

TO BE INTRODUCED IN LOK SABHA

AS INTRODUCED IN LOK SABHA

**Bill No. 75 of 2011**

THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED  
OCCUPANTS) AMENDMENT BILL, 2011

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BILL

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

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

**1.** (1) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2011.

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

Short title  
and  
commence-  
ment.

Amendment  
of Act 40 of  
1971.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act,  
1971,—

(a) in clause (e),—

(i) in sub-clause (2), after item (i), the following item shall be inserted,  
namely:—

“(ia) any company, as defined in section 3 of the Companies Act,  
1956,—

(A) in which not less than fifty-one per cent. of the paid-up  
share 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

(B) which carries on business of metro railway.

*Explanation.*—For the purposes of this item, the expression “metro  
railway” has the same meaning assigned to it in clause (i) of sub-section  
(1) of section 2 of the Delhi Metro Railway (Operation and Maintenance)  
Act, 2002;”;

(ii) in sub-clause (3), 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 Municipal Corporation” shall be  
substituted;

(b) in clause (fa),—

(A) in sub-clause (ii), for the words, brackets and figure “in item (i)”, the  
words, brackets, figures and letter “in items (i) and (ia)” shall be substituted;

(B) in sub-clause (v), for the word “Corporation”, the words “Council,  
Corporation” shall be substituted.

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1 of 1956.

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60 of 2002.

20 44 of 1994.

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## STATEMENT OF OBJECTS AND REASONS

The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 was enacted to provide for speedy machinery for the eviction of unauthorised occupants from public premises, including the premises of Government companies and those of corporations established by or under any Central Act.

2. The Delhi Metro Railway Corporation has requested that metro properties be declared as public premises by amending the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and to confer powers of an Estate Officer under the said Act, to the officers of the Delhi Metro Railway Corporation to be appointed by the Central Government for dealing with the problem of eviction in a more expeditious manner.

3. Clause (e) of section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 contains the definition of public premises. Item (i) of sub-clause (2) of clause (e) of section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 provides that any premises belonging to, or taken on lease by, or on behalf of, any company as defined in section 3 of the Companies Act, 1956, 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 as public premises. The paid-up share capital held by one or more State Governments is not included under this item.

4. It is, therefore, proposed to include within the meaning of public premises any premises belonging to, or taken on lease by, or on behalf of, any company as defined in section 3 of the Companies Act, 1956 in which not less than fifty-one per cent. of the paid-up share 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 business of metro railway.

5. The public premises, in relation to the National Capital Territory of Delhi means, any premises belonging to the Municipal Corporation of Delhi, or any Municipal Committee or notified area committee under the provisions as contained in item (i) of sub-clause (3) of clause (e) of section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. An issue was raised in one of the cases before the Hon'ble High Court of Delhi in a civil writ petition No. 9664/2007 as to whether the expression "Municipal Committee" or "notified area committee" in the National Capital Territory of Delhi would include the Municipal Council as defined in clause (e) of section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The Hon'ble High Court held that there is no question of any ambiguity in the expression "any Municipal Committee or notified area committee" used in relation to any premises held by them and dismissed the writ petition.

6. To avoid reoccurrence of any litigation in future and to remove any doubts, it is proposed to bring Municipal Council within the purview of public premises by amending section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

7. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 29th August, 2011.*

KAMAL NATH,

*ANNEXURE*

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

(40 OF 1971)

Definitions.

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

\* \* \* \* \*

(e) “public premises” means—

\* \* \* \* \*

(2) any premises belonging to, or taken on lease by, or on behalf of,—

\* \* \* \* \*

(3) in relation to the National Capital Territory of Delhi,—

(i) any premises belonging to the Municipal Corporation of Delhi, or any municipal committee or notified area committee,

\* \* \* \* \*

(fa) “statutory authority”, in relation to the public premises referred to in clause (e) of this section, means,—

\* \* \* \* \*

(ii) in respect of the public premises referred to in item (i) of sub-clause (2) of that clause, the company or the subsidiary company, as the case may be, referred to therein,

\* \* \* \* \*

(v) in respect of the public premises referred to in sub-clause (3) of that clause, the Corporation, committee or Authority, as the case may be, referred to in that sub-clause;

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LOK SABHA

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

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*(Shri Kamal Nath, Minister of Urban Development)*