

Bill No. 5 of 2014

THE ACQUISITION OF CERTAIN AREA IN MUMBAI FOR
DR. BHIMRAO AMBEDKAR MEMORIAL BILL, 2014

A

BILL

to provide for the acquisition of certain area in Mumbai belonging to the National Textile Corporation Limited for facilitation of the construction of a memorial for Dr. Bhimrao Ambedkar and for matters connected therewith or incidental thereto.

57 of 1974.

WHEREAS there has been a long-standing demand for the making available the land belonging to the India United Mills No. 6, in Mumbai in the State of Maharashtra presently vested in the National Textile Corporation Limited by virtue of the provisions of the Sick Textile Undertakings (Nationalisation) Act, 1974, for the purposes of construction of a memorial to commemorate the life and achievements of Dr. Bhimrao Ambedkar;

AND WHEREAS the textile undertaking on the said land is currently closed and if this land is made available to construct a memorial to inspire and motivate the citizens and, in particular, the members of the Scheduled Castes and the Scheduled Tribes, whose advancement has always been championed by Dr. Bhimrao Ambedkar, thereby facilitating the common good of the community by inspiring the aspirational consciousness of the weaker sections of society and their access to a place of commemoration of the life struggle of Dr. Bhimrao Ambedkar and in furtherance of the mandate of clause (b) of article 39 and article 46 of the Constitution;

AND WHEREAS the State of Maharashtra has also undertaken to construct such a memorial if the land is made available to it:

AND WHEREAS with a view to achieving the aforesaid objectives, it is necessary to acquire the said land from the National Textile Corporation Limited and to facilitate the use of the same for the purposes of construction of such a memorial, free of any legal hindrance or obstacle.

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

CHAPTER I

PRELIMINARY

Short title and commencement.	1. (1) This Act may be called the Acquisition of Certain Area in Mumbai for Dr. Bhimrao Ambedkar Memorial Act, 2014.	5
	(2) It shall be deemed to have come into force on the 1st day of January, 1992.	
Definitions.	2. In this Act, unless the context otherwise requires,—	
	(a) "area" means the area located at India United Mills No. 6 Vir Savakar Marg, Mumbai, as specified in the schedule, including all the buildings, structures or other properties comprised therein;	10
	(b) "Management" means the general management, maintenance, supervision, upkeep, repair, improvement of the property and other matters relating thereto:	
	(c) "prescribed" means prescribed by rules made under this Act.	
	CHAPTER II	
	ACQUISITION OF THE AREA OF INDIA UNITED MILLS NO. 6 IN MUMBAI	15
Acquisition of rights in respect of certain area.	3. Notwithstanding anything contained in the Companies Act, 1956 or the Sick Textile Undertakings (Nationalisation) Act, 1974 or the Sick Industrial Companies (Special Provisions) Act, 1985 or in any other law for the time being in force or in any rules, regulations, schemes, notification, bye-laws made thereunder or in any order passed by any court, tribunal or authority, on and from the commencement of this Act, the right, title and interest in relation to the area shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.	1 of 1956. 57 of 1974. 1 of 1986. 20
General effect of vesting.	4. (1) The area shall be deemed to include—	
	(i) all assets, rights, lease-holds, powers, authority and privileges and all properties, movable and immovable, including lands, buildings, structures, shops of whatever nature or other properties and all other rights and interests in, or arising out of, such properties; and	25
	(ii) all registers, maps, plans, drawings and other documents of whatever nature relating to the properties referred to in clause (i), as immediately before the commencement of this Act, were in the ownership, possession, power or control of the National Textile Corporation Limited.	30
	(2) Notwithstanding any attachment, injunction, decree or order of any court or tribunal or other authority and in particular any scheme that may have been approved by any authority, court or tribunal in terms of the provisions of the Sick Industrial Companies (Special Provisions) Act, 1985 restricting the use of the properties referred to in sub-section (1), the right, title and interest in relation thereto, which have been transferred to and vested in Central Government under section 3, such properties by virtue of such transfer and vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other encumbrances affecting them.	35 1 of 1986.
	(3) If, on the commencement of this Act, any suit, appeal or other proceeding in respect of the right, title and interest relating to the property which has vested in the Central Government under section 3, is pending before any court, tribunal or other authority, the same shall abate.	40

5. (1) The Central Government may take all necessary steps to secure possession of the area which is vested in that Government under section 3.

