

20

**STANDING COMMITTEE ON URBAN DEVELOPMENT
(2011-2012)**

FIFTEENTH LOK SABHA

MINISTRY OF URBAN DEVELOPMENT

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

TWENTIETH REPORT



LOK SABHA SECRETARIAT

NEW DELHI

TWENTIETH REPORT

STANDING COMMITTEE ON

URBAN DEVELOPMENT

(2011-2012)

(FIFTEENTH LOK SABHA)

MINISTRY OF URBAN DEVELOPMENT

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

Presented to Lok Sabha on 14.05.2012

Laid in Rajya Sabha on 14.05.2012



LOK SABHA SECRETARIAT

NEW DELHI

May, 2012/ Vaisakha, 1934(Saka)

C.U.D. No.: 71

Price : Rs.

(C) 2012 By Lok Sabha Secretariat

Publish under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha
(Thirteenth Edition) and Printed by

CONTENTS

PAGE

COMPOSITION OF THE COMMITTEE.....

(iii)

INTRODUCTION.....

(v)

REPORT

PART-I

PART I Background of "The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2011"and analysis thereon 1

PART II Recommendations/Observations of the Committee..... 8

ANNEXURE

The Public Premises (Eviction of Unauthorised Occupants)
Amendment Bill, 2011 12

APPENDICES

I Minutes of the Fifth Sitting of the Committee held on
02.04.2012..... 17

II. Minutes of the Ninth Sitting of the Committee held on 9.05.2012..... 20

(ii)

COMPOSITION OF THE STANDING COMMITTEE ON URBAN DEVELOPMENT(2011-2012)

Shri Sharad Yadav - Chairman

MEMBERS

LOK SABHA

2. Shri J.P. Agarwal
3. Shri M. Anandan
4. Shri Praveen Singh Aron
5. Shri Partap Singh Bajwa
6. Shri Ambica Banerjee
7. Smt. J. Helen Davidson
8. Smt. Priya Dutt
9. Shri Eknath M. Gaikwad
10. Shri Bijoy Krishna Handique
11. Shri Gorakh Prasad Jaiswal
12. Shri Kailash Joshi
13. Shri Mohinder Singh Kaypee
14. Dr (Prof.) Ramshankar Katheria
15. Shri Ramesh Kumar
16. Dr. Kirodi Lal Meena
17. Shri P.C. Mohan
18. Shri Sonawane Pratap Narayanrao
19. Shri Rakesh Sachan
20. Shri Bhupendra Singh
21. Shri Umashankar Singh

RAJYA SABHA

22. Shri P. Bhattacharya
- #23. Shri Parvez Hashmi
24. Shri Avinash Pande

25. Dr. Bhalchandra Mungekar
26. Shri Kanwar Deep Singh
27. Shri Khekiho Zhimomi
28. Shri Ajay Sancheti
29. Shri Rajeev Chandrasekhar
*30. Vacant
*31. Vacant

SECRETARIAT

1.	Shri T.K. Mukherjee	-	Joint Secretary
2.	Shri R.K. Jain	-	Director
3.	Smt. J.M. Sinha	-	Deputy Secretary
4	Smt. Rangamani N.	-	Under Secretary

Retired from Rajya Sabha on 27.01.2012 and renominated w.e.f. 2.02.2012.

* Vacancy caused consequent upon retirement of Dr. Manohar Joshi and Smt. Hema Malini from Rajya Sabha w.e.f. 02.04.2012.

INTRODUCTION

I, the Chairman, Standing Committee on Urban Development having been authorized by the Committee to submit the report on their behalf, present this Twentieth Report (Fifteenth Lok Sabha) on "The Public Premises (Eviction of Unauthorised Occupants Amendment, Bill 2011" pertaining to the Ministry of Urban Development.

