

The Bihar Government Premises (Rent Recovery and Eviction) Act, 1956

(Bihar Act 20 of 1956)

[President's Assent published in the Bihar Gazette, Extraordinary, of the 1st October, 1956.]

An Act to provide for collection of rents from persons; in occupation of Government premises and for eviction of persons from such premises in certain circumstances.

Be it enacted by the legislature of the State of Bihar in the seventh year of the Republic of India as follows:-

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1. Short title, extent and commencement –(1) This Act may be called the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force at once.

2. Definition – In this Act, unless there is anything repugnant in the subject or context –

- a) 'allotment' means the grant, in writing, by or on behalf of the State Government, of a right of use and occupation of any Government premises to any person but does not include a grant by way of lease;
- b) 'competent authority' means any officer not below the rank of a Sub-deputy Collector or a Sub-deputy Magistrate, authorized by the State Government by notification in the official Gazette, to perform all any of the functions of the competent authority under this Act for such area as many be specified in the notification;

[S.O. 565 dated 26.06.1971 – In exercise of the powers conferred by clause (b) of section 2 of the Bihar Government Premises (Rent, Recovery and Eviction) Act, 1956 (Bihar.....XX of 1956), and in supersession of Public Works Department notification no. 23472, dated on the 29th November, 1968, the Governor of Bihar is pleased to authorise the following officer to perform all or any of the functions of the competent authority under the said Act for the areas specified below :-

Area	Competent authority
1 For the New Capital Area, Patna as specified in the schedule hereto annexed in respect of residences meant for Ministers, Deputy Ministers, Parliamentary Secretaries, Presiding Officers of the Bihar Legislature, Legislators, Officers and staff of the Secretarial and attached officers and such other residences as the State Government may, from time to time, decide.	Under-Secretary to Government Assistant Secretary to Government of Bihar in the Public Works Department.
2 For Other places in the State as also in respect of residences located in the New Capital Area, Patna Other than those specified in item (1) above.	The Civil Sub-divisional Officer of the area in which the residence is situated.

SCHEDULE

Boundaries of the New Capital Area, Patna.

- North** - Villages Shekhpura Sherulahpur, Dhakanpura, Mahauli, Dujra, Diara, Raipore, Hasanpore.
- South** - Railway line and villages Yarpur, Dhakanpura, Dhirachak.
- East** - Bakaraganj Nala from the bank of river to the Government land near Daldali Bazar, Maharampur, Bankipore, Chief Justice's Compound on the eastern side, Frazer Road, Patna Junction Station.
- West** - Villages Sadhanpore, and Samanpura and Shekhpura.
- c) 'Government premises' means any premises belonging to, or take on lease or requisitioned by, the State Government;
 - d) 'premises' means any land or building or part of a building and includes—
 - (i) the garden, grounds and out-houses, if any, appertaining to such building or part of building;
 - (ii) any furniture supplied by the State Government for use in such building or part of building; and
 - (iii) any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof;
 - e) 'Prescribed' means prescribed by rules made under this Act;
 - f) 'rent' shall have the meaning assigned to it in the Transfer of Property Act, 1882 (IV of 1882) and includes ground rent, municipal tax or any other amount payable by any allottee for use and occupation of premises; and
 - g) 'unauthorized occupation' means the occupation of Government premises by any person either without any allotment or after the expiry of one month from the date on which an allotment is cancelled under section 3.

3. Cancellation of allotment – If any Government premises is required for any public purpose, the competent authority may, notwithstanding anything contained in any other law for the time being in force, cancel the allotment under which such premises, is held or occupied by a person.

Provided that before cancelling the allotment under this section, the competent authority shall require such person to show cause within fifteen days why the allotment should not be cancelled.