Duty of person in charge of the management of the area to deliver all assets, etc.

(2) On the vesting of the area in the Central Government under section 3, the person in charge of the management of the area immediately before such vesting shall be bound to deliver to the Central Government or the person authorised by that Government, all assets, registers and other documents in their custody relating to such vesting or where it is not practicable to deliver such registers or documents, the copies of such registers or documents authenticated in the prescribed manner.

CHAPTER III

MANAGEMENT AND ADMINISTRATION OF PROPERTY

6. (1) Notwithstanding anything contained in any contract or instrument or order of any court, tribunal or other authority to the contrary, on and from the commencement of this Act, the property vested in the Central Government under section 3, may be transferred by the Central Government to the State of Maharashtra or to any trust or society that may be constituted by the State of Maharashtra for the purposes of construction and management of a memorial for Dr. Bhimrao Ambedkar.

Construction and management of Dr. Bhimrao Ambedkar Memorial.

Explanation.—For the purposes of removal of doubts, it is clarified that the transfer under this sub-section shall be exclusively for the purpose of construction and management of said memorial while the ownership of the property after such transfer shall remain vested in the Central Government.

(2) The instrument of transfer, contemplated in sub-section (1), shall be for a period not exceeding ninety-nine years which may be extended subject to such terms and conditions as may be mutually agreed to between the Central Government and such transferee at the time of such extension.

(3) The instrument of transfer contemplated in sub-section (1) shall contain a stipulation that the land shall exclusively be used for the purpose of construction and management of the memorial for Dr. Bhimrao Ambedkar and for no other purpose.

(4) Other terms and conditions shall be as may be mutually agreed to between the Central Government and such transferee.

(5) In the absence of any agreement in writing to the contrary, on the expiry of the period stipulated in the instrument under sub-section (2), the property shall automatically revert to the Central Government and no court or tribunal or authority shall entertain any suit or legal proceeding to interdict or stay or prevent such reversion or resumption by the Central Government.

CHAPTER IV

MISCELLANEOUS

7. (1) **The National Textile Corporation Limited shall be paid by the Central Government, for the transfer to and vesting of the right, title and interest in relation to the area in that Government under section 3, in cash an amount of rupees forty-five crore, sixty-nine lakh and twelve thousand only.**

Payment of amount.

57 of 1974.

(2) **The compensation amount paid by the Central Government under sub-section (1) shall be utilised by the National Textile Corporation Limited for the purposes mentioned in section 11A of the Sick Textile Undertakings (Nationalisation) Act, 1974 and for the payment of the dues of the workmen and the creditors of the National Textile Corporation Limited.**

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act or any decree or order of any court, tribunal or other authority.

Act to override all other enactments.

9. Any person who is in charge of the management of the area and fails to deliver to the Central Government or the person authorised by that Government, any asset, register or

Penalties.

other document in his custody relating to such area or, as the case may be, authenticated copies of such register or document shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both.

Protection of
action taken in
good faith. **10.** No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or National Textile Corporation Limited or any person authorised by the Central Government under this Act or any officers of those Governments or National Textile Corporation Limited for anything which is done in good faith or intended to be done in good faith under this Act or the rules made thereunder. 5

Declaration as
to the policy
of the State. **11.** It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of article 39 of the Constitution. 10

Explanation.—In this section, "State" has the same meaning as in article 12 of the Constitution.