2. The Public Premises (Eviction of Unauthorised Occupants) Amendment, Bill 2011" introduced in Lok Sabha on 23 November, 2011 was referred to this Committee on 5th January, 2012 for examination and Report thereon, by the Speaker Lok Sabha under Rule 331 E of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee obtained written information on various provisions contained in the aforesaid Bill from the Ministry of Urban Development.

4. The Committee at their sitting held on 2nd April, 2012 took evidence of the representatives of the Ministry of Urban Development, Ministry of Home Affairs, DMRC and NDMC on the Bill. The Hon'ble Speaker was kind enough to grant extension of time upto 22nd May, 2012 for presentation of the Report.

5. The Committee express their thanks to the officials of the Ministry of Urban Development, DMRC and NDMC for placing before them the material and information desired from time to time in connection with examination of the Bill.

6. The Committee considered and adopted the draft Report at their sitting held on 9 May, 2012.

7. For facility of reference, the observations/recommendations of the Committee have been printed in bold in Part-II of the Report.

New Delhi;
May, 2012
Vaisakha, 1934 (Saka)

SHARAD YADAV
Chairman
Standing Committee on Urban Development

Report

Part I

Background of "The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2011" and analysis thereon.

The unauthorized occupancy of public premises is a serious problem prevailing all through the country. In spite of various efforts taken by the Government from time to time to curb this issue, the problem of unauthorized occupancy continues to exist. Though Public premises has been well defined in the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, the premises which are meant for public utility or for the welfare of public are being occupied by private parties to carry on their own business which become very difficult to get evicted. Similarly such problem of unauthorized occupancy was being experienced by the Delhi Metro Rail Corporation. In the above context the Committee were given to understand that some of the properties belonging to DMRC which were given on rent are not being vacated by the tenants even on the expiry of authorized period. The properties of DMRC are not covered under the provisions of the PPE Act and, therefore, the DMRC is unable to take recourse to the provisions of the Act for speedy recovery of its premises from the unauthorized occupants.

1.2 The Solicitor General who was approached by DMRC, has given an advice either to amend DMRC Act to provide for powers similar to those enjoyed by Estate Officer under the PPE Act or bring about appropriate provisions in comprehensive Bill or add a clause under Section 2(3) of the PPE Act which defines the Public premises to include the properties belonging to DMRC also as Public Premises.

1.3 The third advice i.e. including properties of Metro Rail within the meaning of public premises was considered to be more appropriate since metros can come up in different parts of the country in future and the unauthorized occupancy of the metro

property can hamper the process of metro rail construction and cause inconvenience to the public.

1.4 The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 was enacted to provide for speedy machinery for eviction of unauthorized occupants from Public Premises, including the premises of Government companies and those of corporations established by or under any Central Act. Since its enactment, this Act has been amended thrice.

1.5 It has been stated that 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.

1.6 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.

1.7 Statement of Objects and Reasons appended to the Bill states that 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.

1.8 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.

1.9 To avoid recurrence of any litigation in future and to remove any doubts, Municipal Council is being brought within the purview of 'public premises' by amending section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

1.10 The Public Premises (Eviction of Unauthorized Occupants) Bill, 2011 was introduced in Lok Sabha on 23.11.2011 and referred to the Standing Committee on Urban Development on 5.01.2012 for examination and report thereon to Parliament.

1.11 The Committee solicited comments from various stakeholders viz. Ministry of Urban Development, DMRC and NDMC on various issues involved in this Bill. The

Committee took oral evidence of the Ministry of Urban Development, DMRC & NDMC who clarified various issues.

1.12 The Committee deliberated on the various provisions of the Bill in detail. The details about the deliberations have been given in succeeding paragraph.

