possible and all endeavour shall be made by him to issue the order within fifteen days of the date specified in the notice under sub-section (*1*) or sub-section (*1A*), as the case may be, of section 4.]

(*2*) If any person refuses or fails to comply with the order of eviction [5][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,] the estate officer or any other officer duly authorised by the estate officer in this behalf [6][may, after the date so specified or after the expiry of the period aforesaid, whichever is later, evict that person] from, and take possession of, the public premises and may, for that purpose, use such force as may be necessary:

[7][Provided that if the estate officer is satisfied, for reasons to be recorded in writing, that there exists any compelling reason which prevents the person from vacating the premises within fifteen days, the estate officer may grant another fifteen days from the date of expiry of the order under sub-section (*1*) to the person to vacate the premises.]

[8]**[5A. Power to remove unauthorised constructions, etc**.—(*1*) No person shall—

(*a*) erect or place or raise any building or [9][any movable or immovable 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.

1. Subs. by Act 61 of 1980, s. 4, for cl. (*b*) (w.e.f. 20-12-1980).
2. Subs. by Act 2 of 2015, s. 3, for "earlier than" (w.e.f. 22-6-2015).
3. Sub-section (*4*) omitted by Act 7 of 1994, s. 5 (w.e.f. 1-6-1994).
4. Subs. by Act 2 of 2015, s. 4, for ss. (*1*) (w.e.f. 22-6-2015).
5. Subs. by Act 61 of 1980, s. 5, for certain words (w.e.f. 20-12-1980).
6. Subs. by s. 5, *ibid*., for "may evict that person" (w.e.f. 20-12-1980).
7. Ins. by Act 2 of 2015, s. 4 (w.e.f. 22-6-2015).
8. Ins. by Act 61 of 1980, s. 6 (w.e.f. 20-12-1980).
9. Subs. by Act 35 of 1984, s. 2, for "other structure or fixture" (w.e.f. 13-11-1984).

[1][(*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.]

5B. Order of demolition of unauthorised construction.—(*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 [2]***:

Provided that no order under this sub-section shall be made unless the person concerned has been given, by means of a notice [3][of not less than seven days] served in the prescribed manner, a reasonable opportunity of showing cause why such order should not be made.

(*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.]

[4]**[5C. Power to seal unauthorised constructions**.—(*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

1. Subs. by Act 35 of 1984, s. 2, for sub-section (*2*) (w.e.f. 13-11-1984).
2. Certain words, brackets and figure omitted by Act 35 of 1984, s. 3 (w.e.f. 13-11-1984).
3. Ins. by s. 3, *ibid*. (w.e.f. 13-11-1984).
4. Ins. by s. 4, *ibid*. (w.e.f. 13-11-1984).

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.]

6. Disposal of property left on public premises by unauthorised occupants.—(*1*) Where any persons have been evicted from any public premises under section 5 [1][or where any building or other work has been demolished under section 5B], the estate officer may, after giving fourteen days' notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property remaining on such premises.

[1][(*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.]

(*2*) Where any property is sold under sub-section (*1*), the sale proceeds thereof shall, after deducting the expenses of the sale and the amount, if any, due to the Central Government or the [2][statutory authority] on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the estate officer to be entitled to the same:

Provided that where the estate officer is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the civil court of competent jurisdiction and the decision of the court thereon shall be final.

[1][(*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.]

7. Power to require payment of rent or damages in respect of public premises.—(*1*) Where any person is in arrears of rent payable in respect of any public premises, the estate officer may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(*2*) Where any person is, or has at any time been, in unauthorised occupation of any public premises, the estate officer may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

[3][(*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 [4][compound 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).]

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1. Ins. by Act 61 of 1980, s. 7 (w.e.f. 20-12-1980).
2. Subs. by s. 2, *ibid*., for "corporate authority" (w.e.f. 20-12-1980).
3. Ins. by s. 8, *ibid*. (w.e.f. 20-12-1980).
4. Subs. by Act 2 of 2015, s. 5, for "simple interest" (w.e.f. 22-6-2015).

(*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 [1][within seven days from the date of issue thereof], 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.

[2][(*3A*) If the person in unauthorised occupation of residential accommodation challenges the eviction order passed by the estate officer under sub-section (*2*) of section 3B in any court, he shall pay damages for every month for the residential accommodation held by him.]

[3][(*4*) Every order under this section shall be made by the estate officer as expeditiously as possible and all endeavour shall be made by him to issue the order within fifteen days of the date specified in the notice.]

8. Powers of estate officers.—An estate officer shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents;

(*c*) any other matter which may be prescribed.

