श्री विशम्भर प्रसाद निषादः मान्यवर, चूंकि माननीय मंत्री जी ने आश्वासन दिया है हम अपना पत्र उपलब्ध करा देंगे। मैं उनसे यह भी अनुरोध करना चाहता हूं कि यदि यह संस्तुति आ जाती है, तो क्या आप उन जातियों को इसमें जोड़ने का काम करेंगे? यदि आप यह करते हैं, तो मैं इसे मूव नहीं करता हूं ।

MR. DEPUTY CHAIRMAN: Okay. Amendment is not moved. I shall now put clause 2 to vote.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: In Clause 1, there is one Amendment (No. 2) by hon. Minister, Shri Thaawar Chand Gehlot.

CLAUSE 1 - SHORT TITLE

श्री थावर चन्द गहलोतः महोदय, मैं प्रस्ताव करता हूं कि :

पृष्ठ 1, पंक्ति 4 में अंक '2014' के स्थान पर अंक '2015' प्रस्थिापित किया जाए।

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

MR. DEPUTY CHAIRMAN: Now, there is one amendment (No. 1) in the Enacting Formula by the hon. Minister.

श्री थावर चन्द गहलोत : मैं प्रस्ताव करता हूं कि :

(1) पृष्ठ 1, पंक्ति 1 में शब्द "पैंसठवें" के स्थान पर "छियासठवें" प्रतिस्थापित किया जाए।

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

श्री थावर चन्द गहलोतः मैं प्रस्ताव करता हूं किः

विधेयक यथासंशोधित रूप में पारित किया जाए।

The question was put and the motion was adopted.

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

MR. DEPUTY CHAIRMAN: We shall now take up the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014.

SHRI P. RAJEEVE (Kerala): Sir, that is for tomorrow.

THE MINISTER OF URBAN DEVELOPMENT; THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION; AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Mr. Rajeeve, you are supposed to work very hard. Every time you are asking for postponement. Sir, with your permission, ...*(Interruptions)*... It is there in the agenda. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: It is in the List of Business. ...(*Interruptions*)...

SHRI P. RAJEEVE: Sir, I have submitted a notice.

MR. DEPUTY CHAIRMAN: But, Rajeeve, it is there in the List of Business. We have decided to sit up to 6.00 p.m. So, we can take it up.

SHRI P. RAJEEVE: But, my notice is there, Sir.

SHRI M. VENKAIAH NAIDU: Sir, with your permission, I rise to move:

That the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014, as passed by the Lok Sabha, be taken into consideration. ...*(Interruptions)*...

SHRI P. RAJEEVE: Sir, I have submitted a notice to constitute a Select Committee. To move a motion, I have submitted a notice because this Bill has constituted some new clauses which have not been dealt with in the Standing Committee. That is for helping these companies. Sir, we want to send it to the Select Committee for a thorough consideration.

MR. DEPUTY CHAIRMAN: No, no. The point is, you gave the notice only today but the amendment should come one day before. So, I cannot consider it.

SHRI P. RAJEEVE: Sir, the notice is for motion, not for amendment. This is a notice for motion.

MR. DEPUTY CHAIRMAN: So what? It is an amendment.

SHRI P. RAJEEVE: This is a notice for motion. There is no specific clause in the rules.

SHRI M. VENKAIAH NAIDU: Sir, I appeal to the House, please Rajeeve, that this Bill was introduced in 2011 by the previous Government. We are continuing the same. And then it was referred to the Standing Committee. The Standing Committee had gone through the entire Bill and then they made some recommendations. Four of the important recommendations of the Standing Committee have been accepted and incorporated in the Bill. There is also a Supreme Court observation with regard to eviction of unauthorized people in public premises. The Supreme Court has also made

twenty observations. Eighteen observations have been accepted. The Supreme Court observations and then Standing Committee recommendations have been incorporated. *...(Interruptions)...*

SHRI P. RAJEEVE: One new clause is there.

SHRI M. VENKAIAH NAIDU: Please listen. Afterwards, you can ask.

So, they have been incorporated. Moreover, this Bill was also discussed in the Lok Sabha. There was a broad consensus and people from all sides have supported the Bill. I only request the House to take it up. It is a small Bill. It also pertains to Delhi Metro. Metro people want the work to be expedited. There are certain problems coming in the way. Also, on account of the interpretation of the word 'corporation', some practical problems have come. That's why these amendments are made. Keeping that in mind, we brought this Bill, Sir. The Standing Committee recommendations were received on 5.1.2012 in 20th Report of the Committee. The hon. Supreme Court judgement was made on 5.7.2013 in a civil appeal.

Both these things have been incorporated in this. It was amended three times earlier in 1980, 1984 and 1994. The present proposal seeks to amend this Act fourth time. The Public Premises (Eviction of Unauthorized Occupants) Act was enacted to provide for speedy machinery for the eviction of unauthorized occupants from public premises, for infrastructure for public purpose only. When this Bill came back from the Standing Committee, Fifteenth Lok Sabha got dissolved. That is why this Bill could not be pursued at that time. After the new House was constituted, the Bill was introduced in Lok Sabha, discussed at length and then was approved by the Lok Sabha. Keeping this in mind, I suggest that we should go ahead with this Bill. The meaning of public premises is 'premises belonging to, or taken on by lease'. It has been included in this amendment in Section 2 of the Act. Also, in the existing Act, 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 Committees. It is because there are a couple of corporations in Delhi. There are three Municipal Corporations and there is NDMC. So, the interpretations create problems sometimes. Keeping that in mind, it is now clear and it has been now specified. It is also proposed to substitute the word "Municipal Corporation" by the phrase "Corporation or Corporations" notified under Section (3) of the Municipal Corporation Act.

Sir, as proposed by the Government of the National Capital of Delhi and approved by the Cabinet, it was a proposal which came from the then Delhi Government. It was approved by the Cabinet. It proposed to bring any premises belonging to, or

[Shri M. Venkaiah Naidu]
taken on lease by, on or on behalf of the Government company as defined in Clause 45 of Section 2 of the Companies Act, 2013 only in relation to National Capital Territory of Delhi. That is the suggestion that came from the State Government. That has been considered and we are bringing it. 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 PP(E) Act of 1971. Sir, this was proposed by Ministry of Law and Justice and now approved by the Cabinet. It is also proposed to make consequential amendments in Section 2 of the Act because officers of the proposed companies and Municipal Council can be appointed as estate officers under Section 3 of the Public Premises (Eviction) Act, 1971. So, as I told you, Sir, four recommendations of the Standing Committee and eighteen observations made by the hon. Supreme Court have been incorporated. There is no expenditure involved in this. It is only to facilitate the forward movement of the infrastructure and also public utility services. Keeping this in mind, I appeal to the House to take it for consideration, discuss it, give some valuable suggestions, if any, and then pass the Bill.

The question was proposed.

SHRI P. RAJEEVE: Sir, I have one point. The Legislative Synopsis was circulated by the Rajya Sabha Secretariat. In addition to the recommendation of the Standing Committee and Supreme Court's directions, 'This Bill aims to implement certain recommendations, suggestions of the Committee and the Supreme Court and also – that is an addition – to bring within the ambit of public premises the premises held by companies in which, at least, fifty-one per cent of the paid-up share capital is held partly by the Central Government and partly by one or more State Governments so that speedy and smooth eviction of unauthorized occupants from public premises is done in a fixed time frame'. This is a totally new Clause.

MR. DEPUTY CHAIRMAN: You can take part in the discussion and present your point. Let me start.

SHRI P. RAJEEVE: No, no. That is why I have submitted the notice. Actually, this is an attack on democratic principle of our country. The Government has pushed a legislation bypassing the Standing Committee.

MR. DEPUTY CHAIRMAN: No, no. You can go to the merit of the Bill.

SHRI P. RAJEEVE: That is why I have submitted the notice to move an amendment to constitute a Select Committee to examine this Bill.

MR. DEPUTY CHAIRMAN: Notice was not on time.