1.13 As per the information provided by the Ministry the Cabinet gave its nod to the Bill on 8th July 2010 and the Bill was introduced in Lok Sabha only on 23.11.2011. Apprising the committee as to why so much time was taken in bringing the Bill before the Parliament the Ministry in its written reply stated as under:

"After approval by the Cabinet Note on 8.7.2010, draft Notice for introduction of the Bill was prepared and submitted for UDM's approval on 9th August, 2010. After approval of UDM, the Notice was served to the Secretary General, Lok Sabha on 11th November, 2010. However, Bill could not be introduced in that Session. In the meantime portfolio of the Ministry of Urban Development was changed and therefore, a fresh Notice was put up on 12th January, 2011 for approval of the new Minister. Before approval of the Notice by the UDM, proposals were received from ASSOCHAM (Associated Chamber of Commerce and Industry of India) and IMC (Indian Merchants' Chamber) seeking further amendment in the PPE Act, in effect aiming at linking the provisions of the PPE Act with those of the Rent Control Act. The suggestion of ASSOCHAM and IMC were examined in consultation with Law Ministry. Law Ministry did not agree with the proposal of the ASSOCHAM and IMC and, thereafter, the fresh Notice was approved by the Urban Development Minister on 24 August, 2011 and served to the Secretary General of the Lok Sabha on 29th August, 2011. The Urban Development Minister introduced the Bill in Lok Sabha on 23th November, 2011."

1.14 On being asked about the numbers of cases languishing in courts for want of this Amendment and their period of pendency the Secretary, Urban Development Ministry during deposition before the Committee stated that:

"As per information furnished by DMRC, 96 premises have not been vacated on expiry of the authorized period and all these cases are in the Court/Arbitration.

Out of these, two cases are less than one year old, seventy seven cases are more than one year old, 16 are more than two years old and one case is more than three years old. However, no case is pending in the Court of Law so far as NDMC is concerned. "

1.15 When asked about the impact of this Bill in quick disposal of the cases the Ministry stated as under:

"After amendment of the Act, the DMRC will be able to get their premises vacated through the designated Estate Officer. The cases of unauthorized occupation are decided by the Estate Officer, as per provisions in the Act, within a period of 3 to 4 months. The appeal against the order of the Estates Officer lies in the court of the District Judge, whereas in normal cases petitions have to be filed in the Lower Court which takes years for disposal. Thus, under the PPE Act, the overall time period of finalization of the cases gets reduced drastically. "

1.16 In a reply to a question that it is understood that every decision of the Estate Officer can be challenged in the courts of District and Session Judge where the cases are stacked for want of time, the Secretary, Ministry Urban Development during deposition before the Committee submitted as under:

"It is true that order of the Estate Officer can be challenged in the Court of the District Judge. The time taken by the Court of District Judge in disposal of appeals ranges from 3 to 6 months. Thus, the time taken by the District Judge in disposal of appeal is much less than the time taken in the normal procedure. The amendment in the PPE Act will, in fact, help DMRC in getting its premises vacated in much shorter time. "

1.17 Briefing about the background of necessity of the amendment regarding inclusion of Municipal Corporation, the Chairperson, NDMC during evidence before the Committee clarified as under:

"As per Section-2(e)(3)(i) of the Act in relation to the National Capital Territory of Delhi, the premises belonging to the Municipal Corporation of Delhi or any Municipal Committee or notified area Committee shall be the public premises. After the establishment of New Delhi Municipal Council under the New Delhi Municipal Council Act, 1994, which came into force from 25.5.1994, a question was raised in

the Delhi High Court as to whether the properties of the New Delhi Municipal Council are the public premises as it has not been so defined in Section-2(e)(3)(i) of the Act on the main ground that the New Delhi Municipal Council is not a Municipal Committee. The Delhi High Court, however, upheld that the properties of the New Delhi Municipal Council are public premises. However, to avoid any ambiguity, it has been suggested in the Bill that New Delhi Municipal Council, as defined in Section-2 Clause-9 of the NDMC Act be specifically included in definition of public premises to avoid any further litigation in this regard."

