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Title: Further Discussion on Public Premises (Eviction Of Unauthorised Occupants) Amendment Bill, 2014 (Bill passed)

HON. DEPUTY SPEAKER: Now, we are taking up Item No. 11,
The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Sir, I beg to move:

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, be taken into consideration."

Sir, the Public Premises Eviction of Unauthorised Occupants) Act, 1971, Amendment Bill, provides for speedy machinery for the eviction of unauthorized occupants from public premises. This Act has been amended three times earlier, in the years 1980, 1984 and 1994. The present proposal seeks 4th amendment to the Act.

The major objective of the Amendment Bill was to bring the properties of Delhi Metro Rail Corporation (DMRC) and other Metro Rails which may come up in future and also the properties of New Delhi Municipal Council (NDMC) within the ambit of the Public Premises Eviction of Unauthorised Occupants) Act, 1971.

The 4th Amendment Bill namely the Public Premises Eviction of Unauthorised Occupants) Amendment Bill, 2011 was earlier introduced in the Lok Sabha in 2011. Then, it was referred to the Parliamentary Standing Committee on Urban Development by the then hon. Speaker. The Standing Committee had deliberated upon the issues and submitted the 20th Report on 14.05.2012.

On 14th May, 2012, the Standing Committee had given its Report after deliberations and after discussions. They made certain observations and recommendations to the Bill. The Lok Sabha could not take up this Bill because the Lok Sabha was subsequently dissolved.

In the meanwhile, somebody went to the Supreme Court also. The Supreme Court in its judgment dated 5.7.2013 in Civil Appeal No. 4064/2004 in the matter of S.D. Bandi *versus* Divisional Traffic Officer, Karnataka State Road Transport Corporation and others had given 20 suggestions. The Standing Committee had given four suggestions, which had been totally agreed upon and incorporated in this Bill. The Supreme Court had made 20 observations. Out of these 20 observations, 18 observations/suggestions have been accepted by this Government and incorporated as a part of this Bill.

The hon. Supreme Court in this judgment observed – I would like the entire House to carefully hear this – that the persons from all the three branches *viz.*, the legislature, the executive and the judiciary either by their influence or by lengthy procedure as provided in the Act, continue to stay in the government accommodation by paying paltry amount either by way of rent or penalty. It is a very serious observation, and that is the reality also, which most of us understand. In the meantime, the 15th Lok Sabha was dissolved. That is why, this Bill was lapsed at that time.

Now, in view of the observations/recommendations of the Standing Committee on Urban Development and suggestions of the hon. Supreme Court, it has now been proposed to make suitable amendments in Sections 2, 4, 5, 7 and 9 of the Public Premises (Eviction) Act, 1971 through a fresh amendment Bill called as 'The Public Premises (Eviction of Unauthorised Occupants) Bill, 2014.

Sir, I come to the major amendments.

Firstly, it is proposed to include within the meaning of public premises any premises belonging to, or taken on lease by, or on behalf, any company as defined in Clause 20 of Section 2 of the Companies Act, 2013 (Companies Act, 1956 has now been amended as Companies Act, 2013) in which not less than 51 per cent of the paid-up capital is held partly by the Central Government and partly by one or more State Governments and includes a company which is a subsidiary of the first mentioned company and which carries on business of public transport including metro railways by carrying out suitable amendments in Section 2 of the Act. This is one amendment.

Secondly, in the existing Act, 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 come under the provisions as contained in Section 2 of this Act. To remove any doubts in future, it is proposed to bring Municipal Council within the purview of this Act.

Thirdly, there are three Municipal Corporations in Delhi now. Earlier, there used to be only one Municipal Corporation. That is why, it is proposed to substitute the words 'Municipal Corporation' by the phrase 'Corporation or Corporations' notified under Section 3 of the Delhi Municipal Corporation Act, 1957, as per the recommendation of the Parliamentary Standing Committee on Urban Development.

Fourthly, as proposed by the Government of NCT of Delhi (Transport Department) and approved by the Cabinet, it is proposed to bring any premises belonging to, or taken on lease by, or on behalf of any Government Company as defined in Clause 45 of Section 2 of the Companies Act, 2013, only in relation to the National Capital Territory of Delhi, under the purview of public premises, by carrying out certain amendment in Section 2 of the Act.

Fifthly, as the Major Port Trusts Act, 1963 is being amended to include any successor company constituted under or referred to in this Act to the existing Board of Trustees, it is proposed to make similar changes in Section 2 of this Act, 1971. This was proposed by the Ministry of Law and Justice and now approved by the Cabinet.

Sixthly, it is also proposed to make consequential amendments in Section 2 of the Act so that Officers of the proposed companies and New Delhi Municipal Council can be appointed as Estate Officers because Estate Officers are supposed to take action and initiate the proceedings. So, we are clarifying that these Officers of the proposed companies, which have been mentioned earlier, are the Officers of the New Delhi Municipal Council, who can be appointed as Estate Officers under Section 3 of the Act.

Sir, the observations/recommendations of the Parliamentary Standing Committee and the suggestions given by the hon. Supreme Court were aimed at smooth and speedy eviction of unauthorised occupants from the public premises in a time-bound manner. The essence of this Bill is speedy eviction of unauthorised occupants from the public premises in a time-bound manner. In order to give statutory form to four recommendations made by the Parliamentary Standing Committee and 18 suggestions given by the hon. Supreme Court in the aforesaid judgment, they have been accepted by the Government.

Now, suitable amendments have also been proposed under Section 4, Section 5, Section 7 and Section 9 of the Act. So, there is no expenditure involved in this. It is only a change in the provisions of the Act. That being the case, I commend to the House to please discuss this; and keeping in view the larger interest of public in mind, support this Bill so that it can be made an Act and a speedy action can be taken against the unauthorised occupants, who are staying beyond the time given to them, and who are enjoying it without any right or authority. That is the purpose of this Bill.

Through you, Sir, I commend the Bill for consideration and subsequently, passing by this House. Thank you.

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, be taken into consideration. "

KUMARI SUSHMITA DEV (SILCHAR): Hon. Deputy-Speaker, Sir, the Bill that this Government has moved today – Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014 – is a significant Bill.

As the hon. Minister has stated in his opening statement, this Bill had been moved by the UPA Government in 2011. Thereafter, it was referred to the Standing Committee, which gave its Report in May, 2012. What this Bill seeks to do is to take on board the recommendations of the Standing Committee as proposed in the Lok Sabha. Significantly, this Bill goes beyond what the Standing Committee said in the earlier Act of 2011. In that, it makes changes in Section 4, Section 5, Section 7 and Section 9, which are procedural, which set strict deadlines for the Estate Officer and for the person to whom notice of show cause has been issued. Amendments to Section 2(2) (E), sub-section (1), sub-section (3), sub-section (4), sub-section (5), I would say, are necessary in light of the new Companies Act, 2013, and the proposed amendments to the Major Ports Trust Act, 2013.

Significantly, Sir, the request that was made to the UPA Government by the Delhi Metro Rail Corporation to include their properties as public premises, has also been taken into consideration in this Bill. I think it is a good move in the right direction because the fact is that it is a settled principle that public purpose must supersede private interest. Therefore, we support this Bill.

Section 2(3), sub-section (1) is seeking to look into an anomaly that was raised in a writ petition 9644 of 2007. That is also welcome. It is because the High Court had actually rejected that PIL; and this Bill looks after that.

Sir, it is the law of the land that the Government always acts in greater public interest. Therefore, this 1971 Act gives the Government of India, a State Government or any Government owned company, be it of the Central Government or the State Government, a privilege that it need not go to a court of first instance and undergo the rigours of a civil court. In greater public interest, it is a mechanism that is provided to the Government in view of the fact that the Government is, today, going to remove an unauthorised occupant and use that land or building in greater public interest.

I appreciate that, I understand that, and I would like to move from thereon to the Supreme Court judgment, which was passed in 2013. Very briefly, I would say that, that case dealt with a Government employee, who was a driver. He had been transferred, and he had refused to leave his accommodation because he had filed in the Tribunal for a stay order against his transfer order. The judgment is clearly dealing with Government accommodation. In that judgment itself, the opening lines were about people, about affluent people, who continue to stay in Government accommodation, be it employees, be it public representatives, be it hon. Judges of various courts.

Therefore, the court appointed an *amicus curie*. I think it was Shri Ranjit Kumar who gave his suggestions. Not only the Union of India but various State Governments also gave their suggestions and on the basis of which the Supreme Court gave some 18 or 20 suggestions. This Bill seeks to address those issues.

But there are certain issues that I would like this Government to consider in this Bill vis-à-vis the amendments that have been made in Sections 4, 5, 7 and 9. The net effect of it is what? From the day he issues a notice till the day an eviction order is passed, a person is given approximately, I think, 30 days. Under compelling circumstances, he can increase it by another 15 days. But the Supreme Court in its judgement is also asking, while you follow this procedure, you must stick to the rules of natural justice. So, effectively, what is happening? Effectively, what is happening is that from the date of notice to the order, which you are asking him to give in 15 days, and a reply within 10 days from the date of notice, you are forcing the Estate Officer to consider evidence and the reply to the show cause notice within seven days. It is because within 10 days

of the date of notice, I give my reply. Within 15 days, you are asking him to give me the order.

Under Section 9 of the Act, the Estate Officer has powers under the Code of Civil Procedure where he can summon a witness; he can examine a witness; he can look into documents; and therefore, he has the power to go into questions of fact. Now I ask this Government a question. Today, what Section 2 is saying? What are premises? Today, premises are not just a building. Today, when you talk of premises, you cannot just think of a public representative, who has lost an election, or a Minister, who is no longer a Minister, being asked to leave the bungalow. Today, Section 2 defines premises as land and building. The question also arises that there may be situations where the L&DO or the Government of India or the State Government has given a long lease to a hospital like Gangaram or to a prestigious institution, and maybe, that lease has run out. In those circumstances, is it practical to make such a draconian law and such a provision of procedure where the Estate Officer is bound to finish a trial within seven days from the date of reply to the notice?

I fully appreciate and I accept the stand of the Government that Government accommodation is expensive. Today, there are enough examples in this nation where they continue to stay in the most luxurious situation in the bungalows and houses after paying the penalty because that penalty is far, far less than the market rent value. But the question arises, in the same situation, if I give you the example of a hospital, if I give you the example of an orphanage or if I give you the example of a school, will they or should they be put through the rigours of this? This Government has given a provision under Section 5(2). I can understand what the hon. Minister is saying.

But I draw your attention to the Vikas Jain's case in the Supreme Court. I draw your attention to the case of *Indian Express* where this Act had been invoked, and the Supreme Court has repeatedly said and the Delhi High Court has repeatedly said that an Estate Officer is not a legal officer. He is not conversant with complicated questions of possession, lease hold rights and adverse possession. Is he equipped to hold the trial in seven days?

Recently, in Vasant Kunj we saw that a lot of slum dwellers had been evicted by the Forests Department without notice. The Lieutenant Governor of Delhi then interfered to ask why there was no notice. So, there are situations that the Department can go under this Act to evict unauthorised occupants.

There are two types of unauthorised occupants, one, who comes into the land with unlawful means and the other, who enters into a premises lawfully but his authorisation ends. That distinction is also made in this Act. I am requesting and repeatedly saying that in a prestigious project like Delhi Metro Rail, in a prestigious project of DDA, in a prestigious Government project, it is incumbent upon this Government to give any government authority, the privileges that are there under this Act. But all I ask you is to make a distinction in the Act because the Supreme Court in the same judgement that you are seeking to implement through this Act has repeatedly said that these suggestions are with regard to misuse of government accommodations for judges or for public representatives in Lutyens Delhi. It may end up being a very draconian law in other situations where this country is still struggling to give housing to all, where this country is still struggling in giving lands to hospitals and schools. Thank you, Sir.

SHRIMATI MEENAKASHI LEKHI (NEW DELHI): Thank you very much, Sir. In the beginning I want to state that I am part of the House Committee as well and only we know the kind of difficulties we faced in getting premises for the present Members of Parliament. Seeing it from that perspective, I would say – Mr. Banerjee would agree with me – it is very difficult. The so-called elite club, the Members of Parliament and some of the former Ministers continued to hold their bungalows in spite of the problems which new Members are faced with, including the Home Minister. The Home Minister did not get his requisite premise because others were holding on to it. It is coming from that background.

What my friend has stated about Vasant Kunj and all those areas, let me just remind her that those orders have come from the National Green Tribunal. The National Green Tribunal is a body as enshrined per law. If a court orders, no matter what this amendment will bring in or will not bring in. She is trying to confuse the issue and trying to get political mileage out of something which is completely not connected with the present amendment.

The present amendment is on a different line altogether. The present amendment is about the principal Act existed in 1971. There were two types of accommodations, the residential and temporary accommodations, such as hostels....(*Interruptions*)

HON. DEPUTY SPEAKER: She is replying what she feels. She is not insulting anybody. Do not take it as an insult. She only differs in view on it. That is all.

...(*Interruptions*)

SHRIMATI MEENAKASHI LEKHI : I thought that the gentleman would be more conversant in English but if you want me to speak in Hindi, I will speak in Hindi....(*Interruptions*)

HON. DEPUTY SPEAKER: Please address the Chair.

...(*Interruptions*)

SHRIMATI MEENAKASHI LEKHI : Sir, I will address you.

The Central Government provides two types of accommodations. One is residential accommodation and the other is temporary accommodation such as hostel, guest house and holiday home. This is provided to employees, Members of Parliament and other people. Over a period of time it was found that these facilities were misused. These facilities were continued to be misused by certain beneficiaries, including Members of Parliament by overstaying or not surrendering it before the Government at the end of the given period. That is violation of the licensing term itself. To allow

recourse without having to suffer delays through the civil suits is the purpose of this Act as stated under the 1971 Act.