9. Appeals.—(*1*) An appeal shall lie from every order of the estate officer made in respect of any public premises under [4][section 5 or section 5B] [5][or section 5C] or section 7 to an appellate officer who shall be the district judge of the district in which the public premises are situate or such other judicial officer in that district of not less than ten years, standing as the district judge may designate in this behalf.

(*2*) An appeal under sub-section (*1*) shall be preferred,—

(*a*) in the case of an appeal from an order under section 5, [6][within twelve days] from the date of publication of the order under sub-section (*1*) of that section; [7]***

(*b*) in the case of an appeal from an order [8][under section 5B or section 7, within twelve days] from the date on which the order is communicated to the appellant; [9][and]

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

[10][Provided that the appellate officer may entertain the appeal in exceptional cases after the expiry of the said period, if he is satisfied for reasons to be recorded in writing that there was compelling reasons which prevented the person from filing the appeal in time.]

(*3*) Where an appeal is preferred from an order of the estate officer, the appellate officer may stay the enforcement of that order for such period and on such conditions as he deems fit:

[11][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.]

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1. Subs. by Act 2 of 2015, s. 5, for certain words (w.e.f. 22-6-2015).
2. Ins. by Act 36 of 2019, s. 4 (w.e.f. 15-9-2019).
3. Ins. by Act 2 of 2015, s. 5 (w.e.f. 22-6-2015)
4. Subs. by Act 61 of 1980, s. 9, for "section 5" (w.e.f. 20-12-1980).
5. Ins. by Act 35 of 1984, s. 5 (w.e.f. 13-11-1984).
6. Subs. by Act 61 of 1980, s. 9, for "within fifteen days" (w.e.f. 20-12-1980).
7. The word "and" omitted by Act 35 of 1984, s. 5 (w.e.f. 13-11-1984).
8. Subs. by Act 61 of 1980, s. 9, for "under section 7, within fifteen days" (w.e.f. 20-12-1980).
9. Ins. by Act 35 of 1984, s. 5 (w.e.f. 13-11-1984).
10. Ins. by Act 2 of 2015, s. 6 (w.e.f. 22-6-2015).
11. The proviso added by Act 61 of 1980, s. 9 (w.e.f. 20-12-1980).

[1][(*4*) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible and every endeavour shall be made to dispose of the appeal finally within one month from the date of filing the appeal, after providing the parties an opportunity of being heard.]

(*5*) The costs of any appeal under this section shall be in the discretion of the appellate officer.

(*6*) For the purposes of this section, a presidency-town shall be deemed to be a district and the chief judge or the principal judge of the city civil court therein shall be deemed to be the district judge of the district.

10. Finality of orders.—Save as otherwise expressly provided in this Act, every order made by an estate officer or appellate officer under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding 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.

[2][**11. Offences and contraventions**.—(*1*) If any person unlawfully occupies any public premises, including land, other than public premises providing residential accommodation, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which shall be five per cent. of the land value for every year of occupation, or with both.

(*2*) If any person unlawfully occupies any public premises providing residential accommodation, such person shall be liable to penalty of forty times the rate of licence fee for that residential accommodation for the first month and shall increase in telescopic method from second month onwards at the rate of ten per cent. per month:

Provided that a person who, having been lawfully in occupation of any public premises or residential accommodation 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 the offence or contravention referred to in sub-section (*1*) or under this sub-section.

(*3*) If any person who has been evicted from any public premises under this Act, including land but other than public premises providing residential accommodation, again occupies the premises without authority for such occupation, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

(*4*) If any person who has been evicted from any public premises for residential accommodation under this Act, again occupies the premises without authority for such occupation, he shall be liable to penalty of fifty times the rate of licence fee for that residential accommodation for the first month and shall increase in telescopic method from second month onwards at the rate of ten per cent. per month.

(*5*) Any magistrate convicting a person under sub-section (*3*) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.]

[3][**11A. Offences under section 11 to be cognizable**.—[4][The Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), shall apply to offences under sub-sections (*1*) and (*3*) of 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 [5][section 39 of the Sanhita], and

1. Subs. by Act 2 of 2015, s. 6, for sub-section (*4*) (w.e.f. 22-6-2015).
2. Subs. by Act 8 of 2026, s. 2 and Sch., for section 11 (w.e.f. 1-7-2026).
3. Ins. by Act 35 of 1984, s. 7 (w.e.f. 13-11-1984).
4. Subs. by Act 8 of 2026, s. 2 and Sch., for "The Code of Criminal Procedure, 1973 (2 of 1974) shall apply to an offence under section 11" (w.e.f. 1-7-2026).
5. Subs. by s. 2 and Sch., *ibid*., for "section 42 of the Code" (w.e.f. 1-7-2026).