4. Power to evict-certain persons from Government premises- Notwithstanding anything to the contrary contained in any law for the time being in force, if the competent authority is satisfied-

- (a) that the person authorized to occupy any Government premises has, whether before or after the commencement of this Act-
 - (i) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises; or
 - (ii) committed or is committing such acts of waste as are likely to affect materially the value or utility of the premises; or

- (iii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorized to occupy such premises;
- (b) that any person is in unauthorized occupation of any Government premises –

the competent authority may, by notice served by registered post or in such other manner as may be prescribed, order that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate the premises within ¹[One Week] of the date of the service of the notice and if any person refuses or fails to comply with such order, the competent authority may evict that person from, and take possession of the premises and may for that purpose use force as may be necessary :

²[Provided that if within one week of the service of notice on him, the person concerned files a show cause, the competent authority shall consider and shall pass such order thereon, as he may consider necessary, and if the show cause is rejected, necessary steps for eviction of the person concerned may be taken]

5. Power to recover damages – (1) Where any person is in unauthorized occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of premises as it may deem fit, and may, by notice served by registered post or in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice.

(2) Where any person in occupation of any Government premises commits such acts of waste as are likely to affect materially the value or utility of the premises, the competent authority may, by notice served by registered post or in such other manner as may be prescribed, order that person to pay damages as may be assessed by such authority within such time as may be specified in the notice :

Provided that, before assessing damages under Sub-section (1) or (2), the competent authority shall communicate to the person concerned the facts on which it is proposed to make such assessment and require him to show cause within a month why such assessment should not be made.

(3) If any person refuses or fails to pay the damages within the time specified in the notice, the damage may be recovered as arrears of land revenue.

6. Notice of demand for rents not paid – (1) Where an arrear of rent is payable by any person for occupation of Government premises, the competent authority may at any time after thirty days from the date on which the rent accrued due, serve or cause to be served upon the person liable a notice of demand stating the name of the person, amount payable by him and the Government premises in respect of which it is due.

(2) The notice of demand shall be signed by the competent authority.

1. Subs. For "15 days" by Act 5 of 1982
2. Subs. by Act 5 of 1982

7. Recovery of rent – If the arrears of rent for which the notice of demand has been served are not paid to the competent authority within thirty days from the date of the service of the notice or such extended period as the competent authority may allow, such arrears with all costs of recovery shall be recoverable as arrears of land revenue.

8. Appeal – (1) Any person aggrieved by an order of the competent authority under this Act may, within ¹[one week], of such order, prefer an appeal to the State Government :

Provided that the State Government may entertain the appeal after the expiry of the said period of ¹[one week], if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority and after hearing the appellant and making such further inquiry, if any, as may be necessary, pass such order as may be deemed proper and the orders of the state Government shall be final.

(3) Where an appeal is preferred under sub-section (1) the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

9. Bar of Jurisdiction of Civil Court – No order made or action taken by the State Government or the competent authority in the exercise of any power conferred by or under this Act shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any order made or action taken or to be taken in pursuance of any power conferred by or under this Act.

10. Protection of action taken in good faith – No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority or any officer subordinate to them in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made there under.

11. Delegation – 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 by an officer specially empowered in this behalf by the State Government :

Provided that the powers under section 8 shall not be delegated to an officer below the rank of Additional Collector or Additional District Magistrate.

12. Penalty – Any person who contravenes any provision of this Act, or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act, or who abets such contravention or obstruction, shall, without prejudice to recovery of damages under section 5, be punishable with fine which may extend to one thousand rupees.

1. Subs. for "1 month" by Act 5 of 1982

13. Fees not to be paid on petition, etc. – Notwithstanding anything contained in the court fees Act, 1870 (VII of 1870) no fee shall be required to be paid on petitions and memorandums of appeal filed under the provisions of Act.

14. Power to make rules – (1) The State Government may by notification in the Official Gazette, make rules for carrying out the purpose 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 notice and manner in which it may be served;
- (b) the procedure to be followed in taking possession of Government premises;
- (c) the manner in which damages under section 5 may be assessed and the matter which may be taken into account in assessing such damages;
- (d) the manner in which appeals may be preferred and procedure to be followed in appeals;
- (e) any other matter which has to, or may be, prescribed.

15. Application of other laws not barred – The provisions of this Act shall be in addition to and in derogation of, any other law for the time being in force relating to occupation of Government premises.