

Bill Summary

The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014

- The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014 was introduced in the Lok Sabha by the Minister of Urban Development, Mr. Venkaiah Naidu, on December 11, 2014. The Bill was passed by Lok Sabha on December 15, 2014.
- The Bill seeks to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The Act provides for the speedy eviction of unauthorised occupants from public premises, including those of government companies and corporations. Key features of the Bill are outlined below.
- **Inclusion of certain properties under the definition of public premises:** The Act includes defines certain premises as public premises, to which its provisions extend. For example, it includes premises belonging to or leased by companies in which the central government owns at least 51% shares (including subsidiaries of these companies), premises belonging universities established under a central Act, etc. The Bill includes the following types of premises as public premises:
 - Premises of companies in which at least 51% shares are owned by the central government and partly by one or more state government (including subsidiaries of these companies), and which carry on the business of public transport, including metro railways.
 - Premises owned or leased by companies of the central government, one or more state governments, or jointly by the central government and one or more state governments, under the definition of public premises, in relation to the National Capital Territory of Delhi. Here, ‘state government’ refers to the Government of NCT of Delhi.
 - The Act categorises premises belonging to the Municipal Corporation of Delhi or any Municipal Committee or notified area Committee, as public premises. The Bill seeks to include the Municipal Council in this definition.
- The Act includes premises owned or leased by the Board of Trustees constituted under the Major Ports Act, 1963. The Bill includes premises owned or leased by any Board of Trustees or any successor company constituted under or referred to in the Major Port Trusts Act, 1963.
- **Amendments proposed to the process of eviction:** The Act outlines the process that must be followed by Estate Officers in determining whether the premises are in unauthorised occupation. The Bill outlines time limits for certain actions to be followed while evicting unauthorised occupants:
 - If the Estate Officer is satisfied that premises are in unauthorised occupation, he may order the eviction of the premises. This should be done within 15 days from the order. The 15 day period may be extended if the Estate Officer feels there are compelling reasons which prevent a person from vacating the premises in 15 days.
 - If an Estate Officer receives information that a person is in unauthorised occupation of the premises, he must make an order, within seven days of receiving this information, directing persons who have occupied the premises to show cause as to why they should not be evicted. However, any delay in issuing this order will not invalidate proceedings.
 - When a person is in arrears of rent payable, the Estate Officer may order that he pay rent or damages, after issuing a notice asking the person to explain why such as order should not be made. The explanation must be provided within seven days of the notice.
 - The Act states that every appeal to the Estate Officer’s orders must be disposed off as quickly as possible. The Bill states that appeals must be disposed off within one month, as far as possible.

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