There have been previous amendments as the hon. Minister stated. That amendment included two types of companies, which had paid-up capital upto 51 per cent shareholding in the Government, Centre or the State and which carry with metro railways business, which is Delhi Metro. This Bill without passing lapsed.

15.00 hrs

Previous amendments to include even the New Delhi Municipal Council of which I happened to be the Presiding Officer also was included in the definition. The amendment of section 2 carries a change to include relevant Acts that were passed; and the amendment of section 4 deals with 'Estate Officer'. The above two amendments were also introduced in 2011 Amendment Bill as well.

I will come to the changes which have been brought in. There are two instances where the Estate Officer who has information of unauthorised occupancy should issue a notice within seven days of receiving such information. This is mandatory on the part of the Estate Officer. Where the Estate Officer knows or has reasons to believe that there is unauthorised occupancy, he issues the notice as per procedure.

This makes the process a bit tighter by not leaving it to the 'opinion'. In earlier Act, the word used was 'opinion' –opinion of the officer as envisaged in the principle Act. The words that are used in the present amendment are 'has information', 'knows or has reason to believe', bringing in a greater element of certainty in order to carry out an eviction procedure and to make it time bound where such certainty exists.

Now, sub-section (2) says that the person who has been given notice should respond within a period of seven days as opposed to the earlier provision that said, "Not earlier than seven days". The earlier provision, therefore, allowed an authorized occupant to respond to an eviction without any time limit being set. So, this is to do with time efficiency that the eviction order can be made within a certain time frame.

The eviction procedure has been dealt with in sub-section (1) of section (5). The procedure in the Act is to allow the person to introduce evidence and attend a personal hearing. As per the principles of natural justice, if satisfied that it is unauthorised, the Estate Officer will make the order of eviction and affix it on the premises. The amendment here is that the order will specify the date by which premises should be vacated and this should not be later than 15 days of the date of order. The principal Act does not set this time limit. So, it is again to deal with efficiency of time and in a time bound fashion.

Sub-section 2, according to the Act, says that if a person does not vacate by the date given in the order or within 15 days, the Estate Officer can take possession of it and use force if necessary. The amendment adds a proviso stating that the Estate Officer can extend the date to vacate the premises by another 15 days in case of compelling reasons. This particular proviso has been included to remove any difficulty that may arise if 15 days is not sufficient time to vacate. Therefore, even though occupancy is unauthorised, a total of 30 days is actually given as a measure of leeway under compelling circumstances with due understanding for the person concerned.

In regard to payment of rent or damages, the Estate Officer can make a written order that the person concerned has to pay rent or damage after assessing the same. Sub-section 2(A) of the Act says that the arrears of the rent or damages will be paid with simple interest. The amendment here is to make it compound interest in view of the fact that the occupancy is unauthorised; and despite the provisions of this Act, there have been continued instances of unauthorised occupancy, a steeper monetary deterrent is sought to be created to make the Act more effective by adding the compound interest format.

Sub-section (3) of the Act says that a show-cause notice should be issued to the person for making such an order of payment which should be responded to within the time given on the notice. The amendment here is that the person should respond within 15 days. Again, it is to deal with efficiency of time. Adding sub-section 4, the amendment states that the Estate Officer should act on the payment order within 15 days of the show cause notice. Again, it is to deal with the efficiency of time. The proviso in the Act, that is sub-section 2 of section 9 says that an appeal can be taken after the expiry period if there is sufficient cause for the delay. The amendment to the proviso states that an appeal will be taken only in exceptional cases where there are compelling reasons for the delay. The reasons have to be recorded in writing. It makes the language tighter leaving less room for misuse, causing unnecessary delay. So, the entire process is, more or less, on the lines that it has to be finished in an efficient fashion and not really much substantive change except including Delhi Metro under the Act. The Act leaves the proviso open-ended that is sub-section 4 stating that the appeal shall be disposed of as expeditiously as possible. The amendment adds that, if possible, it should be disposed of within one month. So, what the amendment has done is to put it in a time frame fashion instead of leaving it open-ended that it could be done in any format.

Sir, all I need to say is that these are the amendments which are sought to sort out the confusion and not to confuse the issue. What my friend tried to do was to cause the confusion. The Act, in principle, remains the same as it existed. The amendments were made to dispose of appeals/notices, the authority of Estate Officers etc. in a time bound manner so that there is certainty. Keeping in view the Supreme Court's Judgement, it was very embarrassing as a Member of Parliament that the Supreme Court had to pass orders for vacation. The issue that my friend tried to raise was pertaining to an order which was passed in 2012. It was sought to be implemented. The implementation of that order did not happen in the month of March, April or May because of Delhi elections and after that also, again there was no implementation. It would have resulted in the contempt of court. The National Green Tribunal's order is a court's order in nature. That would have led to basically the contempt of court and under those circumstances, the Delhi Government acted. It had very little bearing on the amendments which the Government has sought to present today by this Amendment Bill and I would request all the Members of Parliament to act in a manner which justifies us as Members sitting in the Parliament in the interest of both justice and morality of the House that we should not confuse the issues and keep focus on the amendments which have been brought by the Government.

SHRI R. GOPALAKRISHNAN (MADURAI): I thank you for the opportunity given to me to speak on this amendment Bill. As a disciplined soldier of AIADMK guided by our leader, Puratchi Thalaivi, Amma, I am participating in this discussion.

This Bill brings about discipline in evicting unauthorized occupants from public premises. Here, public premises refer to the areas and buildings in which Delhi Metro Rail Corporation (DMRC) is operating. This Bill seeks to avoid delay in taking over the required land areas meant for DMRC. It is unfortunate that in some of the cases before the courts of law, DMRC itself was treated as an unauthorized occupant. So, it caused delay in carrying out DMRC's operations.

DMRC as a public sector undertaking held by the Union Government and the Government of NCT of Delhi was so far deprived of its status and legal rights. This amendment will enable DMRC to have its premises treated as public premises.

As far as New Delhi and the municipal areas of Delhi are concerned, illegal occupants went to the court of law seeking cover under the different names of municipal bodies like 'committees', 'councils' and 'corporations'. The situation is created because the New Delhi Municipal Committee became a Council and there was the trifurcation of the Municipal Corporation of Delhi. An anomaly was created in which the Estate Officers of the NDMC and the MCDs were approached by unauthorised occupants to evict the DMRC from their properties. This Bill seeks to remove this anomaly. Now with the passing of this Amendment Bill, the Estate Officers of the Municipal Council and the Corporation in Delhi will be able to adjudicate the cases relating to the DMRC.

This Bill has become necessary because the proceedings of the Estate Office had to meet many hurdles. This caused enormous delay in completing the works related to the functioning of the DMRC. Finally, the Supreme Court itself had to give 20 suggestions to the Government so that the public interest is upheld.

In 2011, when this Amendment Bill was brought before Parliament, this Bill was referred to the Parliamentary Standing Committee. The recommendations made by the Parliamentary Standing Committee came to the Government in the month of May, 2012. Accepting 18 of the suggestions made by the Supreme Court and two of the recommendations made by the Parliamentary Standing Committee, the Government has come with this Bill to this august House after about 30 months. It is to be pointed out that the Standing Committee of the previous Lok Sabha did not tolerate even a ten months delay on the part of the previous Government after obtaining the Cabinet approval for the amendment.

The Committee was of the opinion that DMRC should have found priority and the legislation should have been cleared without delay. The Committee wanted the Government to act swiftly at least in such matters and do not postpone things unnecessarily. When the Committee found the premises of the DMRC were not covered under the definition of public premises, it recommended to the Government to re-define section 3 of the Companies Act, 1956. Now, the DMRC will be able to get their premises vacated through the designated Estate Officer.

So far the rulings of the Estate Officers were challenged in the lower courts and it took years for disposal. Now through this amendment, appeals against the Estate Officer's rulings can be made only before the Court of the District Judge. A time limit of three to four months has also been prescribed. The Committee also wanted the Government to make a provision for summary trial before the Estate Officer. It had also expressed its desire that the District and Sessions Judge shall dispose of the appeal in a time bound manner.

This legislation shows that how the loopholes in our rule book can be exploited and can delay things meant for progress in public interest. This Bill upholds public interest to be more important in democratic governance.

Hereafter, this Bill will be a guiding light to many of the metro rail projects coming up in many parts of the country. This Bill will save public money by way of avoiding delay and cost overrun.

So, I would express my support to this Bill and conclude my speech.

PROF. SAUGATA ROY (DUM DUM): Sir, I rise to speak on the Public Premises Eviction of Unauthorized occupants (Amendment) Bill, 2014. This Bill has come in this form after going through the Standing Committee. The Bill has incorporated some of the recommendations made by the Standing Committee. Hence, there cannot be very great technical objection to the Bill.

Some changes made here are procedural changes. The earlier definition of 'public premises' included premises belonging to public undertakings, companies in which the Central Government had more than 51 per cent share. Now, since the Companies Act has been amended, the requisite amendments have been made in the Bill.

The other important change in the original Bill is that Metro Rail in Delhi -which is jointly owned by the Central Government and the Delhi Government and has got a lot of public premises within the area of Delhi - has been included in the Public Premises. Also, in Delhi there was earlier the New Delhi Municipal Council and now there is the NDMC, also instead of earlier Delhi Municipal Corporation, there are four corporations. As a result of that, the consequent change has been made. Some minor changes in the power of the Estate Officer and power of appeal have been made, to which I have no objection. But still I cannot give a free hand to the Minister in enforcing this Bill because as Members of Parliament you would be interested to know that we are being made victims of the Public Premises Act. It was not my intention to bring this up in the House. But I shall mention how we people from the opposition are being victimised, sought to be victimised under the Bill.

I was a Member of the Council of Ministers in UPA-II Government. We resigned from our offices on 21st September 2012. I was earlier allotted a Type-VII house as a member of the Council of Ministers. I was continuing to stay there between 2012 and 2014 election. I received no letter from the Government. Then suddenly on 3rd November, I received a letter from the Director of Estates saying that I should vacate the house since it was

a General Pool house and I should go to a Lok Sabha Pool house. I wrote to the Minister for Urban Development saying that I had been staying in that House, so if he could convert it into a Lok Sabha Pool house, it would be nice. I received no reply from the Minister of Urban Development.

Then suddenly I received a letter dated 1st December from the Estate Officer saying that this was a notice under subsection (i) and clause (b) of subsection (2) of section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. I had not heard of this law before. I had no dealing with it. Even after I wrote to the Urban Development Minister with a copy to the Chairman of the House Committee, they issued this very insulting order to an elected Member of Parliament.

I know the Urban Development Minister has been very prompt in evacuating premises held by people who have lost. If I am not entitled to a Type-VII accommodation, I am not going to beg the Minister to let me keep my present accommodation. I then met the Chairman of the House Committee. I said that they gave me eviction notice while as a Member of Parliament of Lok Sabha I was not allotted a House yet. I went and met the Estate Officer. He said he had nothing to do with Urban Development and that he was a law officer. I said, "Fine, I have met you and I have informed that I have not been allotted any house".

One Joint Secretary of the Urban Development Ministry wrote me a letter which is extremely rude. I am not an usurper. For two years, the Directorate of Estates in the Urban Development Ministry slept. Suddenly, they have woken up. I do not know by whom they are prompted. Then they are busy giving a notice of eviction to a duly elected Member of Parliament who has been occupying a house for more than five years. I take strong exception to this.

We are strengthening the hands of Urban Development Minister, but does it mean that Members of Parliament will be evicted or given notice of eviction without giving them alternate accommodation? It is not only me. Shri Sudip Banerjee who was also a Minister and resigned with me, who is the leader of the AITC in Parliament, got a similar letter and he has also not been allocated a house. श्री अर्जुन राम मेघवाल (बीकानेर): बनर्जी नहीं, बंदोपाध्याय! ... (व्यवधान)

PROF. SAUGATA ROY: Okay, it is Sudip Bandyopadhyay. Sudip is today in hospital being unwell, otherwise he would have spoken. Now, I say that if unauthorised occupants are there, the Minister has every right to evict them. But in his hurry to act as a disciplinarian, he should not act against elected Members of Parliament. We are not beggars. I will not go to him and ask him to let me keep this house. I know other people who have occupied their houses even though they are not entitled, and have not been evicted.

I would like to ask the Minister himself. Before he became a Minister, what type of house did he occupy, and for how many years? I know he has been occupying the house for ten years. Was he entitled to occupy that house at that time? How can we change the rules? How can we insult an elected Member of Parliament? Why should we be subjected to eviction notice by an Estate Officer or by a Joint Secretary? Let the Minister act against unauthorised occupants. I do not think that being a Member of Parliament I am an unauthorised occupant. To issue me a notice saying that I am not entitled is neither fair nor proper under this Public Premises Act.

I have not raised my case to plead with Shri Venkaiah Naidu to let me retain the house occupied by me. It is to state that this is the way in which the elected Members of Parliament who are in Opposition are being insulted by the minions in the Urban Development Ministry.

SHRI M. VENKAIAH NAIDU: My friend Shri Saugat Roy has raked up a personal issue which was not expected to be mentioned in the House. Still I have no problem in clarifying the position. As far as the issue of Estate Department not acting during the earlier regime is concerned, I am not responsible for that.

