

Bill No. 158 of 2017

THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED
OCCUPANTS) AMENDMENT BILL, 2017

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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-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2017. Short title and commencement.

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

40 of 1971. 2. In the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as the principal Act), in section 2, clause (fa) and clause (fb) shall be renumbered Amendment of section 2.

as clause (fb) and (fc) respectively, and before clause (fb) as so renumbered, the following clause shall be inserted, namely:—

‘(fa) “residential accommodation occupation”, in relation to any public premises means occupation by any person on grant of licence to him to occupy such premises on the basis of an order of allotment for a fixed tenure or for a period he holds office, in accordance with the rules and instructions issued in this regard, made under the authority of the Central Government, a State Government, a Union territory Administration or a statutory authority, as the case may be;’.

Insertion of new section 3B. **3.** In the principal Act, after section 3A, the following section shall be inserted, namely:—

Eviction from residential accommodation. **“3B. (1)** Notwithstanding anything contained in section 4 or section 5, if the estate officer has information that any person, who was granted residential accommodation occupation, is in unauthorised occupation of the said residential accommodation, he shall—

(a) forthwith issue notice in writing calling upon such person to show cause within a period of three working days why an order of eviction should not be made;

(b) cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the said residential accommodation, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been served upon such person.

(2) The estate officer shall, after considering the cause, if any, shown by the person on whom the notice is served under sub-section (1) and after making such inquiry as it deems expedient in the circumstances of the case, for reasons to be recorded in writing, make an order of eviction of such person.

(3) If the person in unauthorised occupation refuses or fails to comply with the order of eviction referred to in sub-section (2), the estate officer may evict such person from the residential accommodation and take possession thereof and may, for that purpose, use such force as may be necessary.”.

Amendment of section 7. **4.** In section 7 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) If the person in unauthorised occupation of residential accommodation challenges the eviction order passed by the estate officer under sub-section (2) of section 3B in any court, he shall pay damages for every month for the residential accommodation held by him.”.

STATEMENT OF OBJECTS AND REASONS

The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (the said Act), was enacted to provide for eviction of unauthorised occupants from public premises and for certain incidental matters.

2. Government of India provides residential accommodation to its employees, Members of Parliament and other dignitaries while they are in service or till the term of their office on licence basis. As per the existing allotment rules, after the expiry of the terms and conditions of the licence, the occupants of such residential accommodations become unauthorised for staying in such accommodation and should vacate the same. The said Act, Confers powers upon the estate officers to evict such unauthorised occupants from “public premises” in a smooth, speedy and time-bound manner. Under the existing provisions, the eviction proceedings of unauthorised occupants from “public premises” take around five to seven weeks time. It may take around four more weeks if the unauthorised occupants file appeal under the said Act. However, eviction proceedings take much longer period than the timeline prescribed in the said Act. Sometimes, it takes years to evict the unauthorised occupants.

3. There are provisions for summary eviction proceedings under section 3A of the said Act in case of persons occupying “public premises” temporarily, that is, less than thirty days. Under the summary proceedings, the estate officer does not have to follow elaborate procedure prescribed, for serving notice, show cause, inquiry, and hearing, as per sections 4 and 5 of the Act, before passing eviction order. However, these summary proceedings are not applicable to the occupants of residential accommodations given on licence basis. It is, therefore, proposed to apply summary eviction procedure to residential accommodation given on licence basis with a short show cause notice of three days to the unauthorised occupants by inserting new section 3B. It is also proposed to define the term “residential accommodation occupation” by amending section 2.

4. It is often seen that the unauthorised occupants do not vacate the government accommodation on expiry of the terms and conditions of the licence as per the rules and uses dilatory tactics to withhold the accommodation, by challenging the eviction order before an appellate officer or before the High Court and by obtaining stay of the eviction order. In order to check this delay, it is also proposed to insert a new sub-section (3A) in section 7 of the Act to the effect that if the person challenges the eviction order passed by the estate officer in any court, he has to pay the damages for every month for the residential accommodation held by him.

5. These amendments would facilitate smooth and speedy eviction of unauthorised occupants from residential accommodations, and ensure retrieval of the residential accommodation from the unauthorised occupants without requiring elaborate procedures under sections 4 and 5 of the said Act. This will further increase availability of residential accommodations to new incumbents and improve the overall satisfaction level.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 21st July, 2017.

NARENDRA SINGH TOMAR

LOK SABHA

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

(Shri Narendra Singh Tomar, Minister of Housing and Urban Affairs)