SHRI P. RAJEEVE: It is a very important thing. Actually, this is the duty of the Parliament to ensure the basic democratic principle. Now, all the Bills are pushed without sending to the Standing Committees.

MR. DEPUTY CHAIRMAN: No. It has gone to the Standing Committee.

SHRI P. RAJEEVE: But, Sir, I would like to mention one experience. While I was working with the Standing Committee on Finance, the learned Yashwant Sinhaji was Chairman of the Committee. We examined the Companies Bill and submitted a very good Report. Thereafter, three new clauses were incorporated by the then Government.

Sir, the then Chairman, Mr. Yashwant Sinhaji, wrote to the then Speaker, Ms. Meira Kumarji, that the Committee did not examine these new clauses.

MR. DEPUTY CHAIRMAN: The point is this.

SHRI P. RAJEEVE: Let me complete, Sir. The then Chairman of the Committee wrote to the then Speaker and requested her to send it again to the Standing Committee. As per the request of the then Chairman of the Committee, learned Yashwant Sinhaji, the then Speaker, Ms. Meira Kumarji, sent it again to the Standing Committee. That was the precedent. But what is happening now is that the Government, by utilising the majority in the Lok Sabha, is pushing all the Bills without sending them to the Standing Committee.

MR. DEPUTY CHAIRMAN: The Bill is here.

SHRI P. RAJEEVE: That is why we had constituted three Select Committees here. One was on Insurance Bill. One was on Repeal Bill. And one was on Payment and Settlement Bill. We forced them to constitute three Select Committees. This is again bypassing the Standing Committee.

MR. DEPUTY CHAIRMAN: You can say all this when you participate in the discussion. Why are you saying it now?

SHRI P. RAJEEVE: I am pressing my amendment to constitute a Select Committee.

MR. DEPUTY CHAIRMAN: I have already said that if it is an amendment, it has to come one day before it. As far as I am concerned, there is no amendment before me.

SHRI P. RAJEEVE: Sir, we got all these things today.

MR. DEPUTY CHAIRMAN: You knew that this would be taken up.

SHRI P. RAJEEVE: That is why I submitted a notice. It should be considered. This notice is there to ensure the basic principle of democracy, the basic principle of parliamentary system.

SHRI M. VENKAIAH NAIDU: What is the basic principle of democracy? We should have a thorough discussion and then pass legislations in the larger interest of the people. Blocking legislations, time and again, will not be going to help democracy and the people of the country. ...*(Interruptions)*...

SHRI P. RAJEEVE: Because you are bypassing all ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: If you want to bypass everybody and want to have your own voice, what can I do? My point is, this Bill was prepared by the Government earlier. It was referred to the Standing Committee. The Standing Committee had gone through it and then gave its Report. Then the matter was discussed in the Lok Sabha and it approved it. Then I have come here. Now you are saying that I have included one new clause saying that companies means where the shareholding is 51 per cent or more held by the Central Government and one State or more than one State.

Sir, are the companies where States are involved for public interest or for private interest? For example, Metro Rail. It is held by both the Central Government and the State Government. If Delhi Metro is expanded to Faridabad, and it is already expanded to Gurgaon, then other State also comes in. Keeping such an eventuality, this provision has been brought in. Please try to understand that we are here to expedite the legislations in the larger interest of the people. If they are delayed, then the work will get stuck and the result will be escalation of cost and the burden will be on people. I am not going to bear the burden. You are not going to bear the burden. It is the ordinary people in the country who are the consumers who will be bearing the burden. Keeping that in mind, I appeal to the House, particularly Shri P. Rajeeve, that we are not standing on false prestige. Some of the Bills which you are mentioning were introduced in the Rajya Sabha and not passed in the Lok Sabha.

MR. DEPUTY CHAIRMAN: Mr. Rajeeve, the problem is that there is no motion before me. I have to take up the Bill only.

SHRI P. RAJEEVE: Just a minute, Sir. If we send it to a Standing Committee, the Committee can hear the views of the State Governments.

MR. DEPUTY CHAIRMAN: It has already gone to the Standing Committee.

SHRI P. RAJEEVE: No, Sir. This clause was not dealt with by any Standing

Committee. I specifically stated that this is a completely new clause incorporating State Governments. As per the federal structure of the Constitution, we should hear the views of the State Governments. The Parliament cannot do it. It is only the Parliamentary Standing Committee which can hear the views of stakeholders.

MR. DEPUTY CHAIRMAN: Mr. P. Rajeeve.

SHRI P. RAJEEVE: Let me complete, Sir.

MR. DEPUTY CHAIRMAN: Now you are monopolising the House.

SHRI P. RAJEEVE: There is no provision in the Constitution giving right to the Parliament to hear the views of stakeholders.

MR. DEPUTY CHAIRMAN: Now you take your seat. You have said what you wanted to say. Now you take your seat. The hon. Minister has already moved the motion. The Bill is now the property of the House. I cannot stop it other than through a motion which is a valid motion. There is no valid motion. Your motion relating to a Select Committee did not reach me one day before it, so that is not a valid motion. So I have to proceed.

SHRI P. RAJEEVE: As far as formation of a Select Committee is concerned, which is the Rule which specifically states that one day's advance notice is required? I want to know the Rule.

MR. DEPUTY CHAIRMAN: I will tell you. You point out the Rule.

SHRI P. RAJEEVE: I want to know the Rule.

MR. DEPUTY CHAIRMAN: Once a motion for consideration of the Bill is moved, a motion for Select Committee should come as an amendment. Now, the Bill is already moved. What you are bringing forward is, anyway, an amendment for which I need one-day notice. ...*(Interruptions)*...

SHRI P. RAJEEVE: I came only today.

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*...

SHRI K. RAHMAN KHAN (Karnataka): It has a lot of bearing. The hon. Minister said that he has introduced one clause which was not under consideration before the Standing Committee. It may be one or two clauses. A new clause has been added which has far-reaching effect. ...*(Interruptions)*... One minute, please. ...*(Interruptions)*... For example, if it is for Delhi Metro, nothing prevents the Government to mention Delhi Metro. Now, they are bringing it forward for all. It is not only the public sector undertakings, but also undertakings with 51 per cent Government shareholding.

[Shri K. Rahman Khan]

There may be small companies and PSUs with 51 per cent shareholding, which may be loss-making companies. They will misuse this provision and that will have a greater effect. So, I urge upon you that if you want to make it for Metro, nobody wants to stop some public sector undertaking which is more useful for public; but if you are bringing forward that provision, it will have a far-reaching effect because there are thousands of companies with 51 per cent shareholding. So, do not make it a general provision. My request is that please do not make it a general provision.

SHRI M. VENKAIAH NAIDU: I am not making it a general clause. Sir, I would respectfully submit that on 29th August, 2011, when the Bill was introduced in the House, in the Statement of Objects and Reasons, it was mentioned that it is, therefore, proposed to include within the meaning of public premises any premises belonging to, or taken on lease by or on behalf of, any company as defined in Section 3 of the Companies Act, 1956 in which not less than 51 per cent of the paid-up share capital is held partly by the Government and partly by one or more States and includes a company which is subsidiary. It was there in 2011. The Standing Committee has gone through it and approved it. We are now trying to find fault by saying that we are extending it to more companies with 51 per cent shareholding and all. This is part of the original Bill which has gone to the Standing Committee. The Select Committee has discussed it and sent it back.

SHRI P. RAJEEVE: Sir, I have a point of order. Rule 95 relates to notice of amendments. It says that if notice of an amendment has not been given one day before the day on which the Bill is to be considered, any Member may object to the moving of the amendment, and such objection shall prevail, unless the Chairman allows the amendment to be moved. No Member raised any objection. *...(Interruptions)...* Up to now, no Member raised any objection. I want the protection of the Chair. No Member raised any objection. Only the Chair raised this issue. No Member raised this issue. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: No, no. Minister raised it. Minister is a Member. *...(Interruptions)...*

SHRI M. VENKAIAH NAIDU: Fortunately, Sir, I am a Member of this House and a Minister also.