The second issue is why the Department concerned or the officer has acted now. Shri Vinod Rai, former CAG has written a letter to the apex court and the apex court has asked my Ministry to file an affidavit with regard to the status of people who are eligible and who are not eligible and occupying the accommodation beyond their tenure, and what are the steps taken by the Government to evict them. The Government of the day told the Bench that no action is being taken. As soon as I assumed the charge of the Ministry, I reviewed the position and then told the Department to convey it to the hon. Members of Parliament. I have to clarify this because the matter is concerning the prestige of the House and the hon. Members also. The Rule is like this. If you are a minister, you are entitled to a particular category of accommodation. If you are a Member and not a Minister, you are entitled to a particular category. If you are not a Member, then you are not entitled to anything. That is one category where I have to take that extreme step of referring it to the concerned persons and then they have to evict certain former hon. Members of Parliament and former Ministers. I never felt happy about it; I also felt bad because I hold some of those people in high esteem, but at the same time, I cannot go by my personal likings and personal equations. This is one.

The second is with regard to the Members who got re-elected, but who are no more Ministers – they are in a different category. For them, the rule position is that if you are a Member of the Lok Sabha, you have to approach the Lok Sabha House Committee, on which I have no jurisdiction. Secondly, if you are a Member of the Rajya Sabha, you have to approach the Rajya Sabha House Committee, on which I have no jurisdiction. Thirdly and subsequently, I have noticed, as Prof. Roy wrote a letter to me, that the Members of Parliament who are no more Ministers, occupying Type-VII and Type-VIII, have to shift because some of the Ministers are staying in hotels and Government Guest Houses. Some of the Members are also staying there.

There was also a mention in the petition, saying that the Government is spending so many thousands of rupees per day on Ashoka Hotel. There is again a misconception in the minds of the people that the Ashoka Hotel belongs to the Government and so, staying there is free. No. everyday, so much money is charged to the Government and the Government will be paying it.

That being the case, on the one side, unauthorised and ineligible people are over-staying and on the other, you are paying for the Members of Parliament. That was the issue. We have to take action.

Fortunately, a majority of the former Members cooperated. Maybe, we have given them 2-3 months – a reasonable time.

With regard to the cases which Prof. Roy mentioned about me, I was Minister. I resigned from the Ministry and then, I became the Party President. The President, according to the rules, of a Party, at that time, the Ruling Party, is entitled to a particular type of bungalow. Accordingly it was allotted to me.

Immediately, as soon as I ceased to be a Minister, I wrote to the concerned. They said that no other accommodation was available; so, I may stay, till they find an alternative. This is one. Secondly, I was the President of the Party, the Ruling Party at that time. The Ruling Party Presidents were allotted bungalows, not only they, but also others – there is a particular category saying that up to certain strength of the Party, this is the entitlement, etc. That is the position.

I do not know, why he brought it up now. I feel that he might have been felt hurt because a notice has been issued to him.

The moment it came to my notice that notices were issued to some of the Members who are no more Ministers and are staying in a particular type of bungalow, I have given instructions and I have sent a note asking them to go through the procedure – the ex-Ministers who are no more Members, act fast. Ex-Ministers who have been re-elected or continued to be Members of Rajya Sabha, their cases have to be dealt with on a separate footing. I said that in such cases, they should be advised to approach the respective House Committees. If he is a Member of the Rajya Sabha, he has to approach the Rajya Sabha House Committee. If he is a Member of the Lok Sabha, he has to approach the Lok Sabha House Committee. Then, I asked them to communicate the same to the Chairmen of the Rajya Sabha Committee and the Lok Sabha Committee so that they can give accommodation to these persons, on priority, according to their entitlement. That was the instruction given. I came to know of this procedure.

Certain procedures and certain actions do not come to notice of the Minister on a regular basis. There are rules, regulations and precedents, which have been made earlier and followed also. Keeping that in view, that has happened. Subsequently, some of the former Ministers who are Members also met me and told me. I assured them that their cases will be dealt with on a separate footing. I have given necessary instructions, in a note.

I do not want to go into the details of who is staying in which bungalow and whether he is eligible to that or not. If somebody wants all these details, it is okay; but otherwise, I do not want to give the details and embarrass people. After all, we are all Members of this House; whether we are in the Government or in the Opposition, everybody is entitled to a particular accommodation.

But on accommodation, the rules says that the first priority goes to the Cabinet Ministers, then the Ministers of State, then the members of Judiciary, then Army officers, then Secretaries, then senior Members, then Members who are former Chief Ministers and senior Members now, though may not be in the Government. Like this, there is a protocol which was decided earlier by the earlier Government. We have only followed that.

That being the case, there is no rancour or animosity or personal vendetta against any Member whatsoever. I do not have any reason to have any such view about any Member of this House. But I have to do the painful duty of getting them evicted because there was negative reporting in the media about people who are no more Members but still they were staying in the Government accommodation. Then, we had to take recourse to this Act also. Accommodation for Members of Parliament is also public premises. It is a sad commentary if somebody has to go to court and then I have to get an advice or whatever, saying that the Government is not acting. That position should not be allowed to come in future.

Then some people took the plea that either you allow me to stay for some more time or you convert this into a memorial. The Supreme Court had said that no Government building could be converted into a memorial. Some time back, the Cabinet also decided that no Government bungalows to be converted into memorials. That is why, I could not do it. Otherwise, I have the highest regard for Choudhary Charan Singh. I have the highest regards for even Chandra Shekharji. But the question is that you have to follow the rules. Otherwise, I have to be answerable to the courts and not the people who are asking for this. That being the case, there is no discrimination against anybody. This has to be kept in mind. I am sorry to have given an elaborate explanation on this. I did this because one of my colleagues in Parliament has raised this issue. Let there be no misunderstanding about this.

After allotting accommodation to all those Ministers who have been inducted, if there are still vacancies, I will ask them to consider converting the present bungalows occupied by the former Ministers of State into general pool or the concerned pools of Lok Sabha or Rajya Sabha, whatever is possible.

SHRI P.K. BIJU (ALATHUR): Sir, I fully support the Bill on behalf of CPI(M). This Bill was placed in this House in May 2012 and was sent to the Standing Committee. I would like to raise one point for the consideration of the Minister. The Standing Committee recommended that the Government should make a provision for summary trial before the Estate Officer with respect to unauthorised occupation. The report of the Standing Committee says that the Committee had been given to understand that to prevent misuse of power to evict genuine tenants from the public premises, the detailed guidelines have been issued by Resolution number so and so, Policy-I dated 30th May, 2012. The Committee are satisfied with the safeguards provided in the guidelines and are convinced that the provision 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.

Sir, the hon. Minister has already admitted what is going on in regard to allotment of accommodation to Members of Parliament and the Ministers. I would like to reiterate the same thing that we should genuinely check in time the safeguard of such a provision. We should ensure that this power is not arbitrarily used by the Estate Officer against the tenants who are genuine.

In this Bill, the Government has included the recommendations of the Standing Committee as also 18 suggestions given by the hon. Supreme Court. I am very happy to see that. We are making such laws but these laws are enforced only on common people. These laws have not affected high class people in our country. This is a bad habit of our country.

I would like to raise one important issue regarding urbanisation in our country. We are giving 90 per cent of our budgetary allocation for urban areas of this country. But what is happening is that our rural poor are being evicted from metro and urbanised cities. They are living on the sides of streets and suburban areas. So, we should not enforce this Bill arbitrarily because that will affect the common people who are living on the sides of streets.

The Hon. Minister is well aware about the Turkmenistan street incident of 1975. Arbitrary use of legal provisions will create problems in our country. The time given to Members or tenants to withdraw from a place should not be 15 days. Sufficient time should be given. Even the Court gives sufficient time to dispose of a case. That aspect should be taken care of and the provisions of the Bill should not be used arbitrarily.

Sir, the Bill has changed the definition of 'public premises'. It says, 'any premises belonging to or leased to any company in which the Central Government and State Government hold at least 51 per cent of share, including subsidiaries of such companies and whose business is Metro railway'. I think, this definition could also be misused in our country. We are entering into the era of PPP. We are well aware about what happened in the case of Delhi Airport. They were handling 24,000 cr value of land and they spent only Rs. 40,00,000 for that and it has been mentioned in the report of the C&AG. Such a thing is going on in our country. Our waste land, our Government land is going into the hands of the corporate houses. They not only take lands on lease but they are encroaching upon some lands even. I would like to know if the Ministry has any data about how many acres of land has been taken away by private players or the corporate houses and are being held by them. Has the Ministry taken any step to find out as to how many acres of Government land are in the hands of private players? Necessary action should be taken to bring those lands back and those lands should be distributed amongst the landless people in our country. Millions of people in our country are landless.

I hope the suggestions will be whole-heartedly accepted by the Government. I support this Bill.

Thank you.

डॉ. किरीट सोमैया (मुम्बई उत्तर पूर्व) : माननीय सभापति महोदय, मैं सबसे पहले माननीय मंत्री जी को धन्यवाद देता हूँ कि यह जो दिल्ली मेट्रो के साथ में अमेंडमेंट आया है, उसमें सभी शहरों की मेट्रो रेलवे इन्वेलुडिग मुंबई मेट्रो रेलवे में भी यह अमेंडमेंट लागू होगा। That means, various metro rail projects that are coming up throughout the country will have the power and authority to use the PPA where there are hurdles. You are aware छोटा मकान बीच में आ जाता है, उसको खिच करके के लिए दो-दो, पांच-पांच, दस-दस साल प्रोजेक्ट डिले हो जाते हैं, मैं माननीय मंत्री जी का इसी संदर्भ में, इसी अमेंडमेंट में एक बात की तरफ ध्यान आकर्षित करना चाहूँगा। एक बहुत अच्छा प्रोजेक्ट किया है, लेकिन हमें भविष्य में एक बात का ध्यान रखना पड़ेगा, some metro rail projects have come up under PPP where the Government equity is hardly 20 to 24 per cent. In those cases we will have to use this power in a cautious manner. I have had experience of one project in Mumbai metro rail. That is why I would like to draw the attention of the hon. Minister इस प्रकार से पावर देते समय हमें थोड़ा ध्यान रखना पड़ेगा। मैं एक दूसरी बात के प्रति उनका ध्यान आकर्षित करना चाहता हूँ कि माननीय मंत्री जी ने जो सुप्रीम कोर्ट के सजेन्स हैं, जो एक जजमेंट है। The Supreme Court has passed around 20 observations. इस बिल में उसमें से 18 आब्जर्वेशंस एडॉप्ट किए गए हैं। It means that the previous Government had brought the Bill and the earlier Standing Committee has passed the resolution. But can I request the hon. Minister on one point? कि इस बिल के निमित्त से, मैं उनका सुप्रीम कोर्ट के पांच ऐसे दूसरे जजमेंट्स के प्रति ध्यान आकर्षित करना चाहूँगा।

Here, in this order, the Government or the Parliament is accepting it in a way in toto but simultaneously I have got five other judgements where the Supreme Court has made some observations that somewhere in this Bill, there is a provision mentioning about unauthorised occupants. The Supreme Court has gone in detail and has defined it in the case of Banatwalla and Co. Vs LIC of India, Dr. Suhas Pophale Vs Oriental Insurance Company Limited, Sharad Bhagwat and others Vs Bank of Maharashtra, Damayanti Verma Vs LIC of India and P.P. Chaudhary Vs LIC of India. In all these cases, the Supreme Court has in a way rejected the order issued by various companies under PPA.

I want to bring to the notice of the Government one point. When hon. Venkaiah Naidu was a Minister during the period of Shri Vajpayee, a guideline was issued in 2002 on how power may be used under PPA to get the premises vacated by unauthorised occupants. मैं माननीय मंत्री जी से प्रार्थना करना चाहूँगा, आप तब मंत्री थे, तभी एन.डी.ए. गवर्नमेंट ने वर्ष 2002 का सर्कुलर निकाला। उस सर्कुलर को आज 12 साल हो गए, जो वेरियस पब्लिक अंडरटेकिंग्स हैं, वे उसे एक्सेप्ट नहीं करती हैं। They are misusing their power. The Supreme Court has gone on record on the way the officers in the PSUs वे अपने पद का दुरुपयोग करते हैं। जो लीगल टेनेंट्स हैं, जो सालों से रहते हैं, नेशनलाइजेशन के पहले से वहाँ रहते हैं, उनको भी प्रिमाइसिस वैकेट करने के लिए पी.पी.ए. का दुरुपयोग होता है। मैं माननीय मंत्री जी से प्रार्थना करूँगा कि आज का अमेंडमेंट तो बहुत अच्छा है, हम सब उसे सपोर्ट करते हैं। लेकिन अब भविष्य में यह वर्ष 2002 का एन.डी.ए. गवर्नमेंट का जो सर्कुलर है, उसको the Supreme Court has appealed for small tenants हमारे कल्याण दादा ज्यादा अच्छी तरह से he will be able to explain. The small tenants had to fight it upto the Supreme Court. सुप्रीम कोर्ट में वह फिर जीत जाता है। एलआईसी हो, बैंक आफ महाराष्ट्र हो, बैंक आफ बड़ौदा हो, देना बैंक हो, उनको कोई विंता नहीं है।

I will give you the example of National Textile Corporation. The NTC took over a mill in late 1970s or early 1980s. वहाँ पर टेनेंट्स वर्ष 1939 से रहते हैं। Now, in 1990s or in the 21st century, they issued a notice that under PPA, they require the premises. उनसे सात दिन में वैकेट करने के लिए कहते हैं।

