

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

2-1 ASSAM GAZETTE, EXTRAORDINARY, OCT. 27, 1976 605 The 23rd October 1976 No.LjL.511/70/37.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information. ASSAM ACT XX OF 1976 (Received the assent of the Governor on the 19th day of October 1976) THE ASSAM PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT/ 1971 An Act to provide an effective machinery for eviction of persons in an unauthorised occupation of Public Premises and .9 Preamble Short title, extent and commencement. Definitions certain incidental matters connected therewith, Whereas it is expedient to provide by law an effective machinery for eviction of persons in unauthorised occupation of Public Premises and certain incidental matters connected therewith; It is hereby enacted in the Twenty-Second Year of the Republic of India as follows :— 1: (1) This Act may be called the Assam Public Premises (Eviction of Unauthorised Occupants) Act, 1971. (2) It extends to the whole of the State of Assam. (9) It comes into force on such date as the State Government may by notification in the official Gazette, specify in this behalf and different dates may be specified for different areas and for different purposes of the Act 2. In this Act unless the context otherwise requires (a) "Collector" means any officer who Central Act exercises the powers of a collector of 1894 under the Land Acquisition Act, 1894; 606 THE ASSAM (b) (c) (d) (f) (g) (h) GAZETTE, EXTRAORDINARY, OCT. 27, 1976 "State Officer" means an Officer appointed as such by the State Government under Section 3 of this Act; "Public Premises" means 'any premises belonging to, or taken on lease, hire or requisitioned by or on behalf of the State Government; the Assam State Electricity Board, the Assam State Road Transport Corporation or any Public sector undertaking owned or sponsored by the State Government; "Premises" means any land or any building or part of a building and includes,— (i) the garden, grounds and out-houses, if 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; "prescribed" means prescribed by rules made under this Act; "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 State Government; "State Government" means the State Government of Assam; "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 1976 THE ASSAM GAZETTE EXTRAORDINARY, OCT. 29, 1976 607 of the public premises after the authority under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever

3. The State Government may, by notification in the official Gazette Appointment of Estate Officers. Issue of notice to (a) (b) appoint such persons, being Gazetted Officers of Government, as it thinks fit to be estate officers for the purposes of this Act, and define the local limits within which, or the categories of public premises in respect of which, each estate officer shall exercise the powers conferred, and performed the duties imposed, on estate officers by or under this Act. 14. (1) If the estate officer is of opinion 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 calling upon the persons concerned to show cause why an order of eviction should not be made. (2) The notice shall— (a) specify the grounds on which the order of eviction is proposed to be made; and (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, 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 ten days from the date of issue thereof (3) The estate officer shall cause the notice to be served by having annexed 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. (4) Where the estate officer knows or has reasons to believe that any person is in occupation of the public premises, then, without prejudice to 1608 THE ASSAM GAZETTE EXTRAORDINARY, OCT. 27, 1976 the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by post or by delivering or tendering it to

that person or in such other manner as may be prescribed. 5. (i) If, after considering the cause, if any, Eviction of unauthori- shown by any person •in pursuance of a notice sed occu- pants. under section 4 and any evidence he may prqduce in support of the same and .after giving him rea- sonable opportunity of being heard, the estate officer is satisfied that the public premises are in unauthorised occupatiöp, the estate officer may, on a date to be fixed for the purpose, make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated by all persons who may be in occupa- tion thereof or any part thereof, and cause a copy of the order to be affxed on the outer door or some other conspicuous part of the public pre- mises. (2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication under sub-section (1), the estate omcert or any other- officer duly autho- rised by the estate •officer in this behalf may evict that person from, and take possession of, • the public premises and may, for that purpose, use such force as may be necessary. 6. (1) Where any person has been evicted from DisrosaT of property left any public premises under section the. estate On public officer may, after giving fourteen days' notice to premises by the persorl from whom possession of the public unauthori-. premises has been taken and after publishing the pants, notice in at least one newspaper having circula- tion in the 'locality, remove or cause to be de- moved or. disposed of by public auction any pro- , perty remaining on such premises. (2) Where apy -property is sold under Sub-sec- tion (1), the sale proceeds shall; after deducting the expenses of the sale and the amount, "if any due to the State Government on account ' of arrears of rent or damages, or costs, be paid to such person or persons as may appear to the estate omcer to be entitled to the same : Provided that where the estate offder is un- able to decide as •to the person or, persons to whom the balance of the amount is payable or as THE ASSAM GAZETTE EXTRAORDINARY, OCT. 27, 1976 to the apportionment of the same, he may refer such dispute to the Civil Court of competent ju- risdiction and the decision of the Court thereon shall be final.. to 7. (1) Where any person is in arrears of rent Power payable in respect of any public . premises, the recover rent •r damages iA estate officer may, by order,, require-that "person public pre- to •pay thev same within such time and in Such manner as may be specified in the order. arrears •f 609 land reve- nue Power of Estate om- Ger. Appeals (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 sych premises and may, by order, require that. person to pay the damages within such time and in such manner as may be specified in the order, (3) No order under sub-section (1) or sub-Sec- tion (2) shall be made• against any person until after the issue of a notice in writing to the person .calling upop him to show cause within such time as may be specified in theonotice why such order should no! 'be made, and until his objections, if any, and any evidence he may produce jh tsupport of the same, have been considered by the estate officer