SHRI P. RAJEEVE: No Member raised any objection. *...(Interruptions)...* I want your protection. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Mr. Rajeeve, you take your seat. Now, regarding Select Committee, you read Rule 71. In Rule 71, it has been very clearly said that

a motion for Select Committee can only be moved as an amendment to the motion moved by the Minister. It is very clearly stated. I will read it for your benefit and for the benefit of the House. Rule 71 says, "Members who may make motions in respect of Bills – No motion that a Bill be taken into consideration or be passed shall be made by any Member other than the Member in charge of the Bill and no motion that a Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses or be circulated for the purpose of eliciting opinion thereon shall be made by any Member other than the Member in charge except by way of amendment to a motion made by the Member in charge." ...*(Interruptions)*... Let me complete. Therefore, your motion for sending it to a Select Committee is an amendment to the motion moved by the Member and when it is an amendment to the motion, it has to come one day before.

SHRI P. RAJEEVE: Where is the rule? You kindly apply your wisdom.

MR. DEPUTY CHAIRMAN: Which rule?

SHRI P. RAJEEVE: "Rule 95 - Notice of amendments — (1) If notice of an amendment has not been given one day before the day on which the Bill is to be considered, any member may object to the moving of the amendment" up to now. If you see the record you will find that no member has raised any objection to my amendment. If it is so, if any objection is there, it is with you Dy. Chairman. It is only the Chair who has raised this issue, not by any Member.

MR. DEPUTY CHAIRMAN: No, No. You are putting words. What are you saying? Even otherwise..

SHRI P. RAJEEVE: Nobody has raised the issue.

MR. DEPUTY CHAIRMAN: Even otherwise, you read the last line, "..unless the Chairman allows the amendment to be moved."

SHRI P. RAJEEVE: Yes. What is the meaning? Then, read it fully. ...*(Interruptions)*... You read it fully. What is the rule, Sir?

MR. DEPUTY CHAIRMAN: You listen. You don't accept the objection of the Minister.

SHRI P. RAJEEVE: Go through the verbatim record. ...*(Interruptions)*... This House is working under the Constitutional provision.

MR. DEPUTY CHAIRMAN: That is an objection. The Minister was objecting. Please go through it. What are you talking?

SHRI TIRUCHI SIVA (Tamil Nadu): The Minister is a party. You please give the ruling because the Minister has introduced the Bill. So, his objection may not be there.

MR. DEPUTY CHAIRMAN: No, no, he is a Member of the House. The Minister is a Member.

SHRI TIRUCHI SIVA: The Chair in his own discretion can do that based on the rule.

SHRI P. RAJEEVE: If the Chair is a member and in his capacity.

MR. DEPUTY CHAIRMAN: No, the Minister is a Member. Every Minister is a member.

SHRI P. RAJEEVE: No. Honestly speaking no member in this House, except the Chair, raised the objection.

MR. DEPUTY CHAIRMAN: I did not raise the objection. What are you talking? I said about the rule only.

SHRI P. RAJEEVE: You please read the rule fully. If it is not submitted one day before ...*(Interruptions)*... Sir, you please read the rule fully.

संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री मुख्तार अब्बास नक़वी): सर, आप इस पर रूलिंग दीजिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Pease listen.

श्री मुख्तार अब्बास नक़वी: सर, आप रूलिंग दीजिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Mr. Rajeeve you should know that there is a specific rule for a Select Committee. Rule 71 says, "A motion for the Select Committee should be in the form of an amendment." The general rule for an amendment is always that it should be one day before. This is the rule.

SHRI P. RAJEEVE: There is no general rule in this book. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have given a clear argument. You raised an objection.

SHRI P. RAJEEVE: I request the Chair to protect me. The Chair is the controller of rules. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I am saying if a Minister is a member, then, his objection is valid. ...*(Interruptions)*...

SHRI P. RAJEEVE: You please read Rule 71 along with Rule 95. I want a specific ruling. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have given the ruling. Please listen. Your amendment has not been given one day before. So, it is not valid. So, I am proceeding with the Bill.

SHRI P. RAJEEVE: Sir, I will walk out.

MR. DEPUTY CHAIRMAN: I have given the ruling.

SHRI P. RAJEEVE: How can you give a questionable ruling? It is totally against the rules. It is a discrimination, Sir, I will walk out because it is against the democratic principles of the parliamentary system.

SHRI ANAND SHARMA (Rajasthan): I think we can't take this particular thing as a mere technicality, but it may require greater clarity for the benefit of all the Members, and also for the functioning of the House in such situations in future.

Sir, if the rule says that the amendment can be moved, once the motion is moved, it can be brought in the form of an amendment according to Rule 71 read along with Rule 95. Now, if the House has a situation that the revised List of Business includes this, and the hon. Members come to know less than one day before about the motion being moved before this House, how can Members preempt and move a motion in anticipation when this is not being conveyed to the Members.

This is fundamental. I want your ruling on that. ...*(Interruptions)*... This needs greater clarity. ...*(Interruptions)*... It needs clarity, Sir.

MR. DEPUTY CHAIRMAN: It was already there in the List of Business.

SHRI ANAND SHARMA: No, Sir. This is very fundamental now. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: This Bill was laid on the Table of the House months ago. So, it is in the know of the Members.

SHRI ANAND SHARMA: No, Sir. The Members cannot ...*(Interruptions)*... During the last Session, when this issue came up and when Shri Sitaram Yechury wanted to move an amendment to a Motion, the ruling from the Chair was — I recall it and we can refer to the records — that only when the Minister moves and that, Sir, was your ruling.

MR. DEPUTY CHAIRMAN: That was on the Select Committee.

SHRI ANAND SHARMA: Sir, that is what the amendment is.

MR. DEPUTY CHAIRMAN: But the notice should be given one day before. There is no notice.

SHRI ANAND SHARMA: But if the Government notice does not come a day before that this motion will be moved today…

MR. DEPUTY CHAIRMAN: No, it is there. It was there in the List of Business. *...(Interruptions)...* It was in the List of Business. *...(Interruptions)...* यह लिस्ट ऑफ बिजनेस में था। ...(व्यवधान)...

श्री मुख्तार अब्बास नक़वीः सर, आपकी रूलिंग के बाद ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I have given the ruling.

SHRI ANAND SHARMA: Sir, we are not questioning the ruling.

श्री मुख्तार अब्बास नक़वीः मुझे नहीं लगता कि इस पर चर्चा होनी चाहिए। ...(व्यवधान)... माननीय मंत्री जी ने बिल मूव किया है और मुझे लगता है कि ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Even if your argument is taken, I am accepting the Minister as a Member and his objection. *...(Interruptions)...* Let us take it up now. *...(Interruptions)...*

SHRI P. RAJEEVE: Otherwise, I will move a motion against the Chair. If the verbatim record is different from this, then I have the constitutional right. *...(Interruptions)...*

SHRI ANAND SHARMA: Respecting your ruling, if I may just add something, Sir, the hon. Minister for Parliamentary Affairs is a senior parliamentarian. I think this is a bit ticklish. There is a grey area. It will need more clarification for the benefit of all the Members. Number two, there is one submission that I would like to make. It is not exactly what it was earlier; and from what has been given by the Rajya Sabha as Legislative Synopsis, it makes it very clear and the Minister has also said that certain recommendations of the Standing Committee as well as the Supreme Court observations have been included. But, Sir, there is one thing here about Section 5, because it is not specified that it will be applicable only to the companies in which Central Government has 51 per cent or some State PSUs or some other companies which have a shareholding. *...(Interruptions)...* Please. This should be very clear whether it will be applicable to all the premises. Section 5 amendment of the Principal Act should be read very carefully – I have just gone through it — that will be applicable to all universally, and that makes it a very harsh provision, that is, seven days and, within 15 days, eviction. I think this is not that simple. That is why this particular issue has a potential of misuse, that in

15 days, by this amendment of this particular Section, you can throw out anyone. I think this needs more clarity because that has not been examined by the Committee. If the hon. Minister could shed some light on that, the House will benefit. I am requesting, through you, the hon. Minister.