(*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-clause (*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.]

[1][**11B. Adjudication of penalties**.—(*1*) For the purpose of adjudicating penalties under sub-sections (*2*) and (*4*) of section 11, the Central Government shall appoint an officer at least one rank higher than the Estate Officer as an adjudicating officer for holding an inquiry and imposing penalties in such manner as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required:

Provided further that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(*2*) Any person aggrieved by an order of the adjudicating officer under sub-section (*1*) may, within thirty days from the date of receipt of such order, prefer an appeal to such officer, at least one rank higher than the adjudicating officer, as may be appointed by the Central Government as an appellate authority, in such form and manner as may be prescribed.

(*3*) The appellate authority may admit an appeal after the expiry of the said period of thirty days, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(*4*) The appellate authority may, after giving the parties to the appeal an opportunity of being heard, pass such an order as he may deem fit.

(*5*) An appeal under sub-section (*2*) shall be disposed of within sixty days from the date of filing.

(*6*) If a penalty imposed by the adjudicating officer under sub-section (*1*) or by an order of the appellate authority under sub-section (*4*), as the case may be, is not deposited, the amount shall be recovered as an arrear of land revenue.]

12. Power to obtain information.—If the estate officer has reason 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.

1.Ins. by Act 8 of 2026, s. 2 and Sch. (w.e.f. 1-7-2026).

13. Liability of heirs and legal representatives.—(*1*) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages [1][or for the determination of the amount payable by way of interest on such arrears of rent or 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.

[1][(*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*) [2][or sub-section (*3*)] 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.]

(*2*) Any amount due to the Central Government or the [3][statutory authority] from any person whether by way of arrears of [4][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, 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.

14. Recovery of rent, etc., as an arrear of land revenue.—If any person refuses or fails to pay [5][the expenses of demolition payable under sub-section (*5*) of section 5B or] the arrears of rent payable under sub-section (*1*) of section 7 or the damages payable under sub-section (*2*) [5][for the interest determined under sub-section (*2A*)] of that section or the costs awarded to the Central Government or the [3][statutory authority] under sub-section (*5*) of section 9 or any [6][portion of such rent, damages, expenses, interest] 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.

[7][**15. Bar of jurisdiction.—**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

[8][(*cc*) the sealing of any erection or work or of any public premises under section 5C, 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

1. Ins. by Act 61 of 1980, s. 10 (w.e.f. 20-12-1980).
2. Ins. by Act 35 of 1984, s. 8 (w.e.f. 13-11-1984).
3. Subs. by Act 61 of 1980, s. 2, for "corporate authority" (w.e.f. 20-12-1980).
4. Subs. by s. 10, *ibid*., for "rent or damages or costs" (w.e.f. 20-12-1980).
5. Ins. by s. 11, *ibid*. (w.e.f. 20-12-1980).
6. Subs. by s. 11, *ibid*., for "portion of such rent, damages" (w.e.f. 20-12-1980).
7. Subs. by Act 61 of 1980, s. 12, for section 15 (w.e.f. 20-12-1980).
8. Ins. by Act 35 of 1984, s. 9 (w.e.f. 13-11-1984).

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

16. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the [1][statutory authority] or the appellate officer or the estate officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

17. Delegation of powers.—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by a State Government or an officer of the State Government.

18. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*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 form of any notice required or authorised to be given under this Act and the manner in which it may be served;

(*b*) the holding of inquiries under this Act;

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

(*d*) the procedure to be followed in taking possession of public premises;

(*e*) the manner in which damages for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages;

[2][(*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;]

[3][(*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;]

[4][(*eb*) the manner of holding an inquiry and imposing penalties under sub-section (*1*) of section 11B;

(*ec*) the form and manner of preferring appeal to the appellate authority against the order of adjudicating officer under sub-section (*2*) of section 11B;]

(*f*) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(*g*) any other matter which has to be or may be prescribed.

(*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 [5][in two or more successive sessions, and if, before the expiry of the session immediately following the session 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.

19. Repeal.—The Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), is hereby repealed.

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1. Subs. by Act 61 of 1980, s. 2, for "corporate authority" (w.e.f. 20-12-1980).
2. Ins. by Act 35 of 1984, s. 10 (w.e.f. 13-11-1984).
3. Ins. by Act 61 of 1980, s. 13 (w.e.f. 20-12-1980).
4. Ins. by Act 8 of 2026, s. 2 and Sch. (w.e.f. 1-7-2026).
5. Subs. by Act 61 of 1980, s. 13, for certain words (w.e.f. 20-12-1980).