Duty to carry
out objective
of Act. **12.** It shall be the duty of every authority to act in aid of the carrying out the provisions of this Act and to render all co-operation and assistance in realising the objective of this Act, including effecting any amendment or modification to any notification, rule, regulation or bye-law retrospectively to facilitate and expedite the construction and maintenance of the memorial for Dr. Bhimrao Ambedkar. 15

Power to make
rules. **13. (1)** The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act. 20

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses 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. 25

THE SCHEDULE

[See section 2 (a)]

DESCRIPTION OF THE AREA

All that pieces or parcels of land belonging to the National Textile Corporation Limited, Unit: India United Mills No. 6 (Dye Works) situated at Veer Savarkar Marg, Dadar, Mumbai - 400 028 within the Municipal limits of Mumbai, bearing City Survey No. FP 1163, TPS IV, Mahim Division, Mumbai, admeasuring 48414.83 square metres of land popularly known as India United Mills No. 6 (Dye Works), Mumbai. Properties are bounded as follows :—

City Survey No.	Admeasuring	North	South	East	West
FP1163 TPSIV	48414.83 sq. mtrs. of land	Suryavanshi Kshatria Sabhagrah Marg	FP No. 1166, 1165, 1164	S.V. Savarkar Road	Beach / Sea

STATEMENT OF OBJECTS AND REASONS

There has been a long-standing demand for making available the land belonging to the India United Mills No. 6, in Mumbai in the State of Maharashtra, presently vested in the National Textile Corporation Limited by virtue of the provisions of the Sick Textile Undertakings (Nationalisation) Act, 1974 for the purposes of construction of a memorial to commemorate the life and achievements of Dr. Bhimrao Ambedkar. In view of proximate location of that land to Chaityabhoomi, Dadar, near the site of Dr. Ambedkar's last rites, the Government of India is desirous of constructing such a memorial to honour the Father of the Indian Constitution.

2. The Construction of the memorial will serve a significant public purpose and inspire and motivate the citizens and, in particular, the members of the Scheduled Castes and the Scheduled Tribes, whose advancement has always been championed by Dr. Bhimrao Ambedkar, thereby facilitating the common good of the community by nurturing the aspirational consciousness of the weaker sections of society and providing access to a place of commemoration of the life struggle of Dr. Bhimrao Ambedkar and will be in furtherance of the mandate of clause (b) of article 39 and article 46 of the Constitution.

3. The State of Maharashtra has undertaken to construct the memorial if the said land is made available to it.

4. The Acquisition of Certain Area in Mumbai for Dr. Bhimrao Ambedkar Memorial Bill, 2014 is enacted for acquisition of the land of India United Mills No. 6 for the purpose of construction and management of a memorial for Dr. Bhimrao Ambedkar notwithstanding anything contained in the Companies Act, 1956 or the Sick Textile Undertakings (Nationalisation) Act, 1974 or the Sick Industrial Companies (Special Provisions) Act, 1985 or any other law for the time being in force.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 4th February, 2014.

KAVURU SAMBASIVARAO

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall pay in cash an amount of rupees forty-five crore, sixty-nine lakh and twelve thousand only to the National Textile Corporation Limited, for the transfer to and vesting of the right, title and interest in relation to the area in that Government under section 3. This is one time, non-recurring expenditure.

