

TIWARI AND KUMAR'S LAW OF PUBLIC PREMISES (5th ed. 1985).
By Ashwani Kumar. Seven Stars Publications (India), Delhi. Pp. 246+
106+10. Price Rs. 110.

THE RENT Control Acts do not apply to governmental premises.¹ For eviction of unauthorised occupants of such premises, the law of public premises is applicable. Unauthorised occupation of public premises can result by occupation despite proper notice to quit or after retirement from government service or by occupation of legal representatives of the deceased government servant.² If the premises belong to the Central Government the special procedure for eviction of its unauthorised occupants is contained in the Public Premises (Eviction of Unauthorised Occupants) Act 1971. However, if they are owned by the state government, the concerned state's Public Premises Act is invoked.³

The book under review⁴ is based on the Public Premises (Eviction of Unauthorised Occupants) Act 1971 (hereinafter referred to as "the Act") as amended in 1984, rules made under it and the relevant case law.

The original work was written by O.P. Tiwari, Advocate, and his last third edition was published in May 1981. The present is the fifth edition revised by Ashwani Kumar, Advocate, and published in May 1985.

The book is divisible into two parts.⁵ The first part is again divisible into two sections. The first section⁶ contains commentaries on the Public Premises (Eviction of Unauthorised Occupants) Act 1971. In the second section⁷ lists of leading cases with headnotes have been given. This may be used as a case book on the subject. Before the first section, a table of contents, a table of leading case law, a subject index and a comparative table of various sections of 1971 and 1958 Public Premises Acts have been given⁸ which will be useful to readers.

The present editor claims to have changed the whole pattern of the

1. See, e.g., section 3 of the Delhi Rent Control Act 1958.

2. See section 2(g) of the Public Premises (Eviction of Unauthorised Occupants) Act 1971 defining the term 'unauthorised occupation'.

3. Cf., e.g., the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, section 2(e) and 3 : the Punjab Public Premises and Land (Eviction and Rent Recovery) Act 1973, sections 2(c) and 3; Bombay Government Premises (Eviction) Act 1955; sections 2(b) and 4.

4. Ashwani Kumar, *Tiwari and Kumar's Law of Public Premises* (5th ed. 1985).

5. *Ibid.* Part I runs to 246 pages and part II to 106 pages.

6. *Id.*, pp. 1-150.

7. *Id.*, pp. 151-246.

8. *Supra* note 6. These are without any page numbers. Along with prefaces they run to 10 pages.

book to make it useful and understandable even for the common people.⁹ This claim is not proper. The editor should have given a general introduction about applicability of the Act and its salient features in order to sustain the said claim.

An attempt has been made to deal with every section of the Act followed by a topical synopsis and then by a detailed commentary on each such topic. The commentary is written in easy English with the help of decided case law by various High Courts and the Supreme Court. Some general topics of public importance have also been dealt with before the section-wise commentaries, e.g., statement of objects and reasons, *vires* of the Act, revisional and writ jurisdiction of the High Courts.¹⁰

There is, however, no table of cases¹¹ cited in the section containing the commentaries. Such a table is necessary for a quick reference by busy lawyers and estate officers.

The second part of the book contains various appendices such as text of the Act,¹² rules made under it,¹³ extracts from fundamental rules,¹⁴ the Bombay, Haryana and Punjab Acts relating to government or public premises, *etc.*,¹⁵ the allotment of Government Residences (General Pool in Delhi) Rules 1963¹⁶ and various notifications in pursuance of the provisions of rule 45 of fundamental rules.¹⁷ These are useful for practising lawyers and the Bench.

The book has many printing errors and repetitions. Its price is not commensurate with the number of pages and mode of binding. Despite these shortcomings, it will prove useful for reference purposes by the Bench and the Bar.

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9. See *supra* note 1, preface.

10. *Id.* pp. 1 to 26 of the commentaries.

11. There is a table of leading cases only.

12. This is app. A, though not so stated. See *supra* note 1, pt. II, pp. 1-14.

13. This is app. B, though not so stated. See *id.*, pp. 15-24.

14. *Id.*, app. C, pp. 25-52.

15. *Id.*, app. D-1, pp. 53-90.

16. *Id.*, app. J, pp. 91-103.

17. *Id.*, pp. 103-106. It ought to have been app. II.

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