I can give you numerous examples. In another case, the tenant Vs Oriental Insurance Company, सुप्रीम कोर्ट ने कहा कि जो रियली अनऑथराइज्ड टेनेंट है, उनसे खाली कराने के लिए आपको पार्लियामेंट ऑथराइज्ड कर रही है। You cannot ask him to vacate it for commercial purposes. मैं माननीय मंत्री जी से प्रार्थना करना चाहता हूँ कि 8 जून, 2002 की जो आपकी गाइडलाइन है, उसको थोड़ी सैविटी टी जाएं। उसके लिए आप भविष्य में कभी अमेंडमेंट लाएं। सुप्रीम कोर्ट ने जो आपको आर्डर ईश्यू किया, 20 में से 18 गाइडलाइंस आप एक्सेप्ट कर रहे हैं और एक्ट में इन्वैल्यूड कर रहे हैं। एक्ट में इन्वैल्यूड करने से यहां के संबंध में आपने मेंबर, फार्मर मेंबर, जुडिशियरी, गवर्नमेंट सर्वेंट के लिए यह जो जजमेंट है, it is for Government servant. आपने वह इनवैल्यूड कर लिया। We are the servant of the people of the country. सुप्रीम कोर्ट ने कॉमन मैन के लिए पांच अलग-अलग जजमेंट पिछले 13-14 सालों में, मुझे पता है कि मैं विनिंग गडकरी जी के पास कुछ लोगों को लेकर गया था। मुम्बई हो, दिल्ली को, कोलकाता हो, इस प्रकार के पब्लिक प्रिमाइसिस एक्ट के अंतर्गत गवर्नमेंट बॉडीज़ अपने पद का काफी दुरुपयोग कर रही हैं।

मैं अंत में एक ही बात कहकर अपनी बात समाप्त करूँगा। There is another Reserve Bank Circular, Finance Ministry Circular. They have categorically stated that PSUs should not be illegally misused. आप इस गाइडलाइन को स्टैंडट्टी फोर्स दे दें जिससे आम व्यक्ति, आम टेनेंट controlled by the State Rent Control Act, उन्हें समर्थन मिलेगा, प्रोटेक्शन मिलेगा। मैं इस एक्ट का समर्थन करता हूँ।

श्री दीपेन्द्र सिंह हुड्डा (रोहतक) : उपाध्यक्ष महोदय, पब्लिक प्रिमाइसेस अमेंडमेंट बिल, 2014 के महत्वपूर्ण विषय पर आपने मुझे अपने विचार व्यक्त करने के समय दिया, इसके लिए मैं आपका धन्यवाद करता हूँ। मैं आज इस अमेंडमेंट के समर्थन में बोलने के लिए खड़ा हुआ हूँ। जैसे अभी माननीय मंत्री जी ने बताया, उसके बाद हमारी साथी सुष्मिता जी ने उसका विस्तृत ब्यौसा दिया। इस अमेंडमेंट को लाने की शुरुआत 8 जुलाई, 2010 में यूपीए सरकार द्वारा कैबिनेट के उस फैसले से हुई जिसमें दिल्ली मेट्रो रेल कार्पोरेशन, बाकी मेट्रो रेल और एनडीएमसी की प्रिमाइसेस को पीपीए के अंतर्गत लाने का प्रस्ताव किया गया। वर्यो किया, क्योंकि स्पीडी एक्विशन में, हम जिस तरह मेट्रो को देखना चाहते हैं, मेट्रो का विस्तार तेजी से हो और डेली कम्युटर्स को सड़कियाँ मिलें। उस काम में बहुत से पॉइंट्स केसेज की वजह से देरी आ रही थी। डीएमआरसी में अभी भी तकरीबन 96 पॉइंट्स केसेज हैं। पीपीए एक्ट में आने के बाद स्टेट ऑफिसर खुद मेट्रो की अथॉरिटीज़ लगाएँ, समय पर अनऑथराइज़्ड ऑक्कूपैंट्स का डीएमआरसी की प्रॉपर्टी से एक्विशन हो और मेट्रो का तेजी से विस्तार हो।

मैं इस बिल पर चर्चा सुन रहा था। मुझे थोड़ा सा आश्चर्य जरूर हुआ कि ज्यादातर बार्ने सांसदों और मंत्रियों के बंगलों के रिजोनेट थे। इस बिल के माध्यम से पीपीए में अमेंडमेंट करके सुप्रीम कोर्ट के आदेश को मानते हुए उसे भी इसके थू ऐड्रेस करने का प्रयास किया गया है, वह या उसे लेकर हुई या विभिन्न केसेज जो लड़े गए, उनका विस्तृत ब्यौसा दिया गया। मैं इस संदर्भ में खास तौर पर मीनाक्षी लेखी जी की बात का जिक्र करना चाहूँगा। मुझे थोड़ी सी चिन्ता जरूर हुई क्योंकि वे भी दिल्ली से सांसद हैं। कई बार जब हम चर्चा करते हैं तो हमें सोचना चाहिए कि अमेंडमेंट को लाने का मूल उद्देश्य क्या है। इसका उद्देश्य सांसदों और मंत्रियों के बंगलों पर चर्चा करना और सुप्रीम कोर्ट में बाकी जो केसेज हैं, उन पर चर्चा करना भी हो सकता है, लेकिन मुख्य उद्देश्य है कि दिल्ली और बाकी मेट्रो में जो लाइव कम्युटर्स हैं, उनके लिए पब्लिक ट्रांसपोर्ट का विस्तार तेजी से किया जाए। जब हम यहाँ चर्चा करते हैं तो हमें समझना चाहिए कि यह सुप्रीम कोर्ट के वैगर्स नहीं हैं, यह लोक सभा है। यहाँ लोगों के लिए आवाज उठनी चाहिए कि इस बिल को लाने की आवश्यकता वर्यो पड़ी। मैं इसका समर्थन करता हूँ, लेकिन इसके साथ ही मंत्री जी को कुछ सुझाव जरूर देना चाहूँगा। सबसे पहले इसमें कोई दो राय नहीं है कि दिल्ली मेट्रो ने जो शानदार सफलता पिछले 10-15 वर्षों में हासिल की है, उसके लिए हम आपके माध्यम से दिल्ली सरकार को बहुत-बहुत शुभकामनाएं देते हैं, बधाई देते हैं। वर्ष 2016 तक अनुमान किया जा रहा है कि दिल्ली मेट्रो दुनिया की पांचवीं सबसे बड़ी मेट्रो बने जा रही है। तकरीबन 310 किलोमीटर की मेट्रो के अंदर 227 मेट्रो स्टेशन बनेंगे। दिल्ली में हर रोज करीब चालीस लाख लोग दिल्ली मेट्रो के जरिए अपनी आर्थिक गतिविधियों से जुड़ने का काम करेंगे। मैंने संसद में बार-बार इस पर पूछ उठाया है, हमारी जो प्लानिंग होती है उसको हम दूरदर्शिता के साथ प्लान नहीं करते, आज का बिल भी उसका उदाहरण है। दिल्ली मेट्रो के अंदर इतने सारे केसेज आए हैं, उसका समाधान कैसे हो, इसके लिए यह बिल लाया गया है। पहले हमारी सरकार ने कैबिनेट के प्रस्ताव के माध्यम से और अब आज वैकिया जी इस अमेंडमेंट को लेकर आए हैं। हमें दूरदर्शिता से सोचना पड़ेगा, दुनिया में जितनी भी बड़ी-बड़ी सिटीज के अंदर मेट्रो हैं, उसके लिए कंसेप्ट है कि inter-operability and inter-connectivity of Railways and Metro. चाहे हम टोक्यो की तरफ देखें, पेरिस की तरफ देखें, जर्मनी की तरफ देखें, एस्बान और यूबान के अंदर उनकी कनेक्टिविटी है। अमेरिका में न्यूयार्क के अंदर सब-वे है, बाहर इंटर-ट्रांजिट है। वर्यो हमारे देश में रेलवे और मेट्रो को आपस में कनेक्ट करने की बात नहीं चल रही है। सब-अरबन कम्युटर्स को आपस में जोड़ने के बारे में मंत्री जी विचार करें, वर्यो कि एनसीआर प्लानिंग बोर्ड भी मंत्री जी के मंत्रालय के अंतर्गत आता है। एनसीआर प्लानिंग बोर्ड में एक प्रस्ताव आया है और दिल्ली के आसपास चार रैपिड ट्रांजिट सिस्टम हाई स्पीड कॉरिडोर बनाने की बात चल रही है एक रोहतक की तरफ, एक पानीपत की तरफ, एक गुड़गांव की तरफ और एक फरीदाबाद की तरफ बनाने का प्रस्ताव है। क्या वे मेट्रो से भी इसको कनेक्ट होंगे? एनसीआर प्लानिंग बोर्ड रेलवे मेट्रो हाई स्पीड कॉरिडोर बनाने जा रहा है, क्या वे आपस में एक-दूसरे से मिलेंगे? इस बारे में भी विचार करना चाहिए। The reason why I say this is because the NCR Planning Board is in the unique position to talk to all the State Governments and the Ministry involved; to devise the plan to ensure that inter-connectivity actually occurs for the benefit of the commuters of Delhi. पीपीए एक्ट के अंदर 51 प्रतिशत की लिमिटेशन है, इसके अंदर पेड शेयर कैपिटल में सेंट्रल गवर्नमेंट और प्रदेश सरकारों की हिस्सेदारी होगी। उन कंपनियों को इसके अंदर शामिल किया है।

किरीट सोमैया जी ने एक बात उठाई कि बहुत सी ऐसी मेट्रो आ रही हैं जिनमें 51 प्रतिशत से भी कम हिस्सेदारी प्रदेश सरकारों की है। गुड़गांव मेट्रो इसका उदाहरण है। हुडा ने रैपिड मेट्रो गुड़गांव विकसित की है, वह तकरीबन 100 प्रतिशत प्राइवेट फाइनेंसड है, सरकार ने केवल उसका टेंडर किया था। गौड़ा साहब जब रेल मंत्री थे, उन्होंने कहा था कि इस सरकार की दिशा रेलवे के लिए पीपीए प्रोजेक्ट को आगे बढ़ाने की होगी। क्या रेलवे पीपीए की तरफ बढ़ रहा है? मेट्रो जब पीपीए की तरफ बढ़ेगी, इस प्रकार के जितने भी प्राइवेट फार्मस होंगे, पेड-अप-कैपिटल 51 प्रतिशत से कम हो सकती है। गुड़गांव मेट्रो में शून्य प्रतिशत सरकार की हिस्सेदारी है। मगर वह सरकार का प्रोजेक्ट है, क्या उनको भी इसके अंदर लाने के बारे में हम सोच सकते हैं। हमारी साथी सुष्मिता ने रिहैबिलिटेशन की बात उठाई, उससे मैं भी सहमत हूँ।

15.54 hrs (Shri K.H. Muniyappa in the Chair)

मुख्य तौर पर दो तरह के अनऑथराइज़्ड अक्कूपैंट्स हैं। एक होमलेस और दूसरा शॉपकीपर, जिनको मेट्रो ने कंट्रैक्ट दिए थे, लेकिन उनका पीरियड पूरा हो गया है। रिहैबिलिटेशन के लिए करीब दस हजार लोगों का आकलन किया गया है, सरकार उनके लिए क्या प्रवधान कर रही है या करने जा रही है? मंत्री जी को अपने जवाब में इसकी जानकारी देनी चाहिए। कैबिनेट ने वर्ष 2010 में फैसला किया था, तब दिल्ली मेट्रो केवल दिल्ली में थी, अब दिल्ली मेट्रो हरियाणा में भी पहुंची है, फरीदाबाद, गुड़गांव और बहादुरगढ़ के अंदर तक मेट्रो बनाई जा रही है। हमारी पुरजोर मांग है कि गुड़गांव से बढ़ाकर सांपला तक पहुंचाई जाए। फरीदाबाद से लेकर पलवल तक मेट्रो ले जाने की हमारी मांग है। इस प्रकार से सोनीपत तक, जो उतर को आपने छोड़ दिया, मेट्रो पहुंचाना बहुत आवश्यक है। इसलिए सोनीपत तक भी हमारी मांग रही है।

मेरा एक प्रश्न है कि आज एनडीएमसी की प्रिमाइसिज़ को इस मेट्रो में पीपीए के सारे प्रवधानों के तहत लाया जा रहा है। As a matter of abundant caution, we are desirous of bringing amendment to the NDMC Council. What happens to the Corporations and Committees of Haryana. हरियाणा की कार्पोरेशन कमेटी और पंचायत की प्रिमाइसिज़ में भी मेट्रो जानी चाहिए, वर्यो कि जब सांपला तक मेट्रो पहुंचेगी तो मैं समझता हूँ कि बहुत सी ग्राम पंचायतें भी इसमें आरेंगी। उस बारे में भी क्या पीपीए उसी प्रकार से लागू होगा? मैं सोचता हूँ कि आपको आगे आने वाले समय की प्लानिंग करते हुए इस बारे में भी सोचना चाहिए।

अंत में, मैं एक बार फिर अपने मुख्य बिन्दु को कहना चाहूँगा कि आज जब हम लोक सभा में, लोगों की सभा में कानून बनाने के लिए खड़े होते हैं, तो वर्यो इस कानून के अमेंडमेंट को लाया जा रहा है, इस बात को सोचना चाहिए? उस बात को सोचते हुए मेरा मुख्य सुझाव है कि रेलवे, एनसीआर प्लानिंग बोर्ड और मेट्रो, जो रैपिड ट्रांजिट सिस्टम बना रहा है, इन तीनों को आपस में काम करना चाहिए। इन तीनों को आपस में काम कराने के लिए रेलवे, मेट्रो और हाई स्पीड कोरीडोर, जो दिल्ली के आसपास बनने जा रहा है, वे तीनों एक साथ मिलकर काम करें, वर्यो कि जब हाई स्पीड कोरीडोर आ रहा है तो उनके लिए अलग से अमेंडमेंट लाने की आवश्यकता न पड़े।

मैं समझता हूँ कि अगर कोई मंत्रालय इसे कर सकता है तो वह आपका मंत्रालय ही कर सकता है, एनसीआर प्लानिंग बोर्ड कर सकता है। उसे ये पावर्स मिलनी चाहिए कि वह दूरदर्शिता से कानून बनाये। इस अमेंडमेंट का हम समर्थन करते हैं, वर्यो कि यह केसेज को निपटाने में आपकी बहुत मदद करेगा। मगर हम दूरदर्शिता से इस प्रकार से कानून बनायें कि 40 लाख और आने वाले समय में दिल्ली के कम्युटर्स और भी बढ़ने वाले हैं, उन्हें हम तीव्र फ़ैमवर्क दे सकें।

सभापति महोदय, दिल्ली मेट्रो तेजी से आगे बढ़े, ऐसी शुभकामना देते हुए हम इस अमेंडमेंट का समर्थन करते हैं।

SHRI TATHAGATA SATPATHY (DHENKANAL): Sir, I rise to discuss the Bill which proposes to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, which is now named as the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014. This basically redefines public premises to include companies in which the Central or State Governments hold 51 per cent share. This also gives powers and capabilities to the Estate Officer of the Delhi Metros. What is surprising is that during the 15th Lok Sabha, the Standing Committee on Urban

Development had gone into this amendment in detail. This was actually done by the previous Lok Sabha, the 15th Lok Sabha. There are some important observations and recommendations of that Committee.