1.18 When asked why the suggestion of amending the Delhi Metro Railway (O&M) Act, 2002 and bestowing powers similar to those enjoyed by Estate Officers under the PPE Act was not taken into consideration instead of inserting a provision for amending the PPE Act, the Ministry in its written reply stated as under:

"The Solicitor General in his opinion dated 10.5.2004 opined that the powers provided under the DMRC ACT are not wide enough to cover encroachments of various properties and also is not a machinery as effective as the one under the Public premises (Eviction of Unauthorized Occupants) Act, 1971. He further opined DMRC to request the Central Government to make amendment in the PPE Act 1971. The above-mentioned opinion was examined and it has been decided to seek amendment in Section 2(e)2(i) so as to bring under the PPE Act, the properties of the companies in which the Central Government and one or more State Government (s) jointly hold 51% or more Share Capital."

1.19 When asked whether this amendment for enabling joint ownership by Central Govt. and State Governments can be challenged in the Court of Law as it infringes the basic tenet of the public sector character i.e. at least 51% holding, the Ministry in its written reply clarified as under:

"The DMRC is joint venture Company between the Central Government and the Government. The proposed amendment provides for more than 51% share capital jointly held partly by the Central Government and partly by one or more State Governments. Therefore, the proposal does not infringe upon the basic tenet of public sector character and may not be challenged in the Court of Law."

1.20 When asked about the safety provisions in the amended PPE Act to prevent misuse against the genuine tenants whose term has not been expired, the Ministry in its written reply stated as under:

"The validity of the PPE Act, 1971 has been upheld by the Apex Court of the country. Further, with a view to prevent arbitrary use of the powers to evict genuine tenants from public premises and to limit the use of powers by the Estate Officer appointed u/s 3 of the PPE Act, 1971, detailed guidelines were circulated vide Resolution No. 21013/1/2000-Policy-I dated 13th May, 2002. "

1.21 On being asked whether the PPE Act is more effective than the in vogue judicial process, the Ministry stated that:

"The PPE Act is a very effective and fast track process for evacuation of unauthorized occupants of the public premises, whereas in normal cases not covered under the PPE Act, the eviction case is to be filed first in a Lower Civil Court where it takes years for finalization of the case."

Part II

Observations/Recommendations of the Committee

2.1 The Committee are in agreement to the proposed amendments in the Bill. They are of the view that legislation in respect of DMRC should have found priority and cleared without delay. But the Committee decry the casual approach of the Government in this regard. They find that the Bill has been brought forward by the government in Parliament after a long gap of 10 months after the Cabinet gave its nod to the amendment. The reasons cited by the Ministry that has caused delay do not satisfy the Committee. The Committee want the Government to act swiftly at least in such matters and do not procrastinate the things unnecessarily. Procedural hassles should not come in way in regard to such matters.

2.2 The Committee observe that as per the existing provision of the PPE Act, as contained in Section 2 (e), the properties 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 51% 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) would be categorized as public premises. Therefore, the premises of the DMRC are not covered under the definition of public premises.

2.3 The Committee find that the proposed Public Premises (Eviction of unauthorized occupants) Amendment Bill, 2011 seeks to provide that premises

belonging to DMRC will also fall within the definition of public premises. The Committee are convinced with the reply of the Ministry that this amendment does not violate the public Sector character since no other party other than Central Government and Government of NCT of Delhi are involved. The Committee feel that thumb rule of 51% holding is not applicable in this case.

2.4 The Committee are given to understand that after the proposed amendment, the DMRC will be able to get their premises vacated through the designated Estate Officer. The cases of unauthorized occupation are decided by the Estate Officer, as per provisions in the Act, within a period of 3 to 4 months. The appeal against the order of the Estates Officer lies in the court of the District Judge, whereas in normal cases petitions have to be filed in the Lower Court which takes years for disposal. Thus, under the PPE Act, the overall time period of finalization of the cases gets reduced drastically. The Committee while agreeing to the proposed amendments are of the view that this time limit of 3 to 4 months should be adhered to otherwise the very purpose of amendment would be defeated. For this purpose, the Committee want the Government to make provision for summary trial before the Estate Officer in such cases. Similarly, the Committee want that court of District and Sessions Judge should also dispose the appeal in a time bound manner.

