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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.

Indiacode

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 14*th March,* 2015/*Phalguna* 23, 1936 (*Saka*)

The following Act of Parliament received the assent of the President on the 13th March, 2015, and is hereby published for general information:—

THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENTS ACT, 2015

NO. 2 OF 2015

[13*th March*, 2015.]

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

BE it enacted by Parliament in the Sixty-sixth 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, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

40 of 1971.

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

1 of 1956. 18 of 2013.

(*A*) in item (*i*), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;

1 of 1956. 18 of 2013.

(*B*) in item (*ii*), for the words and figures "the Companies Act, 1956", the words and figures "the Companies Act, 2013" shall be substituted;

(*C*) for item (*iii*), the following items shall be substituted, namely:—

'(*iii*) any company as defined in clause (*20*) of section 2 of the Companies Act, 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. 18 of 2013.

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,';

(*D*) for item (*v*), the following item shall be substituted, namely:—

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

(*E*) in sub-clause (*3*),—

(*a*) in item (*i*), for the words "Municipal Corporation", the words, brackets and figures "Council as defined in clause (*9*) of section 2 of the New Delhi Municipal Council Act, 1994 or Corporation or Corporations notified under sub-section (*1*) of section 3 of the Delhi Municipal Corporation Act, 1957," shall be substituted; 44 of 1994. 66 of 1957.

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

'(*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.';

(*F*) in clause (*fa*),—

(*a*) in sub-clause (*ii*), after the words, brackets and figures "in item (*i*) of sub-clause (*2*)", the words, brackets and figures "and in item (*iv*) of sub-clause (*3*)" shall be inserted;

(*b*) in sub-clause (*v*), for the word "Corporation", the words "Council, Corporation or Corporations" shall be substituted.

Amendment of section 4.

3. In section 4 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-sections shall be substituted, namely:—

"(*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.";

(*b*) in sub-section (*2*), in clause (*b*), in sub-clause (*i*), for the words "earlier than", the words "later than" shall be substituted.

Amendment of section 5.

4. In section 5 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*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.";

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

"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.".

India Code

Amendment of section 7.

5. In section 7 of the principal Act,—

(*a*) in sub-section (*2A*), for the words "simple interest", the words "compound interest" shall be substituted;

(*b*) in sub-section (*3*), for the words "within such time as may be specified in the notice", the words "within seven days from the date of issue thereof" shall be substituted;

(*c*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*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.".

Amendment of section 9.

6. In section 9 of the principal Act,—

(*a*) in sub-section (*2*), for the proviso, the following proviso shall be substituted, namely:—

"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.";

(*b*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*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.".

———

DR. SANJAY SINGH,
Secretary to the Govt. of India.

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