When the Government thought it wise to name institutes of technology, which are registered under the Institute of Technology Act, 1961, any Board of Trustees constituted under the Major Port Trusts Act, 1963, the Bhakra Management, the Punjab Reorganisation Act, 1966, when all these detailed bodies have been named, what I failed to understand is, why have they narrowed their vision so much that they have just addressed the issue of Delhi Metro? Metros are coming up in Bangalore and other States. They already have the first Metro in Kolkata. So when we are passing a law in Parliament, I think, the idea should be that it should be all encompassing.

I would like to raise two points. Firstly, any company, whether a Central Government undertaking or a State Government undertaking, where the State or the Central Government have more than 51 per cent shares, not just Metro Railways, should be brought under this Act. This amendment should cover them also.

16.00 hrs

Secondly, the time that has been suggested, if you refer to the 20th Report of the Standing Committee, in paragraph 2.4 on page 7, it says:

"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 Officers."

It also states:

"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 Committee, while agreeing to the proposed amendments, are of the view that this time limit of three to four months should be adhered to or otherwise the very purpose of amendment would be defeated."

The time limit of three or four months is also very vague. It should be either three months or four months. In law you cannot be so vague.

Then, there is an appellate authority who is the District Judge. Normally, we know that cases relating to land should go to the Civil Judge. But when you are mentioning a specific judge, it could be misunderstood as the criminal stream. So, this needs to be clarified. Overall, if one goes through the recommendations of the Standing Committee, the Standing Committee has given very many points which make the law very precise. But, unfortunately, in the final amendment that has come to the House today, these points do not seem to have been taken into account. The Standing Committee's recommendations have, more or less, been neglected. I would suggest that the Government should go through the recommendations, should rethink on this issue, withdraw this amendment, bring forward another amendment wherein not only Delhi Metro, but other Metros from all over the country, companies, institutes etc. can be included and wherever the Government has 51 per cent shares whether Central or State Governments, all such institutions can be included.

So, if there are forcible occupants, then it is justified that the Government should step in. This amendment should be utilized and it should be all encompassing. This seems to be an atrophied amendment. Therefore, I would suggest that the Government should have a re-look at it. Thank you.

SHRI B. VINOD KUMAR (KARIMNAGAR): Mr. Chairman, Sir, I thank you for giving me an opportunity to participate in the discussion on the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014. The principal Act was passed in the year 1971 by this House. It extends to the whole of India, particularly with regard to the properties of the Government of India. We are well aware that different State Governments have their own Acts with regard to public premises. All the States have their own Acts. Now we are amending the principal Act in view of the judgement given by the Supreme Court as stated by the hon. Minister. The Standing Committee has also made some suggestions on this Bill.

As all the Members have mentioned just now, I do agree with them that this Bill should have been brought in a comprehensive manner. Now we are amending some of the clauses of the main Act, which was passed in 1971, keeping in view the 20 suggestions which were made by the hon. Supreme Court. Seeing the objects and reasons, as mentioned by the hon. Minister, they have accepted around 18 suggestions. Two suggestions were not accepted with a view that those suggestions may further delay it; I do not know what those two suggestions were. But, however, as our Members have expressed, we are keeping in view only Delhi Metro. There are some other Metros coming across the nation. Probably in the next decade, not only the metropolitan cities, but also the cities having more than a million population are already planning for it. So, I would suggest that we can bring another Bill and comprehensively we can give some more views also.

Recently in Karnataka, they discussed about the religious and charitable properties. Evicting the illegal occupants or some other occupants who are authorized to some extent has become a big problem. In my State of Telangana, we do have an Act, that is Hyderabad Endowments Act which was passed much earlier than the formation of Andhra Pradesh State also. So we do have some problems with the religious properties, not only Hindu religious properties, even the Wakf properties in Karnataka. They discussed how to evict the illegal occupants.

So I would suggest that the hon. Minister may take a broad view in this matter. We do know that this is a State Subject with regard to 'Land' but, however, the Government of India can take some steps so that in the new era, we can have a comprehensive Act taking the suggestions of the different State Governments and we can pass it. But, as there is an urgency, and in view of the Supreme Court's suggestions, we support this Bill. Thank you, Sir.

सहमत हूँ। इस विधेयक से मेट्रो के प्रोजेक्ट को पूरा करने में आसानी होगी। उत्तर प्रदेश में दिल्ली मेट्रो नोएडा तक पहुंच चुकी है। नोएडा से ग्रेटर नोएडा को भी जोड़ा जाना है। तखनऊ में भी मेट्रो के प्रोजेक्ट को शुरू किया गया है।

इसके अलावा सांसदों के बंगले के संबंध में, मैं आपसे दो बातें कहना चाहता हूँ। जो कानून बनाया जा रहा है, उसे जितना छोटी पार्टियों के ऊपर लागू किया जाता है, उतना ही बड़ी पार्टियों पर भी लागू किया जाए, तो ज्यादा अच्छा होगा। पूर्व में पुरानी सरकार थी, उस समय इस सदन के एक सदस्य थे, वे उत्तर प्रदेश के मुख्यमंत्री बन गये थे। रात के समय दरवाजे पर नोटिस लगा दिया गया था कि सुबह बारह बजे तक आपको अपना बंगला खाली करना है। बारह बजे तक आनन-फानन में बंगला खाली किया गया। उनके परिवार से एक और सांसद थे, जिनको मौका दिया जा सकता था, पर नहीं दिया गया। अभी हाल ही में पिछली लोक सभा के एक सदस्य को नोटिस दिया गया था कि वे अपना बंगला खाली करें। वे कोर्ट में गये और समय मांगा। उसी दौरान वे दूसरे सदन के सांसद बनकर वापस आ गये। किरीट सोमैया जी ने भी अभी कहा है कि अगर कोई सदस्य है और फिर सदस्य बनकर वापस आते हैं, उनको मौका देना चाहिए, पर ऐसा नहीं है। वह सदस्य पहले सीनियर कैटेगरी के बंगले में रह रहे थे, उनको इस बार भी मौका हम दे सकते थे। आप जो कानून लाए हैं, उससे मैं सहमत हूँ, लेकिन आपसे गुजारिश भी करना चाहता हूँ कि जो छोटी पार्टियाँ हैं, उनको आप प्रोटेक्शन देते रहें। धन्यवाद।

श्री राजेश रंजन (मधेपुरा) : सभापति महोदय, इस देश में पहले जो जमीन का धंधा करता था, उसे जमीन का वेई/ * कहा जाता था और अब जमीन का धंधा करने वाला वह कहता है कि मैं रियल इस्टेट का धंधा करता हूँ। दिल्ली में अगर पहले तो हर तीन आदमियों पर एक आदमी यही बताएगा कि मैं रियल इस्टेट का काम करता हूँ। वेई/ * के नाम को इंग्लिश में वैज कर दिया गया और वह वेई/ * भी राजनीतिज्ञों और पदाधिकारियों के साथ मिल गया। सब कह रहे हैं कि आपका समर्थन करते हैं तो मैं भी करता हूँ और जब वैक्यूम न्यायू साहब बिल लाए हों तो अवश्य करना पड़ेगा। वह मेरे बड़े भाई हैं। इसमें कोई दो राय नहीं है। हमारा बहुत अंतरंग संबंध रहा है, राजनीतिक रूप से और वैचारिक रूप से भी नजदीक रहे हैं।... (व्यवधान) देखिए, समय और पाठ के अनुसार विचार नहीं बदलता है।... (व्यवधान) मैं आपका ध्यान इसी दिल्ली में मंदिर और मस्जिद की तरफ दिलाना चाहता हूँ। देश में तो है ही, दिल्ली में भी ऐसी कई जगहें हैं, यह रिपोर्ट कहती है, सुप्रीम कोर्ट ने जो मांगा है, वह रिपोर्ट कहती है, उसमें स्पष्ट कहा गया है कि 43 ऐसी जगहों पर मंदिर-मस्जिद का निर्माण है, जिनको नहीं तोड़ा जा सकता, पुलिस ऐसा हलफनामा दाखिल करती है। बनने के समय पुलिस की मिलीभगत से उसे बनाने दिया जाता है और बाद में यह कह दिया जाता है कि दंगा हो जाएगा या ऐसी घटना घटेगी, इसलिए हम इसमें हस्तक्षेप नहीं कर सकते हैं। क्या माफियाओं की मिलीभगत से यह अवैध काम नहीं होता है?

दूसरी चीज, दिल्ली में जो करोड़ों-अरबों रुपये के जो फार्म हाउसेस बने हुए हैं, कई बार सुप्रीम कोर्ट के कहने के बाद बने हुए हैं। कौन हैं वे पूंजीपति लोग? किसके फार्म हाउसेस हैं? आप इसकी पूरी जांच क्यों नहीं करते हैं कि उन्होंने किन-किन नियमों को तोड़ा है? आज आपकी सरकार झुग्गी-झोपड़ी को बचाने के नाम पर यह बिल लाई है। दिल्ली में श्रीला दीक्षित सरकार ने जो किया, उसके बारे में हमारे मित्र ने बधाई दी है, लेकिन श्रीधर ने मेट्रो के लिए जो किया, उसके लिए भी बधाई देनी चाहिए, उसे भूलना नहीं चाहिए। निश्चित रूप से श्रीला दीक्षित सरकार और शूपीए सरकार की पॉलिसी सही थी, लेकिन एक व्यक्ति, जिसने दिल्ली की मेट्रो को विश्व में पांचवां स्थान दिलाया, उसका नाम श्रीधर है, उसे नहीं भूला जा सकता है और उसकी भी चर्चा होनी चाहिए।

मंत्री महोदय, हर चीज में भाषण देना उचित नहीं है, इसलिए नहीं दूँगे। महशौली थाना अंतर्गत अवैध निर्माण की 366 शिकायतें दर्ज हुई हैं, उनमें से 59 पर प्राथमिकी दर्ज हुई है, लेकिन अभी तक कोई कार्रवाई नहीं हुई है। वर्ष 2010 में ललिता पार्क में अवैध इमारत में बिहार और सहस्त्रा के 72 लोग मारे गए थे। उसके बाद कितने अवैध निर्माण दिल्ली में हुए हैं, इसकी भी जांच हो जाए। तब पता चलेगा। आप पेरिस-न्यूयार्क सब कुछ बनाइए, लेकिन जो गरीब है, कमजोर है, जरूरतमंद इंसान है, जो ठेला चलाता है, जो रिक्शा चलाता है, उनके लिए रहने की व्यवस्था नहीं है। जो फल बेचकर अपनी जिंदगी गुजारता है, जो सब्जी बेचकर अपनी जिंदगी गुजारता है। आप उसकी झुग्गी-झोपड़ियों को तो बर्बाद करने चल देते हैं। लेकिन जिसने अवैध कब्जा किया हुआ है, जो अवैध बिल्डिंग बनाकर गरीबों का शोषण करता है, बाहर के लोग दिल्ली में या दूसरे बड़े शहरों में आजीविका के लिए आते हैं, हमारे मित्र हड़्डा जी ने सही कहा है कि पेरिस या टोक्यो में जिस तरह का रेल और मेट्रो का सामंजस्य है, उसे यहां कैसे करेंगे? यह भी सही है कि दिल्ली में 900 हेक्टेयर जमीन अवैध कब्जे में है, जो सिर्फ रेलवे की है। आपके पास सब कुछ है, हम आपको डेटा निकाल कर दें, यह उचित नहीं है, क्योंकि सरकार के पास पूरी जानकारी है। मेरा सुझाव इतना है कि कानून पहले से मौजूद है और उस कानून को ज्यादा सशक्त बनाया जा सकता है या नया कानून भी लाया जा सकता है। मंत्री जी मैं आपसे कहना चाहता हूँ कि इन कारनामों में पुलिस, माफिया, राजनीतिक व्यक्ति और पदाधिकारी का नैवसस है। इसे रोकने के लिए आप सख्त से सख्त क्या कार्रवाई करेंगे ताकि आने वाले समय में अवैध निर्माण न हो? माफियाओं तथा राजनीतिज्ञों का घर न भरे, इसके लिए आप क्या कदम उठाएंगे?