20. Validation.—Notwithstanding any judgment, decree or order of any court, anything done or any action taken (including rules or orders made, notices issued, evictions ordered or effected, damages assessed, rents or damages or costs recovered and proceedings initiated) or purported to have been done or taken under the public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958) (hereafter in this section referred to as the 1958-Act) shall be deemed to be as valid and effective as if such thing or action was done or taken under the corresponding provisions of this Act which, under sub-section (*3*) of section 1 shall be deemed to have come into force on the 16th day of September, 1958, and accordingly—

(*a*) no suit or other legal proceeding shall be maintained or continued in any court for the refund of any rent or damages or costs recovered under the 1958-Act where such refund has been claimed merely on the ground that the said Act has been declared to be unconstitutional and void; and

(*b*) no court shall enforce a decree or order directing the refund of any rent or damages or costs recovered under the 1958-Act merely on the ground that the said Act has been declared to be unconstitutional and void.

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STATEMENT OF OBJECTS AND REASONS

The Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958) was enacted to provide for a speedy machinery for the eviction of unauthorised occupants of public premises. Section 5 of the Act provides for taking possession of the public premises which are in unauthorised occupation of persons. Section 7 of the Act provides for the recovery of rent or damages in respect of public premises from persons who are in unauthorised occupation thereof. The Act, as it originally stood, did not debar the Government from taking recourse to civil courts to seek the aforesaid relief's.

2. In April 1967, in Northern India Caterers Private Ltd. *vs.* the State of Punjab (A.I.R. 1967, S. C., 1581), the Supreme Court declared section 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1959 (31 of 1959) void on the ground that the section is discriminatory and violative of article 14 of the Constitution, inasmuch as it conferred an additional remedy over and above the usual remedy by way of suit and provided two alternative remedies to the Government, leaving it to the unguided discretion of the Collector to resort to one or the other of the procedures. The object and procedure prescribed by the aforesaid 1958-Act being similar to those in the Punjab Act, there was a risk of the Central Act also being struck down by the Supreme Court, if challenged, on similar grounds of discrimination. Subsequently, the Delhi High Court in Hukum Chand *vs.* S. D. Arya (Reference No. 1 of 1968) declared section 7(2) of the aforesaid 1958-Act as *ultra vires* the Constitution. The High Court also observed that section 5 of that Act must also be held to be tainted with the same constitutional infirmity which was held to invalidate section 5 of the Punjab Act, referred to above. in order to overcome the decisions of the Supreme Court and the Delhi High Court, the 1958-Act was suitably amended by the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1968. By this Amendment Act, civil courts were precluded from entertaining any suit or proceeding in respective the eviction of persons who are in unauthorised occupation of public premises and in respect of the recovery of the arrears of rent or damage from such persons.

3. The vires of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, as amended by the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1968 was again recently challenged by way of writ petitions in the Delhi High Court and certain other High Courts. By a majority judgment, the Delhi High Court in P. L. Mehra *vs*. D. R. Khanna (civil writ No. 431 of 1970) have held the whole of the Act as void under article 13(2) of the Constitution as it was Found to contravene article 14 thereof. The Court also observed that as the Act of 1958 was void, the Amending Act of 1968 was also ineffective. Similar views have also been held by the High Court of Allahabad and Calcutta. The court decision, referred to above, have created serious difficulties for the Government inasmuch as the proceedings taken by the various estate officers appointed under the Act either for the eviction of persons who are in unauthorised occupation of public premises or for the recovery of rent or damages from such persons stand null and void. It has become impossible for Government to take expeditious action even in grant cases of unauthorised occupation of public premises and recovery of rent or damages for such unauthorised occupation. It is, therefore, considered imperative to restore a speedy machinery for the eviction of persons who are in unauthorised occupation of public premises keeping in view at the same time the necessity of complying with the provisions of the Constitution and the judicial pronouncements, referred to above.

4. Accordingly, it is proposed to re-enact the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, as amended from time to time, after removing the vice which led to its having been declared as void. The law proposed to be re-enacted is being given retrospective effect from. 16th September, 1958, the date on which the 1958-Act aforesaid came into force, It is also proposed to make a suitable validating provision providing that anything done or any action taken or purported to have been done or taken under the 1958-Act shall be deemed to be as valid and effective as if such thing or action was taken or done under the corresponding provisions of the proposed law.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 15*th June*, 1971.

UMA SHANKAR DIKSHIT.