2. The aforesaid expenditure would be met from the Consolidated Fund of India.

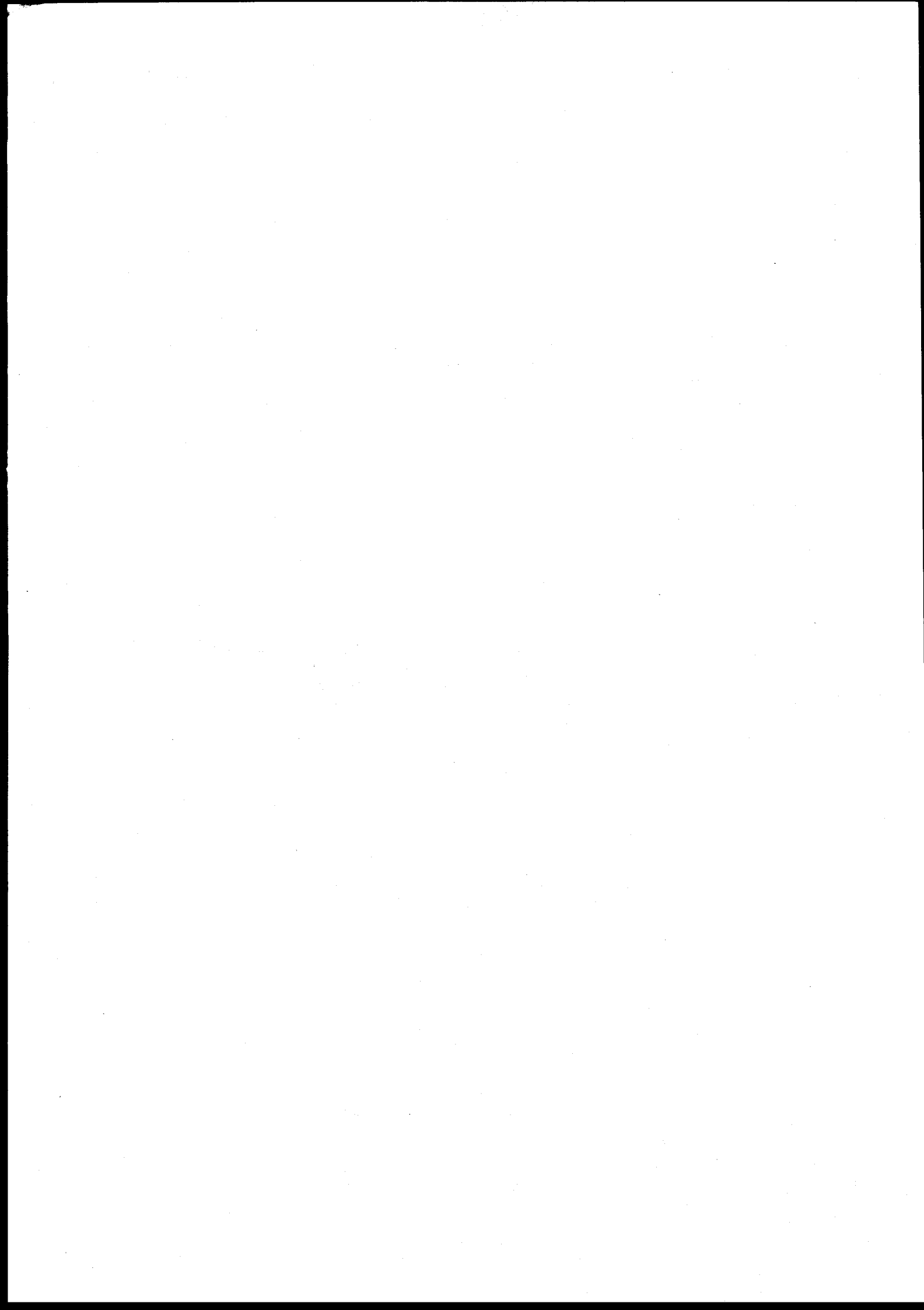
3. The Bill, if enacted, is not likely to involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 13 of the Bill empowers the Central Government to make rules, by notification in the official Gazette to carry out the provisions of the Bill.

2. The rules made by the Central Government are required to be laid, as soon as they are made, before each House of Parliament.

3. The matters in respect of which rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative powers is, therefore, of a normal character.



LOK SABHA

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BILL

to provide for the acquisition of certain area in Mumbai belonging to the National Textile Corporation Limited for facilitation of the construction of a memorial for Dr. Bhimrao Ambedkar and for matters connected therewith or incidental thereto.

(Dr. Kavuru Sambasiva Rao, Minister of Textile)