दूसरा आपको याद होगा कि सीलिंग एक्ट के समय में हाय-टौबा मची थी। आपको याद होगा कि सुप्रीम कोर्ट के पूर्व चीफ जस्टिस पर आरोप लगा था। उस समय बहुत हाय-टौबा मची थी कि उन्होंने अपने दामाद और परिवार के लिए आउट आफ रूल जा कर, केवल एक बार नहीं बल्कि कई बार और हाई कोर्ट और सुप्रीम कोर्ट में इस तरह के आदेश जारी हुए हैं, जो कारपोरेट घरानों या पूंजीपतियों को फायदा पहुंचाने के लिए थे। मैं आग्रह करना चाहूंगा कि इस तरह का कोई भी कारपोरेट या पूंजीपति घराना, कोई भी राजनीतिज्ञ या कोई भी पदाधिकारी हो, अपने रिश्तेदारों को मुनाफा या फायदा पहुंचाने के लिए वह कोई ऐसा फैसला या आदेश पारित न करे, इसके लिए सरकार निश्चित रूप से कांसियस रहे, जागरूक रहे ताकि आने वाले समय में हमारी जमीन पर अवैध तरीके से निर्माण न किया जा सके। अवैध निर्माण के द्वारा हम दिल्ली की झुग्गी-झोपड़ी, रिक्शा चालक, टेम्पो चालक, ठेला और फल तथा सब्जी बेचने वाले को सबसे पहले हटाते हैं, मैं आग्रह करूंगा कि पहले उनकी आजीविका के लिए, उनके रहने के लिए समुचित व्यवस्था करें तभी उनकी झुग्गी-झोपड़ी के अवैध निर्माण को हटाने या तोड़ने का प्रयास करें।

मैं इससे ज्यादा इस बिल के बारे में कोई और बात नहीं कहना चाहूंगा, क्योंकि यह बिल पूरी तरह से माफियागिरी, नैवसस और सबसे मूल चीज यह है कि भावनात्मक रूप से मंदिर या मस्जिद का निर्माण अवैध कब्जा करके करते हैं, इस पर भी ध्यान देना बहुत जरूरी है। मैं पुनः इस बिल का समर्थन करते हुए अपनी बात को समाप्त करता हूँ। धन्यवाद।

श्री कौशलेन्द्र कुमार (नालंदा) : माननीय सभापति महोदय, आपने मुझे सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) संशोधन विधेयक, 2014 पर अपने विचार सदन में रखने का मौका दिया, इसके लिए मैं आपका आभारी हूँ।

महोदय, यह बिल पहले भी सरकार के पास वर्ष 2010 में आया था और स्थायी समिति को संशोधन के लिए भेजा गया था। उसके बाद फिर से वर्ष 2011 में इस बिल को लाया गया था। उस समय हमारी पार्टी के नेता माननीय शरद यादव जी उस समिति के अध्यक्ष थे। इस बिल को चर्चा करने के बाद तैयार किया गया था, किंतु उस समय सरकार इस पर अमल नहीं कर पायी थी। आज यह गंभीर समस्या बन गई है कि सार्वजनिक सम्पत्ति पर तोग कब्जा कर लेते हैं और फिर कानूनी प्राधान्यों में उलझा कर इस पर पूर्णतः कब्जा जमाए रहते हैं। कोई भी सार्वजनिक सम्पत्ति इस देश में नागरिकों को सुविधा प्रदान करने और उसके द्वारा सार्वजनिक रूप से फायदा दिलाने के लिए उसका केवल उपयोग सरकार करती है, किंतु कुछ व्यक्ति सम्पत्ति को हथियाने में लगे रहते हैं। वैसे तो यह कानून 1971 में आया था और बिल में कहा गया था कि दिल्ली मेट्रो रेल और महापालिकाओं की सम्पत्ति पर इस कानून के तहत कार्रवाई नहीं हो सकती। इसलिए संशोधन करना आवश्यक है। साथ ही उन सार्वजनिक कंपनियों को भी इस बिल के दायरे में लाना है जहां सरकार की भागीदारी 51 प्रतिशत हो।

में कहना चाहता हूँ कि अगर नगरों में देखा जाए तो ज्यादा से ज्यादा सरकारी सम्पत्तियों पर अनधिकृत कब्जा है, जैसे रेलवे की जमीन है, फॉरेस्ट की जमीन है या रक्षा विभाग की जमीन है। रोड पर कब्जा हो रहा है, सिर्फ कानून बनाने से काम नहीं चलेगा क्योंकि यह कानून 1971 से है। फिर सरकारी जमीन या सम्पत्ति पर कब्जा क्यों नहीं हटा, बल्कि कब्जा और बढ़ता जा रहा है। दिन प्रतिदिन झगड़े होते हैं, गोलियाँ चलती हैं और लोग आपस में मर-कट जाते हैं। सरकार अनधिकृत कब्जे को बेदखल करने की कार्यवाही शीघ्र देती है और कब्जा बरकरार रहता है। अतः सरकार जो कानून बना रही है, उसका अच्छी तरह से पालन हो, अनधिकृत सम्पत्ति से सरकार कब्जे हटाए और उन सम्पत्ति का उपयोग आम जनता की भलाई के लिए करें। यही बात कहकर मैं अपनी बात समाप्त करता हूँ। धन्यवाद।

SHRI S.P. MUDDAHANUME GOWDA (TUMKUR): Thank you, Sir, for giving me this opportunity to speak on this very important Bill.

I am in total agreement with the hon. Members, who spoke from our party. I am also in agreement with the spirit of the amendment of the Bill, which the hon. Minister has brought.

I know that the judgment of the hon. Supreme Court is the main source to bring this amendment. We can understand the problems being faced at different levels to bring this amendment so as to evict the persons, who are unauthorisedly in occupation of houses. In *ST Bandi versus Divisional Traffic Officer, KSRTC, Supreme Court Case*, the person who was in unauthorised occupation, was asked to be evicted on 12.06.1997. Ultimately, the matter was taken up before the Appellate Court. From there, it went to the High Court. Then, from the single court, it went to the Division Bench. Thereafter, the matter was taken up before the Supreme Court. Ultimately, the hon. Supreme Court, on 13.07.2004, passed an order of eviction.

So, this shows the necessity and urgency of bringing this amendment. I fully agree with it.

Sir, I would like to quote an observation made by the hon. Judge of the Supreme Court while disposing of this special writ petition, which says: "The unauthorised occupants must appreciate that their act of overstaying in the premises directly infringes the rights of another." Therefore, I agree and really appreciate the spirit of this amendment.

There are two-three important points, which I would like to bring to the notice of this august House. The Estate Officer is supposed to pass the order of eviction. Who is this Estate Officer? What are his qualifications? You have not fixed any qualifications for this Estate Officer. Virtually, he is passing an order of eviction. It is a *quazi judicial* proceeding. As per the concerned Section, he is only a Gazetted Officer mentioned by the Government of India. Is he qualified to pass an order in a *quazi judicial* proceeding? The order, which he passes, will be taken for an appeal before the District Court; and it will be tested by the scrutiny of the High Courts and ultimately, by the Supreme Court.

That is why my suggestion to the hon. Government is that they must try to draw an officer from the Judiciary. An opportunity of hearing should be given. The principles of natural justice must be looked into. He must give the opportunities and hear the parties. He must pass a speaking order. That is why an officer from the Judiciary must be drawn and appointed as an Estate Officer under this Section to pass an order.

Secondly, you have mentioned about Appellate Officer in the amendment. It cannot be stated as Appellate Officer. The order passed by the Estate Officer should be taken to the District Judge. The court of the District Judge disposes of the appeal. So, the word 'Appellate Officer' is not in good spirit and not in good taste. In legal language, you cannot use the word 'officer' for a District Judge. That is why, I propose, instead of Appellate Officer, it should be mentioned as appellate court. That is one thing. Sir, I will conclude within a minute.

Thirdly, in the amendment Bill, we have discussed much about the bungalows or houses being occupied by the Members of Parliament but it is not so. Even the properties, which belong to the Delhi Metro Railway Corporation, and the properties, which belong to the companies, where the Government owns shares of more than 51 per cent, should also be looked into. In fact, it is the primary duty of the Government of India or any other Government to first find out which are all the properties which fall under this Act.

Why I am telling you about this is that there is a difference between unauthorised occupants and illegal occupants. You are issuing notice to the person who is an unauthorised occupant. But what about the person who is an illegal occupant? He is not supposed to be there. He is not allowed to stay there. So, there is a difference. You must draw a line between unauthorised occupant and illegal occupant. That is why, the Government must bring some more comprehensive legislation to deal with persons who are staying there without any authorisation and persons who are illegally staying there.

Finally, to conclude, you have not fixed the time. Of course, in the appellate court you have fixed time for disposal of the appeal, which is one month. I agree with that and I appreciate that. But the matter will not be closed there. From the appellate court, the matter can be taken up before the High Court under writ petition under article 226 of the Constitution. There, you know, it is a single judge and against the judgement of a single judge, the matter can be taken in writ appeal. From there a Special Leave Petition can also be filed. You must try to evolve some strategy and bring some legislation to curtail this power also because if a person is allowed to take the matter for years together, then the very purpose of this amendment will be defeated.

The judgement delivered by the hon. Supreme Court in Bandi's case, I think, is an eye opener. Taking the whole content of this case into consideration, I would request the Government of India to see that some more stringent amendments are introduced so that the person, who is an unauthorised occupant, should be evicted immediately. Thank you, Sir.

डॉ. अरुण कुमार (जहानाबाद) : माननीय सभापति महोदय, पब्लिक प्रिमाइसेज ऑवयुपेन्सी एक्टिंगन से संबंधित 1971 में जो बिल लाया गया था, उसमें जो संशोधन किया जा रहा है, मैं इसके समर्थन में खड़ा हुआ हूँ। लेकिन दो-तीन सुझाव मैं सरकार को आपके माध्यम से देना चाहता हूँ। मैट्रो, एनडीएमसी और सांसद बंगलों के विभिन्न तरह के सवाल को तथा उसमें आ रही बाधाओं को

दूर करने के लिए इसे सरलीकृत किया गया है और इस पर स्टैंडिंग कमेटी ने भी विस्तार से चर्चा की है। आज सदन में भी इस पर काफी विस्तार से चर्चा हुई। विशेष कुछ कहने की जरूरत नहीं है, लेकिन दो-तीन सवालों की तरफ हम सरकार का ध्यान आकृष्ट करना चाहेंगे।

महोदय, सरकारी परिष्कारिता चाहे राज्य की हो, चाहे केन्द्र की हो, इन सम्पत्तियों पर उस विभाग के स्थानीय पदाधिकारियों की मिलीभगत से जो कब्जा दिलाया जाता है, उसमें गरीब परिवार के लोग होते हैं। इसमें गरीब परिवार के लोग होते हैं, वे तो अर मिडिल क्लास के लोग होते हैं। हम देखते हैं कि रेलवे की जमीन पर आज अवैध कब्जा है, उसमें स्थानीय स्तर पर सरकारी पदाधिकारियों और रेलवे के पदाधिकारियों की भी मिलीभगत होती है। फिर कानून के तहत उसका एविवेशन होता है तो निश्चित तौर से संपत्ति की एक बड़ी हानि होती है। हम समझते हैं कि जब यह कानून बनाया जा रहा है तो उस संपत्ति पर कोई चाहे मंदिर के माध्यम से, मस्जिद के माध्यम से या व्यक्तिगत तौर पर जो कब्जे किए जाते हैं, उन पर लगाम लगायी जानी चाहिए। इस तरह से राष्ट्र को भी क्षति होती है और व्यक्तिगत क्षति भी होती है। यह जो नैक्सस होता है, दखल दिलाने का, इसमें स्थानीय पदाधिकारियों को भी अकाउंटेबल बनाया जाना चाहिए कि वे लोकल पुलिस और उस विभाग के पदाधिकारियों की मिलीभगत से इस सिस्टम को चलाने के लिए आकर्षित न करें। जब अकाउंटेबल बनाया जाएगा तो निश्चित तौर से जो नैक्सस है, उस पर रोक लगेगी। दूसरी चीज यह है कि यह सरकारी संपत्ति जो रेलवे की है या अन्य विभिन्न संगठनों की है, मैट्रो रेलवे की है, यह किसानों की संपत्ति थी। यह जमीन किसान से काफी कम दाम पर विकास के नाम पर ले ली जाती है और किसान की उसमें हिस्सेदारी नहीं होती है। मैं एक सुझाव देना चाहूंगा कि इसमें सरकार की हिस्सेदारी 51 प्रतिशत से कम नहीं होनी चाहिए। पीपीपी मोड में डालने के बाद वर्तव्य यदि प्राइवेट एजेंसी का होगा, तो वह कॉमन पीपल का इंस्ट्रुमेंट नहीं रखेगा। यह सरकार वैलफेयर सरकार है, पीपल वैलफेयर के लिए है। इसलिए निश्चित तौर से सरकार की बड़ी हिस्सेदारी वहां होनी चाहिए ताकि प्राइवेट पार्टियों की मनमानी इसमें नहीं हो। इसी के साथ मैं बिल का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

