

**GOVERNMENT OF INDIA  
URBAN DEVELOPMENT AND POVERTY ALLEVIATION  
LOK SABHA**

UNSTARRED QUESTION NO:3113  
ANSWERED ON:23.12.2003  
PUBLIC PREMISES ACT, 1971  
AJAY CHAKRABORTY;AJIT KUMAR PANJA

**Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:**

- (a) the details of guidelines issued by the Government with regard to Public Premises (Eviction of Unauthorized) Occupants) Act, 1971;
- (b) the steps taken to see that these guidelines are being followed by PSEs/Financial Institutions;
- (c) the number of cases where change of tenancy, release of tenancy or eviction have been taken up at the level of Board of Directors of PSUs along with details thereof;
- (d) whether any such change of tenancy was by way of eviction as unauthorised occupants under the grab of the P.P. Act, 1971;
- (e) whether in terms of the above order it is incumbent upon all the PSUs to review all pending cases before Estate Officers Court and withdraw eviction proceedings against genuine tenants on ground other than as directed under the guidelines; and
- (f) if so, the number of pending cases reviewed by different PSUs and the outcome thereof as on date, PSU-wise and case-wise?

**Answer**

MINISTER OF STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION ( SHRI BANDARU DATTATRAYA )

(a): A copy of the guidelines is enclosed as Annexure.

(b): These guidelines have been published (as a non-statutory Resolution) in the Gazette of India Part I, Section I, dated 8.6.2002, and copies have been sent to the Ministries/Departments concerned of the Central Government for necessary action.

(c)to(f): To the extent the properties of Public Sector Undertakings, Financial Institutions, etc., have been included in the definition of `Public Premises` in section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the respective organizations are responsible for administration of the said Act in respect of the properties belonging to them. Thus, matters relating to change of tenancy, eviction of tenants, review of eviction procedures, etc., in accordance with the above-mentioned Act as well as the guidelines, are within the purview of the respective Public Sector Undertakings, Financial Institutions, etc. Review of the observance of the statutory provisions and the non-statutory guidelines by the Public Sector Undertakings, Financial Institutions, etc., is the responsibility of the Ministries/Departments of the Central Government which have administrative control over the said Public Sector Undertakings, Financial Institutions, etc. The orders passed by the Estate Officers appointed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 are appealable under section 9 of the said Act before the District Judge of the District in which the public premises are situated.

**ANNEXURE**

ANNEXURE REFERRED TO IN REPLY TO PART (a) OF LOK SABHA USQ.NO. 3113 FOR 23.12.2003.  
GUIDELINES PUBLISHED IN PART 1, SECTION 1 OF GAZETTE OF INDIA DATED 8TH JUNE 2002.

The question of notification of guidelines to prevent arbitrary use of powers to evict genuine tenants from public premises under the control of Public Sector Undertakings/financial institutions has been under consideration of the Government for some time past.

To prevent arbitrary use of powers to evict genuine tenants from public premises and to limit the use of powers by the Estate Officers appointed under Section 3 of the PP(E) Act 1971, it has been decided by Government to lay down the following guidelines:-

(i) The provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (P.P. Act) should be used primarily to evict totally unauthorised occupants of the premises of public authorities or subletees, or employees who have ceased to be in their service and thus ineligible for occupation of the premises.

(ii) The provisions of the P.P. Act should not be resorted to either with a commercial motive or to secure vacant possession of the premises in order to accommodate their own employees, where the premises were in occupation of the original tenants to whom the premises were let either by the public authorities or the persons from whom the premises were acquired.

(iii) A persons in occupation of any premises should not be treated or declared to be unauthorised occupant merely on service of notice of termination of tenancy, but the fact of unauthorised occupation shall be decided by following the due procedure of law. Further, the contractual agreement shall not be wound up by taking advantage of the provisions of the P.P. (E) Act, 1971. At the same time, it will be open landlords under the Rent Control Act in dealing with genuine legal tenants.

(iv) It is necessary to give no room for allegations that evictions were selectively resorted to for the purpose of securing an unwarranted increase in rent, or that a change in tenancy was permitted in order to benefit particular individual or institutions. In order to avoid such imputations of abuse of discretionary powers, the release of premises or change of tenancy should be decided at the level of Board of Directors of Public Sector Undertaking.

(v) All the Public Undertakings should immediately review all pending cases before the Estate Officer or Courts with reference to these guidelines, and withdraw eviction proceedings against genuine tenants on grounds otherwise than as provided under these guidelines. The provisions under the P.P. Act should be used henceforth only in accordance with these guidelines.