8. An estate omcer 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, when trying a suit Ceatrai Act 5 of 1908.in respect of the following matters, namely (a) (b) (c) summoning and enforcing the attendande of any person and examining him on oath; requiring the discovery and production of documents; and any other matter which may be preScribed. 9. (1) An appeal shall lie from every order of the estate officer made in respect of any public premises under section 5 or section 7 to an appel- late officer who shall be the collector. 610 THE ASSAM GAZETTE EXTRAORDINARY, OCT: 27, 19±6 4, Vinaiity of orders. Offences and penalty. (2) An appeal under sub-section (1) Shall be preferred— (a) in the ease of an appeal from order under section 5, within thirty days from *the date of' publication ot the order under sub-section (1) Of that section; and (b) in the case of an appeal from an order under• section 7, within thirty /dâys from the date on which the order is communicated to the appellant : Proviâed that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is , satisfied that the appellant was prevented by sufficient cause from filing the abpeal in time. (3) Where an appeal is breferred froyn an order of the estate officer, the appellate officer may stay the enforcement of that order for such pefioid and on such conditions as he deenwfit. (4) Every appeal under this section shall be disposed of' by the appellate omcer as expedi- tlously as Ypossible. (5) The cost Of any appeal under 'this section shall be in the discYetion of the Appellate offderv 10. Save as otherwise expressly provided in this Act every order made by an estate officer or appellate officer undere this Act shall be final\ and shall not, be called in question any original suit, application or executive pro- ceeding and no injunctiom shall be granted by any

court or other authority in respect of any action taken or to be taken in pursuance of any power by or under this Act. 11. (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. THE ASSAM GAZETTE, EXTRAORDINARY, OCT. 27, 1976 Power to 12. If the estate officer has reasons to believe that any person is in unauthorised occupation of any public premises, the estate officer or any other officer authorised by him in this behalf may require that or any other person to furnish information relating to the names of other particulars of persons in occupation of the public premises and (every person so required shall be information in his bound to furnish the possession. 13.11) Where any person against whom any Liability of heirs and proceeding for the determination of arrears of rent or for the assessment of the 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. (2) Any amount due to the State 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. Recovery of 14 If any person refuses or fails to pay the rent, etc., as arrears of rent payable under sub-section (1) of an arrear of section 7 or the damages payable under sub-land revenue. Protection of action taken in good faith. Delegation of power. section (2) of that section or costs awarded to the State Government under sub-section (5b) 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

15. No suit/ prosecution or Other legal proceeding shall lie against the-state Government 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 order made thereunder

16. The State 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 an officer of the State Government. 1612 THE ASSAM GAZETTE, EXTRAORDINARY, OCT. 27, 1976 Power to 17. (1) The State 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) (b) (c) (d) (e) (f) (g) the 'form of any notice required or authorised' to be given under this Act and the manner in which it may be served; the holding of inquiries under this Act; the distribution and allocation of work to estate officers and the transfer of any proceeding pending before an estate officer to another estate officer; the procedure to be followed in taking possession of public premises; the manner in which damages for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages; the manner in which appeals may be preferred and the procedure to be followed in appeals; and (4) 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 the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly 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. THE ASSAM GAZETTE, EXTRAORDINARY; OCT. 27, 1976 60 Repeal and 18. (1) The Assam Public Premises (Eviction of Unauthorised Occupants) Ordinance, 1971 is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the Assam Public Premises (Eviction of Unauthorised Occupants) Ordinance, 1971, shall be deemed to have been done or taken under this Act as if this Act had commenced on the eighth day of February, 1971 (the date of promulgation of the Ordinance). U.

TAHBILDAR, Secretary to the Govt. of Assam, Legislative; Deptt. The 23rd October 1976 bly for No.LjL.33/76/4.—The following Act- of the Assam Legislative Assem- which received the assent of the Governor is hereby published general information. ASSAM ACT XXI OF 1976 (Received the assent of the Governor on the 20th October, 1976) THE GAUHATI UNIVERSITY (AMENDMENT), ACT, 1976 Act further to amend the Gauhati University Act, 1947 Preamble. Short title, extent and commencement. Whereas it is expedient to 'amend -the Assam Act XVI of Gauhati University Act, 1947" hereinafter called 1947. the principal Act, in the manner hereinafter appearing ; It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows :— 1. (1) This Act -may be called the Gauhati S University (Amendment) Act, 1976, 1