श्री दुष्यंत चौटाला (हिंसार) : सभापति महोदय, मैं आपका धन्यवाद करता हूँ कि आपने मुझे Public Premises (Eviction of unauthorized occupants) Amendment Bill 2014 जैसे अहम बिल पर बोलने का मौका दिया है। मुझ से पहले अनंत कुमार जी ने बोला है कि आज यह एक अहम विषय है कि सरकारी जमीन पर अधिकतम तौर पर जिस तरह गरीब का कब्जा है, कब्रों का कब्जा है, इस बिल के तहत हम इस्टेब्लिशमेंटों को अधिकार दे रहे हैं कि वे कब्जा छोड़ कर, उसकी जगह सरकारी कार्य को सुचारू रूप से चलाएं। आज अगर दिल्ली की बात करें तो मैट्रो जैसा इंपॉर्टेंट प्रोजेक्ट बहुत जरूरी है क्योंकि इससे एक नहीं अनेकों लोगों को फायदा होता है।

16.32 hrs (Hon. Deputy Speaker in the Chair)

यहां बंगलों की बात करें तो दिल्ली के अंदर ऐसे बहुत से बंगलें हैं, जो अलग-अलग ट्रस्टों को एलॉट कर दिए गए। बहुत से ऐसे लोग हैं, जो रेंट देने के बहाने से अनेकों साल से उन बंगलों पर बैठे हैं। मैं इस बिल का समर्थन करता हूँ क्योंकि यह एक जरूरी चीज है। एक धारणा बनी हुई है कि जो चीज सरकारी है, वह हमारी है। कहीं न कहीं उस धारणा को तोड़ कर जो चीज सरकारी है, उसको सरकार के हाथों में देना पड़ेगा। सरकार के हाथों में दे कर, जो सरकार का प्रोग्रेस वर्क है, उसको आने ले जाना पड़ेगा।

मैं माननीय मंत्री जी से अपील करूंगा कि इसके अंदर जहां मैट्रो की बात कर दी जाती है, सरकारी बंगलों की बात कर दी जाती है, इस बिल के अनुसार हमें कहीं न कहीं फॉरिस्ट लैंड को भी लाना चाहिए। दिल्ली का अधिकतम फॉरिस्ट लैंड कब्जे के अंदर है, इल्लिगल ऑक्जुपेंड्स वहां भी बैठे हैं। कहीं न कहीं रेलवेज की बिल्डिंग्स को भी इसमें लाना चाहिए। जो इंडियन आर्मी के सेंटर्स हैं, एयरफोर्स के सेंटर्स हैं, वहां कब्जा है, उनको भी लाना चाहिए। कई ऐसे एरियाज हैं, जो गवर्नमेंट एक्वायर्ड हैं, सेंट्रल गवर्नमेंट के, एडीएमसी के या डीडीए आदि किसी के अंदर हैं, अगर उनको आज तक एमटी आउट नहीं किया गया। उनका पैसा भी ले लिया गया है, उनको भी इनके अंदर इन्व्यूड करना चाहिए। कहीं न कहीं जहां हम एस्टेब्लिशमेंट अफसर को अधिकार दे रहे हैं, उन अधिकारों के अंदर हमें यह अर्थोडॉक्सी भी देना चाहिए कि जब हमने नोटिस सर्व कर दिया, नोटिस तो एक के बाद एक दे दिया जाता है, नोटिस के साथ एविवेशन करवाने तक की अथॉरिटी उनके हाथों में देनी चाहिए। मैं एक ही चीज बोलना चाहूंगा कि नरेन्द्र मोदी जी कहीं न कहीं चौधरी देवीलाल की विचारधारा के ऊपर चलने का कदम उठा रहे हैं। चौधरी देवीलाल ने कहा था कि हर हाथ को काम, हर सिर पर छत, हर पेट को रोटी, बाकी सब बात खोटी। मैं यह मानता हूँ कि जहां हम किसी गरीब को उस जगह से हटाते हैं, पैरलली अर्बन डेवलपमेंट मिनिस्ट्री को इसके तहत देखकर उनके सिर पर छत देनी चाहिए। मैं तो इतना कहते हुए इस बिल का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

***SHRI N. KRISTAPPA (HINDUPUR) :** Hon'ble Deputy Speaker, I thank you for giving me this opportunity to speak on this Bill. Sir, the cases of encroaching Government lands and properties are on the rise. If a poor man desires to construct a house for his own use, it is a welcome move. But we see persons who are not poor and are encroaching lands of temples, ponds, forests and other Government lands. Those who should have protected these lands failed to do so. I am pained to say that appropriate actions could not be taken to protect Government lands.

Sir, it is time to take serious action to protect Government properties. In the last 10 years Government committed several mistakes. I am pained to say that, in the name of SEZs and industries, thousands of acres of land was acquired and instead of setting up industries they were misused for real estate purposes. There are several allegations on misuse of land. For example, in my constituency around 8000 acres was allocated to a company to set up industries. But not even 80 acres out of 8000 acres could be used for setting up industries. The Government should take action on such defaulters and lands should be given back to the farmers.

In the last 10 years, these lands neither could be used by farmers nor were used to set up industries. This huge pocket of 8000 acres of land was lying unused in the last ten years. Neither crops could be grown on these lands nor could Government objectives be fulfilled. These lands are in the hands of real estate developers. Will we welcome such situations prevail in our country? I request the Government to take action against such defaulters. With this I conclude. Thank you.

SHRI M. VENKAIAH NAIDU: Hon. Deputy-speaker, Sir, I would like to thank all the Members belonging to different parties and from different regions for having extended their support, without any exception, to this Bill. More than 16 hon. Members, cutting across party lines, have spoken on this Bill. They have given their valuable suggestions and observations. One important thing is that all of them said that they wanted to support this Bill. Some people have suggested that the Government should bring a comprehensive Bill. Hon. Deputy-Speaker, Sir, I totally agree with them.

Even when this Bill was brought before me, I was of the opinion that why we are doing it in piece-meal and why do we not think of bringing in a comprehensive legislation. However, our country is so huge that there are issues developing from time to time and that there are certain issues which require urgent attention. As Shri Deepender Singh Hooda has said, basically, the purpose of this Bill is about public transport, removing the hurdles with regard to the expansion of public transport in the National Capital, and also to make consequential changes because there are four Municipal Corporations now; and then the Companies Act was amended subsequently. This Bill has been brought primarily to take care of those aspects. I totally agree that not only in this aspect but also on different public issues, there is a need for a comprehensive review of the situation and

then bring appropriate legislations which will cover all the aspects present, past and future also because our country is a dynamic country. Things are changing; new opportunities are coming; new challenges also are coming; and new litigations are also coming. Unfortunately, in this country, there are people who always try to litigate on issues and put the Government in difficulties. The Government means that the Government is a custodian of public properties. When I say public premises, that is people's property only. This is not the Government of India. This is the Government for the entire country.

Secondly, with regard to certain aspects, hon. Members have mentioned about different metros. The Government of India is basically concerned about the National Capital because it is the duty.

The land is the State subject. That also has to be kept in mind. Wherever there are metros and if the Government of India and State Government have more than 51 per cent, then they come under the purview of this Bill. Otherwise, they have to go for a separate Bill in their respective States. I will definitely examine. Somebody was suggesting about forest land, about railways, about the different public sector undertakings, and about national highways and all. Can we have a legislation covering all these aspects? For that, we need consultations with the States. I do not want to be seen as if taking away the powers of the State Governments and then the Parliament unilaterally passing the legislation which is binding on all the States without understanding the practical problems and without having needed feedback from the States. So, we will definitely take that approach in future.

With regard to the issues raised about the powers of Estate Officer, the powers of Estate Officer are given so that there is speedy disposal and speedy action at the first instance itself. Then, on the appeal, it always goes to a District Judge. There should not be any worry. On that also, some people made the comment which is very interesting. You cannot have a total summary because the principles of natural justice have to be followed. There is the District Court, then there will be the High Court. There will be first Single Judge and then there will be a Division Bench. From there, it will go to the Supreme Court. Then also, there will be a Special Writ Petition. All these provisions are there. In a democracy, we have to go through various forums and wherever there is an opportunity, the legal process has to be totally exhausted before going to the final thing.

Mr. Deputy Speaker Sir, I understand the spirit of the hon. Members for their valuable suggestion. It is getting struck at various levels for a very long period. Even I feel shy to discuss about the issue of our Members of Parliament. I wish that issue has not come for discussion in this House because we should not be seen as if we are arguing for ourselves and we are taking up our own case in the Parliament. Then, there will be adverse publicity on that. Even in that also, unfortunately, the Government bungalow belongs to the Government itself. If you are no more an MP, then you are not eligible to possess the bungalow. There also, some lower level courts have given stay. I have the details with me. I was surprised. I told my Department as to how a court can intervene in this. The court has no issue at all because it is the Government's property. It is meant for MPs. The moment you become an ex-MP, then you have to evict. It is very simple. For that, we have to follow principles of natural justice. At various stages, there comes the seven days' notice, and then again the seven days' notice and then, the fifteen days' notice and then, one months' notice. In *toto*, a period of sixty days time was given. According to me, a period of sixty days meets the principles of natural justice. There was an observation that the Estate Officer should also give another notice. If you give another notice and then another opportunity, that means there will be a further delay. The public money is involved in these projects. For example, we were discussing about the metro projects. Metro is the flavour of the season. It has enhanced the prestige of the National Capital as said by Rajiv Ranjan that Shri Sreedharan is the father of Indian metros. We should really salute the hard work he has done and the hard work he is putting even now also. Even now, he is helping the different Governments. He is guiding the Kochi Metro and he is also guiding the new Capital of Andhra Pradesh. For other metros, he is giving his advice and we are also going by his valuable advice.

The cost overrun and the time overrun that it consumes go on. It started with Rs.80 crore. Then it went up to Rs.100 crore, to Rs.120 crore and now it is going to be Rs.200 crore. If we go underground, the cost would go up further. Added to this, if there is further delay because of litigations and all, it will add to the cost. Adding to the cost means that -- it is not a burden on one Minister or one Government -- it is a burden on the people. We have to again collect it back from the people by way of taxes, directly or indirectly is a different matter. So, keeping that in mind, the very essence of this Bill is public interest and the public transport. In view of the recent experience of speedy expansion of Delhi Metros by 310 kilometres, covering different areas, there is a demand now from different parts of Haryana. We have to extend it to different directions. Shri Deependerji was also mentioning about it. My friend Shri Satyapal Singh was telling that it must go to Meerut. There are requests from other regions also. If we go on adding individual private transport, we will be having a horrible situation. We already have a horrible situation. In the National Capital of Delhi, the population keeps increasing. I do not have the latest figure of today's population. Every day we find friends from Haryana, friends from UP, friends from Bihar, friends from Odisha and friends from the region of South coming to the National Capital in order to secure livelihood, in order to have better educational opportunities and so on. We cannot find fault with them because it is a National Capital. But do we have adequate resources? The land is the same. So, what I am trying to impress upon is that there are approximately 80 to 85 lakh vehicles in Delhi. Can a Capital city with its present dimension bear that many numbers of vehicles? There is frequent congestion, and with little dislocation, there will be traffic jam. Even yesterday night, we were all caught in a traffic jam for a marriage function even in the Lutyens Delhi where the roads are comparatively wider and all. If we go to old Delhi and other places, the situation is very horrible. The entry points to Delhi from Haryana, from Uttar Pradesh, from Rajasthan have to be further widened. One idea is to go for public transport. As of now, the public transport is, among the available things, the metro. We can also think about BRTS, we can think about Mass Rapid Rail Transport Service. All these aspects are there. But people prefer comfortable metro journey. Keeping that in mind, this Bill has been brought in.

Some people have reminded me about Turkman Gate. We remember Turkman Gate. There is no question of any repetition of Turkman Gate here. The spirit of the Supreme Court Judgment and also observations in different cases as highlighted by Dr. Kirit Somaiya, by way of the 8th June, 2002 Circular, I will definitely keep that in mind and then try to visit that.

This PPE Act will not be applicable to metro projects of States because there is no central share and they cannot be covered in this. The different State Governments have similar Public Premises Eviction Act. If they want to strengthen it further, they are free to do it to take care of the public sectors in States. With regard to private companies, they cannot resort to use of this PPE Act.

Coming to the issue of encroachment in Delhi and also the unauthorised constructions, a lot of Members have expressed their concerns. Though it is

not directly related to the present legislation, yet it is a big menace. I would like to consult and talk to my colleagues in Parliament also because urban governance is comparatively not in a desirable state. We need to strengthen it particularly with regard to unauthorised construction. As some of the Members were suggesting, when poor people put huts and encroach upon, then we try to remove them immediately. But the same thing is not happening with regard to people who violate the law and go for high rise buildings. Subsequently, if somebody moves a Public Interest Litigation or some smart officer comes and demolishes everything, the newspapers also highlight that.

As a Minister or as an ordinary citizen I have this doubt in mind. You have a building inspector for every municipal ward, if I am not wrong, there are area supervisors, and there are other people who are looking after this. What is it they are doing when these unauthorised constructions are going on? This is a basic issue across the country, not one municipality, this government or that government. No Municipal Chairman and no Municipal Mayor wants to be unpopular. People forget whatever good work is done, but people who are affected will remember it and try to harm you tomorrow. This has been the habit in the system unfortunately. People's memory is otherwise short but the memory of the affected people is long.

I remember as a young Member of Assembly in my State, Ahokji is here, I raised the issue of jungle clearance on which there was a big scam. There were canals and they made out a case that the tree growth in the canals, which they called jungle, had to be cleared, and spent crores of rupees on that. Later we realised that there were no trees in the canals at all, and trees cannot obstruct a canal also. It became a big emotive issue in my State.

I was a youngster in those days like some of these youngsters now who are very aggressive sometimes. Though they are progressive in their views, they are aggressive in their expression and all, and it is quite natural. At that age of 28 or 29 years I took this issue up very aggressively. Though it was a Congress Government at that time, the Minister was an honest Minister. I think it was G.V. Sudhakara Rao. They ordered an enquiry. My case was referred to ACB and 70 Engineers were suspended.