SHRI M. VENKAIAH NAIDU: Sir, I am really surprised that once the Chairman has given some ruling, somebody says, "I don't agree with your ruling. I want to challenge that".

SHRI ANAND SHARMA: No, we are not questioning.

श्री एम. वेंकैया नायडुः आप नहीं ।

SHRI P. RAJEEVE: We want only a clarification on the ruling.

MR. DEPUTY CHAIRMAN : No discussion on the ruling. But Mr. Anand Sharma raised another point, to which the Minister can reply. Ruling is ruling; that is final. ...*(Interruptions)*... Hon. Minister, ruling is final. I have said that the amendment is not valid. So, the discussion would be taken up. You are only clarifying to what Mr. Anand Sharma has said.

SHRI M. VENKAIAH NAIDU: My point is, Sir, that this is being done for public purpose, not for any private activity. This is being done for public purpose of expanding the infrastructure. When we take up Clause-by-Clause consideration, I would be ready to clarify it. So, there is no problem on that account.

MR. DEPUTY CHAIRMAN: All right. Shri Avinash Rai Khanna. No, no. One second, please. Shri Arvind Kumar Singh.

श्री अरविन्द कुमार सिंह (उत्तर प्रदेश): उपसभापति महोदय, मैं आपका आभार व्यक्त करता हूं कि आपने मुझे सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) संशोधन विधेयक, 2014 पर बोलने का मौका दिया है। उपसभापति जी, दिल्ली में जो सरकारी संस्थानों पर अनधिकृत कब्जा है, उसे हटाने के लिए यह बिल लाया गया है। मैं आपके माध्यम से माननीय मंत्री जी से जानना चाहता हूं कि आप इसे दिल्ली में ही क्यों लागू कर रहे हैं, बेहतर होता कि आप उसे पूरे देश में लागू करते। कानपुर में लाल इमली का कारखाना जो बहुत पुराना कारखाना है, ऊनी वस्त्र बनाता है, उसकी जमीनों पर अनधिकृत कब्जा है। लोग वर्षों से उसकी जमीनों पर अनधिकृत कब्जा जमाए हुए हैं और खाली नहीं कर रहे हैं। गोरखपुर में फर्टिलाइजर की कम्पनी बंद हो गई है, उसके बाद भी उसकी जमीनों पर अनधिकृत कब्जा है। पूरे देश में रेलवे की तमाम जमीन है, जिस पर लोगों ने अनधिकृत रूप से कब्जा जमा रखा है। इतना ही नहीं, जगदीशपुर में कई कारखाने बंद हो गए हैं, फिर भी उनकी जमीनों पर लोगों ने कब्जा कर रखा है। मैं माननीय मंत्री जी से जानना चाहता हूं कि आप गैर सरकारी क्षेत्रों में इसको क्यों नहीं लागू कर रहे हैं? कोई व्यक्ति अपनी गाढ़ी कमाई से मकान बनाता है। जब कोई व्यक्ति उस मकान में किराएदार के रूप में प्रवेश करता है, तो नियम इतना जटिल है कि वह उस मकान पर कब्जा जमा लेता है।

[**उपसभाध्यक्ष (डा. ई. एम. सुदर्शन नाच्चीयप्पन)** *पीठासीन हुए*]

[श्री अरविन्द कुमार सिंह]

अदालत के भी कई ऐसे फैसले आए हैं कि जिनके नाम से मकान है, वह मकान उनको न मिलकर किराएदार को मिल जाता है। महोदय, अगर किसी व्यक्ति का भूखंड पड़ा हो, तो पहले पड़ौसी उस पर कूड़ा डालता है, फिर उस पर जानवर बांधता है और फिर धीरे-धीरे उस भूखंड पर कब्जा कर लेता है। मेरा अनुरोध है कि आप जो बिल ला रहे हैं सिर्फ गैर सरकारी क्षेत्रों के लिए ही अगर उसमें शामिल करें तो इससे ज्यादा लोगों का फायदा हो सकता है। महोदय, मैं आपको एक उदाहरण देना चाहता हूं। बनारस में हमारे एक मित्र का भूखंड पड़ा था। एक व्यक्ति ने पहले उस पर कूड़ा डालना शुरू किया, फिर जानवर बांधना शुरू किया और धीरे-धीरे उस भूखंड पर कब्जा जमा लिया। जब जमीन का स्वामी अदालत में गया तो अदालत का फैसला उसके पक्ष में आने के बजाए जिस व्यक्ति ने अनधिकृत रूप से कब्जा कर लिया था, उसको स्टे मिल गया। इसलिए मंत्री जी, मेरा आपसे आग्रह है कि आप सरकारी जमीनों के साथ-साथ, जो गैर-सरकारी क्षेत्रों में लोगों के साथ नाइंसाफी हो रही है, लोगों के साथ अन्याय हो रहा है, उसको भी नियमानुसार शामिल करें, जिससे लोगों को राहत मिल सके। सरकार को सिर्फ सरकारी क्षेत्र ही नहीं, बल्कि सभी क्षेत्रों में सिक्योरिटी देनी चाहिए, अन्यथा यह सिस्टम चलने वाला नहीं है। मैं बतलाऊं कि बहुत से ऐसे लोग हैं, जिनकी तमाम जमीनें पड़ी हैं लेकिन उस पर उनका कब्जा होने के बजाए अनधिकृत लोग उस पर कब्जा जमाए हैं। इसलिए मैं माननीय मंत्री जी से अनुरोध करता हूं कि आप सदन में ऐसा कानून लाएं कि जिसकी जमीन हो, जो जिस जमीन का स्वामी हो, उसको मिले, न कि अनधिकृत लोग उस पर कब्जा जमाए रखें।

आज आपने मुझे इस विषय पर बोलने का मौका दिया, मैं हृदय से आपके प्रति आभार व्यक्त करते हुए अपनी बात समाप्त करता हूं। जय हिंद, जय समाजवाद।

श्री अविनाश राय खन्ना (पंजाब) : धन्यवाद, उपसभाध्यक्ष जी। मैं माननीय मंत्री जी को बधाई देता हूं कि उन्होंने सरकारी जमीनों से अवैध कब्जों को हटाने के लिए अमेंडमेंट लाकर एक टाइम-बाउंड तरीके से ऐसे कब्जों को खाली कराने का निर्णय लिया है। साथ-ही-साथ सुप्रीम कोर्ट व स्टेंडिंग कमेटी की ऑब्जर्वेशंस का भी समावेश कर के एक ऐसा बिल लाए हैं, जिससे सरकारी जमीनें अवैध कब्जों से बच सकेंगी।

महोदय, इस कानून का दायरा भी काफी बढ़ाया गया है। इसमें अमेंडेड डीएमआरसी कंपनीज एक्ट को भी साथ में जोड़ा गया है, मेजर पोर्ट ट्रस्ट्स, म्युनिसिपल कॉर्पोरेशन और सेंट्रल यूनिवर्सिटी एस्टेब्लिशमेंट एक्ट—इन सभी को इस में जोड़ा गया है। महोदय, पिछले एक्ट और इस एक्ट में बेसिक अंतर है, मैं उस के बारे में बताना चाहूंगा कि पिछले एक्ट में टाइम बाउंड प्रोसीजर लेड नहीं किया गया था। मैं जानता हूं क्योंकि एक वकील भी हूं कि किसी जमीन, मकान या premises से कब्जा लेना बहुत टेढ़ी खीर होता है। उसमें चाहे कोर्ट का ऑर्डर हो या एस्टेट ऑफिसर का ऑर्डर हो, लेकिन उसकी टैक्निक व प्रोसीजर में सालों-साल लग जाते हैं जिस कारण unauthorized कब्जा बना रहता है। इसलिए पिछले एक्ट व इस एक्ट में थोड़ा सा अंतर रखा गया है और एक कॉशन बरतने की कोशिश की गयी है। पहले सेक्शन 3 में जो ओपिनियन था, उसकी जगह यह एड किया गया है कि, "If the estate officer knows or has reasons to believe that any person is in unauthorized occupation of the public

premises..." अब ओपिनियन तो कोई भी बना सकता है, लेकिन यहां पर एस्टेट ऑफिसर को खुद को सेटिसफाइ करना होगा कि उसे विश्वास है कि यह कब्जा unauthorized है। उसके साथ-साथ vacation का एक सिस्टम बनाया गया है। ऑर्डर कितने समय में पास होगा, उस संबंध में भी प्रावधान है कि पहले 15 दिन और फिर 15 दिन का और समय मिलेगा । इस तरह एक महीने में उसे कब्जा खाली करना होगा और उसे reasoned judgement देनी होगी। अगर कोई कब्जा वैकेट नहीं करता तो पहले सिंपल इंटरेस्ट का प्रावधान था, अब कम्पाउंड इंटरेस्ट, डैमेज के तौर पर लिया जा सकता है।