2.5 The Committee are convinced with that the Ministry's reply in respect of inclusion of New Delhi Municipal corporation in this Bill. They are given to understand that it has been necessitated due to a writ petition in Hon'ble High Court of Delhi. Though the Hon'ble High Court has dismissed the writ petition, it has become necessary to remove the ambiguity. They are of the view that this amendment will remove doubts in this regard and also minimize the chances of Government being dragged in unnecessary litigations. The Committee take note of the trifurcation of Municipal Corporation of Delhi. In order to avoid situations faced by NDMC, they want the government to take necessary steps by bringing amendments in the present bill itself for substitution of Municipal Corporations of Delhi with the newly created Corporations.

2.6 The Committee take note to the reply of the Ministry with regard to efficacy of PPE Act vis-à-vis in vogue judicial process with skepticism. In the Committee's view, the unscrupulous litigants can take the advantage of judicial process that is applicable to PPE act also and delay the final decision viz. by challenging every order of the Estate Officer in the court of appeal. If this is allowed it will frustrate the very purpose of the amendment. Therefore, the Committee want the maximum time limit to be prescribed for disposal of cases before the Estate Officer.

2.7 The Committee are given to understand that to prevent the misuse of powers to evict genuine tenants from the public premises, the detailed guidelines have been

issued vide resolution No.21013/1/2000- policy-I dated 30 May, 2002. The Committee are satisfied with the safeguards provided in the guidelines and convinced that the provisions of the Bill will not allow the Estate Officers to exercise their powers arbitrarily against the genuine tenants whose term has not come to an end.

2.8 In view of the above, the Committee approve the Bill for enactment and want the Government to take their suggestions into consideration while implementing the provisions of the Bill.

New Delhi;

May, 2012

Vaisakha, 1934 (Saka)

SHARAD YADAV

Chairman

Standing Committee on Urban Development

AS INTRODUCED IN LOK SABHA

Bill No. 75 of 2011

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

A
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.

(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, 5
namely:—
- “(ia) any company, as defined in section 3 of the Companies Act, 1 of 1956. 10
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 10
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 15
(1) of section 2 of the Delhi Metro Railway (Operation and Maintenance) 60 of 2002.
Act, 2002;”;
- (ii) in sub-clause (3), in item (i), for the words “Municipal Corporation”, ^{2044 of}
the words, brackets and figures “Council as defined in clause (9) of section 2 of ¹⁹⁹⁴
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, 25
Corporation” shall be substituted.

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 unauthorized 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 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(40OF 1971)

* * * * *

Definitions. 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;

* * * * *

LOK SABHA

A
BILL

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

(Shri Kamal Nath, Minister of Urban Development)

GMGIPMRND—1809LS(S3)—05-09-2011.

STANDING COMMITTEE ON URBAN DEVELOPMENT (2011-2012)

**MINUTES OF THE FIFTH SITTING OF THE COMMITTEE HELD ON
MONDAY, 2ND APRIL , 2012**

The Committee sat from 1100 hrs. to 1200 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Sharad Yadav - *Chairman*

MEMBERS

LOK SABHA

2. Shri M. Anandan
3. Shri Ambica Banerjee
4. Smt. J. Helen Davidson
5. Shri Gorakh Prasad Jaiswal
6. Shri Kailash Joshi
7. Shri Mohinder Singh Kaypee
8. Prof. (Dr.) Ram Shankar Katheria
9. Shri Ramesh Kumar
10. Dr. Kirodi Lal Meena
11. Shri Umashankar Singh