My wife told me that whenever she went to any marriage people would be murmuring and cursing. '*Hamara naukri chala gaya, hamara family ka aisa ho gaya*', my wife told me that this was what was being talked about. I said, 'Do not worry. It is a compliment, not a criticism. Our Nellore is a small town. So, whenever you go around socially you meet people.

What I want to say is, at the end of the day the court had removed some people from the service etc. In the next election, people had forgotten the good work and people who were affected by that decision came and effectively campaigned against me using all their resources. That is the problem today.

As an Urban Development Minister the dilemma before me is that there are a lot of unauthorised things. Poor people cannot do it effectively, they will be taken to task. But influential people are misusing their money and their other powers and then going in for unauthorised constructions. This is an area where I seek the cooperation of all the Members of Parliament. I want to even call a meeting of the Mayors across the country, discuss various reforms including this particular aspect also, and then see to it that action is taken against unauthorised constructions.

People who are responsible should be made accountable. Who is accountable? You cannot expect a Minister to go around the street and see every day what is happening in Darya Ganj or somewhere else. There are officers for this purpose in every town and every city. It is their duty. I do agree with our hon. Members on this and in future course of time during my period I will try to address this issue to the extent possible.

With regard to the issues raised by some of the Members about the fear that the Act may be misused and all, in this country whenever there is a scope for misuse there are other avenues available to hon. Members to redress it. So, they can approach those avenues and then they will get appropriate relief also.

My friend, Nimmala Kristappa, spoke in Telugu. *Aayana Telugulo matladedu. Chala santosham. Aayanaki nenu abhinandanalu teluputunnavu.* Whatever language it may be, the issues are the same. Friends from other parties said the Government should have a long-term vision, perspective and then try to bring amendments. I shall definitely keep that in mind and see to it that such things are taken care of.

With regard to rehabilitation for the homeless people and the small shopkeepers whenever they are displaced, they will also be taken care of. There are provisions for that also.

With regard to the recommendations of the Standing Committee the hon. Members were mentioning, almost all the spirit of the Standing Committee has been incorporated in the Bill. As far as the hon. Supreme Court is concerned, as I told you, out of the 20 observations or recommendations - whatever you call them - made, 18 are taken on board.

Thirdly, some people, I think our friends from Congress Party, mentioned that it is a Congress Bill. Yes, it was a Congress Government Bill. ...(*Interruptions*). Yes, it is a Congress Government Bill. Whichever Government brings something good, we should never oppose it for the sake of opposition. I have myself admitted that this Bill was brought in 2010; it was referred to the Standing Committee in 2011; the report of the Committee came in 2012; and then the Bill could not be taken forward. This Government is taking it forward. I have no hesitation in saying that you brought the Bill and we have got the political will. That is why I have brought it today to make it a reality.

This should be the spirit. We should work together. After all, legislations are not meant for this party or that party, but for the entire country. So keep that in mind. Various other aspects which are suggested, I have also told you. The steps for cancellation are like this. First, notice to be issued within 7 days; time for appearing -7 days; time for passing order -15 days; time for vacation - another 15 days; extension for vacation - another 15 days; total time- 60 days. Then the matter is referred to Estate Officer only after cancellation order is issued. He cannot *suo motu* do anything. He can act only after cancellation orders are issued by appropriate authorities.

With regard to special cases as mentioned about hospitals or other public utilities and services, enough care will be taken. All these aspects will be considered before issuing cancellation order. On that count, I give an assurance that there is no question of going on public services without giving them adequate opportunity. At the same time, before I request the House to approve this Bill, I appeal to one and all that we should have the public interest in our minds. That should be uppermost in our minds rather than individual vested interests for whom now and then *pairavi* is done.

How often the general public will be able to reach and how often other interested parties will be able to reach, that we are all aware of. I need not explain it further. Keeping that in mind, the Government will be guided. I will discuss with officials about whatever suggestions are there. Wherever necessary, precautions and safety measures have to be taken. They will be brought in during the course of making the rules.

With this, I once again would like to thank the entire House for the universal support for this Bill and then request the hon. Deputy Speaker to further move forward and get the Bill passed.

HON. DEPUTY SPEAKER: The question is:

"That the Public Premises (Eviction of Unauthorized Occupants) Amendment Bill, 2014 be taken into consideration".

The motion was adopted.

HON. DEPUTY SPEAKER: Now, the House will take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 to 6 stand part of the Bill."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

HON. DEPUTY SPEAKER: The Minister may now move that the Bill be passed.

SHRI M. VENKAIAH NAIDU: I beg to move:

"That the Bill be passed."

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill be passed."

m20

SHRI ANTO ANTONY (PATHANAMTHITTA): Hon. Deputy Speaker, I have to raise two points. First, a lot of public sector companies taken buildings and land on lease for facilitating the operations of the Companies. Even the decades after the lease period has been over, the Government is not ready to vacate the land. The ethical question which is raised here is, what is the moral right of the Government to evacuate the people from public premises? It violates citizens' right over the property.

Secondly, there may be worship centres in the public premises. In such cases, evacuation or demolition should be undertaken in consultation with the local people.

SHRI M. VENKAIAH NAIDU: This is an issue which requires a meaningful debate, discussion and then conclusion at the end of it. There is umpteen number of cases across the country where public places are occupied and converted into places of worship. The only thing is that in this country we have different religions and different kinds of religious people. You cannot act upon them. At the same time, if they are obstructing public life, if they are obstructing the road or traffic by having a temple, mosque, dargah or church in the middle or nearby the road, how far is it justified?

17.00 hrs

But it requires political will. It cannot be done by one political party or one person. This is a larger issue across the country. I agree with him that when we are finally going to take action, we must try to consult the people and the community and then only, move further. Otherwise, we will not be able to do it. In doing such things also, you must do it simultaneously. Otherwise, in this country, if you touch some place of worship of 'x' community, the other one will say that we are targeting such and such community and you are against this, that and the other. We have to keep that in mind.

There are cities in the country where some effective officers have taken steps by convening meetings of leaders of different communities; after prolonged discussions, they have come to a conclusion that all obstructions in public places should be removed, with all respect. They also said that wherever possible, they could be given alternative sites. Unless we are able to achieve some such

consensus, it cannot be done. This cannot be done by the Government of India. It has to be done at various levels. Unless that is achieved, we cannot do it; but I keep the suggestion of the hon. Member in mind. â€¦ (Interruptions)

HON. DEPUTY SPEAKER: No. I cannot allow now. That stage has gone.

The question is:

"That the Bill be passed."

The motion was adopted.

HON. DEPUTY SPEAKER: Now, the House shall take up Supplementary List of Business – Bills for introduction.

...(Interruptions)

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I am on a point of order with regard to the introduction of Bills. *...(Interruptions)*

HON. DEPUTY SPEAKER: Under what rule? Please quote the rule.

...(Interruptions)

SHRI N.K. PREMACHANDRAN : My point of order is under Rule 376 read with Rule 72 (2) of the Rules of Procedure and Conduct of Business in Lok Sabha.

With regard to introduction of a Bill, it is the right of the Member under Rule 72 (2). It says:

"Notice to oppose introduction of a Bill shall be addressed to the Secretary-General before 10 a.m."

So, it is the right and privilege of each and every Member of this House to file objections before the House so that they can raise the objections at the time of introduction of the Bill.

In this case, my point of order is with regard to the introduction of the Motor Vehicles (Amendment) Bill. No notice has been given; it is not in the List of Business. As far as my information goes, it has not been discussed in the BAC. How can the Government impose such a Bill in the House, without having information and without giving prior notice? My right to file my objection to the introduction of the Bill is not there. I have no right to file objection to the constitutional validity as well as the legal competence of the Bill to be introduced. That is my point of order under Rule 72 (2) read with Rule 376. *...(Interruptions)*

SHRI K.C. VENUGOPAL (ALAPPUZHA): This practice is being continued by the Government. *...(Interruptions)*

HON. DEPUTY SPEAKER: He is on his legs; let him complete his submission.

...(Interruptions)

SHRI K.C. VENUGOPAL : Last Thursday, the BAC met and its report has already been placed before the House. After that, the Government is pushing another Bill, without discussion in the BAC, especially the Motor Vehicles Bill, as was pointed out by Shri Premachandran. This has not been the practice as per Parliamentary procedure. So, I am requesting for a ruling from your side, to restrict the Government from by-passing the recommendations of the BAC, and pushing these Bills. *...(Interruptions)*

DR. A. SAMPATH (ATTINGAL): Sir, while appreciating the eagerness of the hon. Minister, this House has a prerogative. That prerogative is being infringed when such a Bill is being introduced in a hurry. It has become a practice to hijack the whole proceedings of the House by not referring the Bills to the Standing Committees concerned. We are having 24 Standing Committees and most of the Chairmen are from the Ruling Party. We are all members of the Standing Committee and we have a job to do in the Standing Committees. Our duty has been infringed. So, I support what Shri Premachandran has said in the House. *...(Interruptions)*

PROF. SAUGATA ROY (DUM DUM): I want to point out that we have mentioned it earlier in the House that the Members should be given proper notice before a Bill is either introduced or taken up for consideration.

Now when we saw the Revised List of Business before coming to the House, there was no mention of the Motor Vehicles Bill. What was listed was the Bill on public premises and Discussion Under Rule 193. We went through the motions in the House.

Now as Mr. Premachandran rightly pointed out, when a Bill is to be introduced, Member has a right under 72(i) to oppose the introduction. The Member even has a right to seek division on the opposition. Now by introducing the Bill at this stage, there is no scope for giving notice before 10 o'clock. It is time barred. There is no scope for any debate on that issue.

So, I would request you to ask the Minister to defer the Bill and place it tomorrow after including in the List of Business.

श्री भगवंत मान (संगरूर): उपाध्यक्ष महोदय, मैं इस बात का समर्थन करता हूँ। इससे पहले भी ऐसा हुआ है, हमें प्रियेयर होने का समय नहीं मिलता। बिल जल्दबाजी में आते हैं, पहले एवआरडी मंत्री जी बिल लेकर आए थे।... (व्यवधान) मैं बिल का स्वागत करता हूँ, बिल का विरोध नहीं कर रहा हूँ। मैंने मेज थपथपाई है।... (व्यवधान) बिल बहुत अच्छा है, लेकिन हमें बोलने के लिए, प्रियेयर होने के लिए, कम से कम आप हमारे सइट्स की रक्षा कीजिए।... (व्यवधान)

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Mr. Deputy Speaker, Sir, I accept the spirit of the argument given by the hon. Members but we should not go to the extent of saying that we are trying to hijack the business of the House. The entire country is watching who is hijacking. My respectable submission is that it is not a regular Bill concerning Motor Vehicle Act. It is only regarding e-rickshaws which is a facility which is in the larger interest of the people. (Interruptions) मान जी, बाकी लोगों को भी थोड़ा मानिए। प्लीज़, आप बैठिए।... (व्यवधान) मेरा इतना ही कहना है कि the House in its collective wisdom can allow the Minister. The Speaker in her discretion can allow the Minister. (Interruptions). If we are doing some crime, then one can understand. But we are doing something for the good of the people. You can discuss it at length. We need not discuss it today. You allow its introduction today and have a discussion later.

श्री जय प्रकाश नारायण यादव (बाँका) : संसद में माननीय सदस्यों ने सवाल उठाया है। पिछले सत्र में भी हमने इस सवाल को उठाया था कि माननीय सदस्यों को पहले जानकारी नहीं दी जाती कि कौन सा बिल आने वाला है। यह डिसकस नहीं होता। यह परम्परा के रूप में बन गया है। संसदीय लोकतंत्र में यह अच्छी बात नहीं है।... (व्यवधान)

SHRI MALLIKARJUN KHARGE (GULBARGA): Sir, last time also I raised it and Shri Venkaiah Naidu is also present here. He had brought a Supplementary List of Business. At that time also, we objected to it. Within a span of 15 days, this is the fourth time that such a thing is happening. So, this is not good. On the one side, you say that we should go as per law and according to the rules. But you yourself are breaking the rules or conventions or precedents or whatever procedure the House is following. This should not be done.

Therefore, you defer it and let us take it up in the Business Advisory Committee. We will come back to it. Nothing important is going to happen in two-three days.

सड़क परिवहन और राजमार्ग मंत्री तथा पोत परिवहन मंत्री (श्री नितिन गडकरी) : उपाध्यक्ष महोदय, यह बिल केवल ई-रिक्शा और ई-कार्ट से संबंधित है। It is because of the decision of the Court, कयीब दो लाख लोग बेरोजगार हैं, वे काम नहीं कर पा रहे हैं। इसलिए मैंने स्पीकर महोदय को रिवरैस्ट की थी। अगर यह वलीयर हो जाएगा तो... (व्यवधान)

HON. DEPUTY SPEAKER: The Supplementary List was circulated in the House well in advance at around 3 p.m. The hon. Speaker has permitted the issue of Supplementary List of Business on a request made by the hon. Minister of Parliamentary Affairs. In the past also Supplementary List of Business has been issued. In such a case notices opposed to it are allowed to be tabled by Members now itself. There is no problem. Members can give notice. As regards the time to be allotted, it will be discussed in the BAC. As far as this introduction of the Bill is concerned, this may be allowed.

...(Interruptions)

SHRI K.C. VENUGOPAL : Sir, is this the practice?...(Interruptions)

HON. DEPUTY-SPEAKER: The hon. Speaker allowed and that is why I am allowing it.

...(Interruptions)

17.10 hrs