महोदय, मैं माननीय मंत्री जी को एक सुझाव देना चाहता हूं कि आमतौर पर रिकवरी बहुत मुश्किल होती है। एक तो व्यक्ति unauthorized तौर पर सरकारी जमीन यूज करता है और अगर कोई पैनेल्टी या इंटरेस्ट उस व्यक्ति से वसूल करना होता है, तो उसे भी वह देने में आनाकानी करता है। अरविन्द जी ने भी बहुत से उदाहरण दिए हैं कि रेलवे और बहुत सी दूसरी जमीनें unauthorized occupation में हैं। महोदय, उसके लिए एक सिंपल प्रोसीजर है कि अगर हम इंटरेस्ट की वसूली उस व्यक्ति से as land revenue करें, तो यह रिकवरी अच्छी तरह और आसानी से हो सकती है अन्यथा एविक्शन का ऑर्डर एक्जीक्यूट करना बहुत मुश्किल होता है और उसके एक्जीक्यूशन में तरह-तरह के ऑब्स्टीकल्स डाले जाते हैं। मान लीजिए एविक्शन का ऑर्डर हुआ और स्टाफ unauthorized occupation का कब्जा लेने गया, तो पता लगा कि ताला लगा है। उस में एस्टेट ऑफिस कहेगा कि इसका ताला तोड़कर कब्जा लो। फिर ताला तोड़ने के लिए 15-20 लोग इकट्ठे हो गए और कहा गया कि कब्जा नहीं देंगे, तो पुलिस हैल्प से कब्जा लिया जाएगा। अब पुलिस हैल्प से कब्जा लेने में भी बड़ी कठिनाई है। उसके लिए मैं माननीय मंत्री जी को सुझाव देना चाहूंगा कि अगर एस्टेट ऑफिसर की तरफ से कोई ऐसी रिक्वैस्ट डीएम या एसएसपी को जाती है, तो वह टाइम बाउंड हैल्प देकर उस कब्जे को खाली कराएं। आपने तो बहुत अच्छा किया कि जल्द-से-जल्द इस का implementation हो, जब एप्लीकेशन आए तो पार्टीज को सुनकर उसके ऑर्डर कर दिए जाएं, लेकिन ऑर्डर करने के बाद बहुत सी समस्याएं आती हैं कि लोग जनरली कोर्ट्स में चाहे वह सिविल कोर्ट हो या हाईकोर्ट हो, किसी-न-किसी तरीके से उसे चैलेंज कर देते हैं।

तो मैं चाहूंगा कि यह ऑर्डर किसी भी कोर्ट में, चाहे वह सिविल कोर्ट हो या हाई कोर्ट हो, उसमें चेलेन्ज न हो सके और ऐसा माना जाए कि यह फायनल ऑर्डर है। इसी सिस्टम से चाहे वह अपीलेट अथोरिटी है या इस्टेट ऑफीसर है, यहीं तक यह सीमित रहे, नहीं तो एक बहुत लंबे प्रोसेस में टाइम वेस्ट होगा।

उपसभाध्यक्ष जी, इसमें मेरे माननीय मंत्री जी से दो निवेदन हैं। पहला निवेदन यह है कि इस्टेट ऑफिस जो डेमेजेज और रेंट की रिकवरी फिक्स करता है, उसको एज लैंड रेवेन्यू रिकवर किया जाए और दूसरा जब एग्जीक्यूशन हो, तो उसमें डीएम और एसएसपी को टाइम-बाउंड पुलिस हेल्प मिले। बहुत बार ऐसा देखा गया है कि सिम्पल सा रीजन आ जाता है कि आज वीआईपी मूवमेंट है इसलिए आज हम पुलिस नहीं भेज सकते हैं। इससे फिर काम खटाई में पड़ जाता है या फिर कहा जाता है कि आज पुलिस की ड्यूटी वहां लग गई है इसलिए आज पुलिस हेल्प नहीं दे सकते, फिर काम खटाई में पड़ गया। अगर टाइम बाउंड पुलिस हेल्प हो, तो जो इस बिल की मंशा है, उसे हम पूरी कर पाएंगे।

[श्री अविनाश राय खन्ना]

मैं ज्यादा समय न लेते हुए अपने इन सुझावों के साथ एक बार फिर माननीय मंत्री जी का धन्यवाद करता हूँ, जिन्होंने और जिनके डिपार्टमेंट ने पूरी मेहनत करके एक ऐसा बिल लाया है। इसमें काफी चीजों का समावेश हुआ है, इसमें सुप्रीम कोर्ट की काफी ऑब्जर्वेशंस और स्टैंडिंग कमेटी की ऑब्जर्वेशंस को सम्मिलित करके इसे बनाया गया है। मैं इसका पूरा-पूरा समर्थन करता हूँ। बहुत-बहुत धन्यवाद।

श्री राजीव शुक्ल (महाराष्ट्र): उपसभाध्यक्ष जी, सरकार जो यह बिल लाई है, यह लोक सभा में 11 दिसंबर को पारित हुआ था। जैसा वेंकैया जी ने प्वाइंट आउट किया, 2011 से यह बिल पेंडिंग चल रहा है। यह बिल स्टैंडिंग कमेटी को गया, इसमें सुप्रीम कोर्ट के ऑब्जर्वेशंस भी आए और उसके बाद एक कंप्रेहेंसिव बिल को तैयार करने की कोशिश की गई, जिसको लोक सभा ने पास किया है और आज यह राज्य सभा में कंसीड्रेशन के लिए आया है।

मान्यवर, यह बात बिल्कुल जाहिर है कि देश में सरकारी संपत्तियों पर कब्जे बेतहाशा हैं। यह एक बहुत बड़ी समस्या है, जिसे हर सरकार ने फेस किया। अगर इसके क्वांटम में देखें, तो लाखों-करोड़ों की सरकार की जमीन लोगों के अवैध कब्जे में है, जो गवर्नमेंट लिटिगेशन में हर तरह से फंसी रहती है और उसका कोई हल नहीं मिलता। देश के तमाम ऐसे सरकारी प्रोजेक्ट हैं, जो इसकी वजह से अधर में लटके हुए हैं। इसमें रेलवे तो एक उदाहरण है, जो यहां दिया गया, इसके अलावा तमाम ऐसे सरकारी प्रोजेक्ट इसकी वजह से लटके हुए हैं। रेलवे की कितनी जमीन अवैध कब्जे में हैं, जैसा कि अरविन्द जी ने भी जिक्र किया, हर तरफ कहीं भी कोई इस पर कब्जा कर लेता है। खासतौर से ऐसे शहरों में, जैसे मुम्बई, दिल्ली जैसे देशों में इतनी बेशकीमती जमीन लोगों के अवैध कब्जे में है, जिसको निकालना मुश्किल हो रहा है और जिसकी वजह से सरकार को बहुत नुकसान हो रहा है। अब जब भूमि अधिग्रहण कानून अपनी तरफ से बना है, उसके बाद सरकार के लिए जमीन लेना और भी मुश्किल काम होगा, उसके लिए तमाम फॉर्मेल्टीज पूरी करनी होंगी। अगर सरकार अपनी ही जमीनों से जो अवैध कब्जे में हैं, उनसे ऐसे लोगों को बाहर करके विकास के कामों में उन्हें ले सके, तो बहुत अच्छी बात होगी और इसका राज्य सरकारों को भी फायदा मिल सकता है।