RAJYA SABHA

12. Shri P. Bhattacharya
13. Dr. Bhalchandra Mungekar

14. Shri Meghraj Jain

SECRETARIAT

- | | | | |
|----|----------------------|---|------------------|
| 1. | Shri T.K. Mukherjee | - | Joint Secretary |
| 2. | Shri R.K. Jain | - | Director |
| 3. | Smt. J.M. Sinha | - | Deputy Secretary |
| 4. | Smt. K. Rangamani N. | - | Under Secretary |

List of Witnesses

- | | | | |
|----|------------------------|---|---|
| 1. | Dr. Sudhir Krishna | - | Secretary, Ministry of Urban Development |
| 2. | Shri K.K. Pathak | - | Joint Secretary, Ministry of Home Affairs |
| 3. | Shri D. Diptivilasa | - | Additional Secretary, Ministry of Urban Development |
| 4. | Shri Mangu Singh | - | Managing Director, Delhi Metro Rail Corporation |
| 5. | Ms. Archana Arora | - | Chairperson, New Delhi Municipal Council |
| 6. | Shri K.S. Mehra | - | Commissioner, MCD |
| 7. | Shri S.K. Lohiya | - | OSD and Joint Secretary(MRTS) |
| 8. | Shri Munish Kumar Garg | - | Director of Estates |
| 9. | Shri R.N. Yadav | - | Dy. Director of Estates(Policy) |

2. At the outset, the Hon'ble Chairman welcomed the representatives of Ministry of Urban Development to render oral evidence on the 'Public Premises (Eviction of Unauthorized Occupants) Amendment Bill, 2011 and drew the attention of the representatives of the Ministry towards the provisions of Direction 55(1) of the 'Directions by the Speaker'. The representatives of Ministry briefed the Committee on the objectives of Bill and the benefit of inclusion of DMRC properties as public premises

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. The Members put forth certain queries which were later resolved by the representatives of the Ministry.

3. A verbatim record of the proceedings of the Sitting has been kept.

The Committee then adjourned.

STANDING COMMITTEE ON URBAN DEVELOPMENT (2011-2012)

MINUTES OF THE NINTH SITTING OF THE COMMITTEE HELD ON
WEDNESDAY, 9TH MAY, 2012

The Committee sat from 1500 hrs. to 1530 hrs. in Main Committee Room, Parliament House Annexe, New Delhi.

PRESENT

Shri Sharad Yadav - *Chairman*

MEMBERS

LOK SABHA

2. Shri Praveen Singh Aron
3. Shri Pratap Singh Bajwa
4. Shri Bijoy Krishna Handique
5. Shri Gorakh Prasad Jaiswal
6. Shri Kailash Joshi
7. Mohinder Singh Kaypee
8. Shri Ramesh Kumar
9. Dr. Kirodi Lal Meena
10. Shri P.C. Mohan
11. Shri Umashankar Singh

RAJYA SABHA

12. Shri P. Bhattacharya
13. Shri Parvez Hashmi
14. Shri Avinash Pande
15. Dr. Bhalchandra Mungekar

SECRETARIAT

- | | | | |
|----|----------------------|---|------------------|
| 1. | Shri T.K. Mukherjee | - | Joint Secretary |
| 2. | Shri R.K. Jain | - | Director |
| 2. | Smt. J.M. Sinha | - | Deputy Secretary |
| 3. | Smt. K. Rangamani N. | - | Under Secretary |

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee. The Committee then took up for consideration the draft report on the Public Premises (Eviction of Unauthorized Occupants) Amendment Bill, 2011.

3. After deliberations the Committee unanimously adopted the draft report on the Public Premises (Eviction of Unauthorized Occupants) Amendment Bill, 2011 without any change.

2. The Committee also authorized the Chairman to finalize the above-mentioned Report taking into consideration consequential changes arising out of factual verification, if any, by the Ministry and also to present to both the Houses of Parliament.

The Committee then adjourned.

* * * * *