मान्यवर, यह जो बिल माननीय वेंकैया जी लाए हैं, इसमें एक-दो चीजें ऐसी हैं, जो हम उनके संज्ञान में लाना चाहते हैं और उनसे अनुरोध है कि अगर वे इस मामले में आश्वस्त करें, तो बहुत अच्छा रहेगा। जैसे कि इसमें In Section 4 of the principal Act "(1) If the Estate Officer has information that any person is in unauthorised occupation of any public premises and that he should be evicted, the Estate Officer shall issue in the manner hereinafter provided a notice in writing within seven working days..." एक तो एनी पर्सन, सपोज कि कहीं पर सरकारी जमीन है, उस पर तमाम लोगों का अवैध कब्जा है, तो वह जो लोग एक तरह से कंबाइंड करके अवैध कब्जा करते हैं, तो पर्सन ऑर पर्सन्स, दोनों इन्क्ल्यूड करना चाहिए, ताकि इसमें जो तमाम लोगों ने मिलकर कब्जा कर रखा है, उनको निकाल सकें। आपने देखा होगा, तमाम जगह झुग्गी-झोपड़ियां हो जाती हैं, तमाम जगह वैसे अवैध कब्जे हो जाते हैं, जैसे मुम्बई वगैरह में हो जाते हैं। आप इस तरफ ध्यान दें और इसको करने की कोशिश करें। दूसरा, जो सबसे इंपोर्टेंट है, मुझे लगता है कि इस्टेट ऑफिसर को बहुत ज्यादा इनॉर्मस

5.00 P.M.

पावर्स दे दिए गए हैं। थोड़ा वहां भी देखने की जरूरत है, उसके ऊपर कोई ऐसी अथोरिटी रहनी चाहिए, क्योंकि सात दिन, इसके बाद एनोदर सेवेन डेज़, मतलब पंद्रह दिन के अंदर इविक्शन हो जाएगा और पंद्रह दिन के बाद वह और मैक्सिमम पंद्रह दिन दे सकता है। एक महीने में उसको इवेक्ट करना ही पड़ेगा। मुझे लगता है कि पीरिएड कम है। पहले उसके डिस्क्रेशन पर था कि वह कितना टाइम लेता है, जितनी जल्दी से जल्दी हो सके, वह कराए। उसको एक टाइम फ्रेम में नहीं बांधा गया था, लेकिन यहां टाइम फ्रेम में बांधा गया है।

महोदय, सरकार अगर इसे टाइम-फ्रेम में बांधना चाहती है, तो कम से कम इसका पीरियड थोड़ा ज्यादा होना चाहिए। इतनी जल्दी यह काम नहीं हो सकता, क्योंकि इतने बड़े कब्जे हैं कि उन्हें किसी के लिए एक महीने में खाली कराना संभव नहीं हो सकता और दूसरी बात यह है कि जो अपीलैट अथॉरिटी है, उसे भी थोड़े से इस तरह के पावर्स होने चाहिए, लेकिन उसे भी टाइम-फ्रेम में बांध दिया गया है। अगर इन दोनों बातों पर गवर्नमेंट ध्यान दे, तो मुझे लगता है कि अच्छा रहेगा।

महोदय, सैक्शन-7 में कंपाउंड इंटरेस्ट की बात कही गई है, इससे हम पूरी तरह सहमत हैं। सिम्पल इंटरैस्ट की जगह कंपाउंड इंटरैस्ट और कुछ पैनल्टी और सजा रहनी चाहिए। इसलिए कंपाउंड इंटरेस्ट की बात अपने आप में बिलकुल ठीक है।

महोदय, तीसरी बात मैं सैक्शन-9 के बारे में कहना चाहता हूं, जिसमें कहा गया है कि "...that the appellate officer may entertain the appeal in exceptional cases after the expiry of the said period, if he is satisfied for reasons to be recorded in writing that there was compelling reasons which prevented the person from filing the appeal in time." Sub-clause (4) says, "Every appeal under this section shall be disposed of by the appellate authority as expeditiously as possible and every endeavour shall be made to dispose of the appeal finally within one month..." अगर यह एक महीने की जगह as expeditiously as possible रहे, तो मेरे ख्याल से ज्यादा ठीक रहेगा। इस पर यदि मंत्री जी विचार करें और एक आश्वासन दें कि इसका मिसयूज नहीं होगा और एक पूरा जैन्युइन टाइम-फ्रेम आदमी को एविक्ट करने के लिए मिलेगा, तो मुझे लगता है कि बिल सार्थक होगा। इतना ही कह कर मैं इस पर अपनी सहमति प्रकट करता हूं और इसका समर्थन करता हूं।

डा. अनिल कुमार साहनी (बिहार): सभापति महोदय, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) संशोधन विधेयक, 2014, जो माननीय मंत्री जी द्वारा लाया गया हैं, मैं इसका समर्थन करने के लिए खड़ा हुआ हूं, क्योंकि आज सरकारी जमीनों पर जिस प्रकार से अवैध कब्जा होता जा रहा है और खासकर यहां पर हम सभी पॉलीटिकल पार्टियों के लोग बैठे हुए हैं, सभी जानते हैं कि जब-जब चुनाव आता है, तब-तब लोग झंडा लेकर खड़े हो जाते हैं कि झुग्गी-झोंपड़ी जिन्दाबाद। यह सिर्फ वोट लेने के लिए किया जाता है। इस पर आपने कानून बनाया और अभी इस पर हमारे श्री राजीव शुक्ल जी बोल रहे थे कि पहले 15 दिन और फिर 15 दिन, इस प्रकार एक महीना हो जाता है। इसलिए इसका दुरुपयोग किस प्रकार से रोका जाएगा, इस पर भी मंत्री जी जरा ध्यान देंगे। कि इस कानून से किसी गरीब को परेशानी न हो।

[डा. अनिल कुमार साहनी]

महोदय, इसके अतिरिक्त जो गैर-सरकारी जमीनें हैं, जिनके बारे में अभी हमारे श्री अरविन्द जी बोल रहे थे, उन्होंने जो बात अभी कही, मैं उसका भी समर्थन करता हूं। सरकार द्वारा जब किसी व्यक्ति को कोई जमीन अलॉट की जाती है, तो उसे सिर्फ इसीलिए परेशान किया जाता है कि वे कमज़ोर एवं गरीब हैं उसके आसपास सभी मकान बन गए हैं। मेरे पास आज ही दिल्ली के कई लोग आकर मिले। इसी संबंध में मैं एक उदाहरण आपके समक्ष रखना चाहता हूं। यह राजेंद्र नगर का मामला है। एक प्लॉट नं. आर-536 है। इस प्लॉट का, श्री अमरीक सिंह नामक व्यक्ति के साथ बंदोबस्त किया जाता है। उस पर उसका कब्जा भी होता है। वर्ष 1990 में, हाईकोर्ट द्वारा उनसे 75 हजार रुपए जमा कराने का आदेश दिया गया, लेकिन अफसरशाही के कारण आज तक, डी.डी.ए. के लोगों और ऑफीसर्स की धाधंली के कारण, उसे कब्जा नहीं दिया गया है। इस तरफ भी मंत्री जी ध्यान दें, ताकि आम लोगों को सरल तरीके से सुविधा मिल सके, कब्ज़ा मिल सके और उन्हें न्याय मिल सके। मैं इनसे आपको मिलवाने का काम करूंगा। इस मामले में, मैं आपसे बाद में आकर मिलूंगा। इस मामले में आप अपने स्तर से आदेश दीजिए।

महोदय, गैर-सरकारी जमीनों पर लोगों का जो दखल होता है और कोई अपनी जीवन भर की कमाई लगाकर घर बनाने के लिए जमीन खरीदता है और उस पर दूसरे लोग आकर कब्जा कर लेते हैं। इसके बारे में भी कानून बनाने की आवश्यकता है, ताकि आम लोग दूसरे की जमीनों पर कब्जा न कर सकें एवं आम लोग परेशान न हो सकें । इन्हीं चन्द सुझावों के साथ मैं अपनी बात समाप्त करता हूं और मुझे उम्मीद है कि आने वाले समय में आपके द्वारा इस बारे में काम किया जाएगा। जय हिन्द।

SHRI D. BANDYOPADHYAY (West Bengal): Mr. Vice-Chairman, Sir, thank you. Sir, there is no denying the fact that a large amount of Government land and premises are in illegal occupation. Firstly, I earnestly request the Minister to let us know, through you, whether he has at least an estimate of the extent of land and premises that are in illegal occupation. We are passing a draconian law. The fact is that there are illegal occupations, we don't know the exact extent on which it is done. I request the hon. Minister, through his own machinery, to find out the total area, roughly, of the illegal occupation. It is not possible to have the exact extent, I know.

Sir, the Bill expands the definition of "public premises". It increases the ambit enormously. Very large areas have been taken into account in this. The process of eviction has been made almost draconian. So, I would request him, through you, Sir, that while there are good features in the Bill, the draconian features of the Bill also need to be looked into. Therefore, may I, through you, suggest to the Government that let it be sent to the Select Committee of this House so that it goes through threadbare on what is happening and see whether all the observations of the hon. Supreme Court have been fully incorporated and what could be done to free the illegal occupation. But, dealing with that, it should not be like throwing the baby out with

the bathwater. The genuine persons should not suffer too much because of this law.

Through you, Sir, I make an appeal for sending the Bill to the Select Committee. Thank you.

SHRIMATI VIJILA SATHYANANTH (Tamil Nadu): Sir, thank you for giving me an opportunity to share my views. At the beginning, I would like to place on record the astounding victory, the greatest victory of the nation, which the people of Tamil Nadu gave, that is, acclaiming the hon. Puratchi Thalaivi Amma's services to the needy, to the poor, to the marginalized and to all the sections of the society. The people of Tamil Nadu have got a tremendous faith and hope in the people-friendly, loving leadership of our dynamic great leader, Dr. Puratchi Thalaivi Amma. I want it to be placed on record in this august House the great victory, that is, the eleven consecutive Bye election victory, the State Assembly Elections victory, and the greatest of all, the resounding Parliamentary Elections' victory. The victory is because she is serving the nation by serving the poor, by serving the needy.

Sir, this Bill, amendment to the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 — that is, the provisions of Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014 — proposes to make suitable amendments. The Bill redefines "public premises" to include companies in which at least 51 per cent of the paid up share capital is held up with the Central and State Governments. Out of 20 suggestions made by the Supreme Court in 2013, 18 have been incorporated in this Bill. The Bill seeks to bring the properties of the Delhi Metro Rail Corporation and other Metro Rail Corporations which may come up in future, as also the properties of the New Delhi Municipal Corporation, within the ambit of the 1971 Act. This Bill was placed in the House in May, 2012 and was sent to the Standing Committee. The Committee recommended that the Government should make provisions for provisional trial before the Estates Officer with respect to unauthorized occupation. The Committee was also satisfied with the safeguards provided in the guidelines and convinced that the provisions of the Bill will not allow the Estates Officer to exercise his/her powers arbitrarily against the genuine tenants.

Regarding allotment of accommodation — this is what I want to reiterate — to Members of Parliament and Ministers, I would like to urge the Government, through you, Sir, that they should ensure that this power is not arbitrarily used by the Estate Officer against these tenants. Besides, when we are making such laws, these laws should not affect the common people at large. Today we are giving 90 of our budgetary allocation for the urban areas of our country. The hon. Minister for Urban Development may agree with me that 90 per cent of every Budget is

[Shrimati Vijila Sathyananth]

allotted for urbanisation of the country. But what is happening is that rural people are being evicted from metros and cities. So, we should not enforce this Bill arbitrarily because this may affect the common people. The common land should not go in the hands of the corporate houses. They not only take land on lease but also encroach upon some land. I also want to know from the hon. Minister whether the Ministry has any data about how many acres of land so far have been taken away by the corporate houses. I also urge that necessary action should be taken to bring that land back and should be distributed among the poorest of the poor, the landless people. With these words, I support this Bill.

श्री नरेंद्र कुमार कश्यप (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, आपने मुझे बोलने का अवसर प्रदान किया, उसके लिए आपका धन्यवाद। चूंकि यह विधेयक लोक सभा में पास हुआ है, जाहिर है, आज राज्य सभा में भी हो जाएगा। मेरी कुछ आशंकाएं और कुछ सुझाव हैं, जिन्हें मैं आपके माध्यम से थोड़े समय में देना चाहता हूं। चूंकि राष्ट्रीय राजधानी क्षेत्र में खास तौर से सरकारी सम्पत्तियों या परिसम्पत्तियों पर अवैध कब्जाधारियों से कब्जा हटाकर सरकार उस जमीन का उपयोग अन्य किसी माध्यम के लिए करना चाहती है, यह नीयत कोई बुरी नहीं है, लेकिन हम आपके माध्यम से मंत्री जी से जानना चाहेंगे कि क्या इस विधेयक का विस्तार पूरे भारतवर्ष में होगा या एनसीआर तक सीमित रहेगा? दूसरा, एक बहुत महत्वपूर्ण बात है। चाहे हम उत्तर प्रदेश की बात करें, चाहे हरियाणा की बात करें, पंजाब की बात करें या किसी और प्रदेश की बात करें। देश भर में रेलवे विभाग की, रेवेन्यू विभाग की बहुत सारी सम्पत्तियां और परिसम्पत्तियां ऐसी हैं, जो बहुत प्रभावी लोगों के कब्जे में आज भी हैं, पहले से भी थीं, जिन पर अवैध कब्जा होने से सरकार को न जाने कितनी हानि हो रही है। क्या सरकार उन तमाम बिन्दुओं पर, तमाम विषयों पर कोई बड़ी योजना बनाकर, कोई बड़ी प्लानिंग करके उन जमीनों को भी खाली कराने पर विचार करेगी? महोदय, देश के सामने मुश्किल यह है कि कानून बहुत बन जाते हैं, विधेयक भी पास हो जाता है, आप अध्यादेश भी ले आते हैं, लेकिन जब अनुपालन की बात आती है, जब execution की बात आती है, उस समय कई बार कानून भी, कोर्ट भी और सुप्रीम कोर्ट भी कहीं न कहीं असहाय साबित हो जाती है। मैं आपके बीच एक उदाहरण देना चाहता हूं, माननीय मंत्री जी उससे अवगत होंगे।

सुप्रीम कोर्ट ने भारतवर्ष में पानी की किल्लत और जलस्तर गिरने के कारण को देखकर एक ऑर्डर किया था कि भारतवर्ष के तमाम तालाब, पोखर जो अवैध कब्जों में हैं, उन्हें अविलम्ब प्रांतीय सरकार या केंद्र की सरकार उस पर नियम बनाकर, प्रभाव जमाकर खाली कराए और सुप्रीम कोर्ट के इस ऑर्डर को पास हुए पांच साल से ज्यादा का समय हो गया है। पूरा देश पानी की किल्लत से परेशान होता है, लेकिन अभी तक सुप्रीम कोर्ट के उस आदेश का अनुपालन भारत में नहीं हो रहा है। क्या मंत्री जी, ऐसे विषयों पर, ऐसे मुद्दों पर कोई अपनी राय, कोई अपना इरादा जाहिर करेंगे?

महोदय, एक आशंका और है, चूंकि अभी दिल्ली का चुनाव हुआ है। कई पॉलिटिकल पार्टीज़ ने इन्हें मुद्दा भी बनाया। दिल्ली में खासतौर से बहुत सारी कॉलोनियां बसी हुई हैं, करीब 1636 कॉलोनियां बसी हुई हैं। दिल्ली में 1636 कॉलोनियां ऐसी बसी हैं जिनके बारे में कई बार सरकार

कहती है कि ये अनधिकृत हैं। उनके कब्जे हैं, वे मालिक हैं, तो क्या इस विधेयक के माध्यम से कहीं दिल्ली की 1636 कालोनी वासियों के सिर पर कोई तलवार तो नहीं लटक रही है? बहुत सारे भारत के लोग जिनके पास अपने साधन-सुविधा नहीं थे, वे गरीबी, गुरबत से निकल कर आए हैं, उन्होंने दिल्ली में अपना ठिकाना बनाया है। मुझे याद है कि पीछे एक ऑर्डर रंगपुरी के बारे में हुआ था। रंगपुरी में करीब 600 लोग इसलिए उजाड़ दिए गए थे कि सरकार ने कहा था कि इनका कब्जा अवैध है। नवम्बर के महीने में पांच हजार से ज्यादा लोग सड़कों पर आए थे। इस बिल के माध्यम से, माननीय मंत्री जी, हम चाहेंगे कि आप सदन को आश्वस्त करें कि दिल्ली के अंदर यू.पी., बिहार, उत्तराखंड, तमाम प्रान्तों से आकर जो लोग बसे हैं, जो अपनी दिनचर्या चला रहे हैं, कहीं उनके लिए यह बिल घातक साबित न हो, इस पर ध्यान देने की आवश्यकता है। मैं समझता हूं कि बिल की मंशा और मकसद बुरा नहीं है, बशर्ते उसके अनुपालन का तरीका ठीक हो, बशर्ते किसी तरह से उसका मिसयूज़ न हो। जैसा कि शर्मा जी ने कहा कि 15 दिन के नोटिस का प्रावधान आपने इसमें रखा है और फिर उसको एक बार extend किया है। कई बार ऐसी चीजें भी आती हैं कि कुछ देरी भी होती है, तो उसमें कुछ relaxation देने का कोई प्रोविज़न भी सरकार अपने पास रखे, ताकि किसी के साथ में अन्याय न हो।

अंत में, मैं इस बिल के संदर्भ में यह कहूंगा कि इस बिल का मिज़ाज अच्छा है, अनुपालन आप कैसे कराएंगे? दिल्ली के लोग इस बिल से प्रभावित न हों, दिल्ली को कैसे आप बचाएंगे, देश की तमाम परिसम्पत्तियों को इससे कैसे जोड़ें, इस पर सरकार का विचार क्या होगा? माननीय मंत्री जी, इसके अनुपालन के लिए कैसे अपनी नीति बनाएंगे, इस पर क्लैरिटी हो जाए, तो अच्छा रहेगा। आपने मुझे बोलने का मौका दिया, इसके लिए मैं आपका धन्यवाद करता हूं।

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Now, Shri Dilip Tirkey; not present. Shri K.T.S. Tulsi; not present.

SHRI BAISHNAB PARIDA: Sir, my name is there.

THE VICE-CHAIRMAN (DR. E.M. SUDARSANA NATCHIAPPAN): Your name is not here. Shri Tiruchi Siva.

SHRI TIRUCHI SIVA (Tamil Nadu): Mr. Vice-Chairman, Sir, the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 2014, is to amend the Principal Act, 1971. The main implication of this amendment would be to bring the properties of the Delhi Metro Rail Corporation within the definition of 'public premises' to expedite the process. Sir, when the country is heading towards becoming a super power, when we expect the investors from abroad and inside for the development of our industry, the infrastructure forms the core part of it. The Metro Rail which serves the very main purpose is not able to take its speed because of the illegal occupants or unauthorized occupants. So, this Bill intends to strengthen the earlier Principal Act with certain amendments, which will expedite the process.

Sir, I would like to mention one or two things. At the same time, I would also seek one or two clarifications from the hon. Minister. Sir, clause 2 states very clearly that the organizations owned by the Central Government and any other

[Shri Tiruchi Siva]

organization in which 51 per cent share is of the Central Government now it also include the State Government. Along with that, Sir, it also specifies the ambiguity in the expression of any Municipal Committee or notified area committee. It substitutes Municipal Corporation by the words 'Council, Corporation or Corporations', which is solicited only in New Delhi.

Sir, the second clarification which I would like to seek is, the principal Act includes premises owned or leased by the Board of Trustees constituted under the Major Port Trusts Act, 1963 and now it amends to include any 'successor company' constituted under or referred to in the Major Port Trusts Act. So, I need a definition for the 'Successor'. This is what I would like to know.

And so also, clause 3 of the principal Act does not specify any time-frame for the Estate Officer to give a Show Cause Notice or to evict. Now it gives a specific time that within one week time, after the receiving of the information, the Estate Officer should give a Show Cause Notice, and, within 15 days, the eviction should be taken up. Sir, the apprehension that everyone is having is that the Estate Officer may misuse it. What is the monitoring mechanism the Government is having to overlook the Estate Officer's activities? The apprehension is, we are used to misuse anything before learning to use it. So, when we enact a law to expedite a very essential process in this country, we should also look into the other aspects that there should not be any misuse in the way of implementation.

So also, the principal Act provided for payment of rent or damages of public premises by the unauthorized occupant along with simple interest. Now, the amending Bill seeks to impose compound interest. How can you collect rent from an authorized person? It should only be a penalty because when they are already decided as 'unauthorized occupants', if we collect rent, it will become legal that they are authorized, that they have been authorized like a *de novo* certificate or something. So, I think, the term doesn't apply right. Collecting rent from an unauthorized person indirectly admits that they are authorized occupants.

(MR. DEPUTY CHAIRMAN *in the Chair.*)

So, these are the two small ambiguous portions in the Bill on which I would like to seek clarifications from the Minister. Otherwise, it is a very, very important Bill. As our colleagues Mr. Bandyopadhyay and Mr. Rajeeve suggested, the suggestion of taking it to a Select Committee though cannot be dispensed with but certain very, very essential things which cannot be delayed for such reasons have to be taken very seriously. So, in that respect, passing this Bill at this time will help the Delhi Metro Railway Corporation to expedite the implementation. So, I support this Bill. Thank you very much.

SHRI M. VENKAIAH NAIDU: Hon. Deputy Chairman, Sir, I would like to thank the Members of the House from all sides for broadly extending their support to this Bill.

Sir, I would like to make only a few clarifications. I don't want to make a long speech. Number one, this Act is applicable only to public premises, defined premises, which belong to Central Government. This is number one. Secondly, 'Company' as defined in Section 3 of the Companies Act in which not less than 51 per cent share capital is held partly by Central Government and partly by the Government of NCT of Delhi. The properties belonging to other State Governments are not included because I cannot take any action without the consent of the State Governments because I am the Minister of Urban Development. The Urban Development also takes care of New Delhi which is also the National Capital. This Bill was recommended by the State of Delhi and then accepted by the Central Government Cabinet; and that is why it has come here.

With regard to the fears expressed about unauthorized colonies of Delhi quoting Jangpura example and all that, I would say Jangpura was because of the National Green Tribunal Order and not because of the Government. Secondly, with regard to the protection to the unauthorized colonies, Sir, the Government of India has already decided to regularize all the unauthorized colonies. The matter was shared with the Parliament also earlier. So, there should not be any fear on that count.

Then, with regard to the unauthorized occupants' rent, it is not actual rent, but only damages will be collected from those people because they have been overstaying against the permission given to them. Upon deciding unauthorized occupation, there are four phases – Notice : 7 days; Hearing: another 7 days; Passing of Order: within 15 days after that; and then eviction : after 15 days. It comes to a total of 45 days.

Then, in case of compelling reasons, another 15 days can be given. That means, totally it takes 60 days. Now, 60 days means two months. We should all understand that we are dealing with public property; public means Government; it is the people's property. Moreover, people who are encroaching upon such major areas are not poor people, for your information. It is the, what you call, land *sheiks* who control and then bring these people, put up huts and then collect rent. It is a practice everywhere. You have examples in Mumbai; you have examples in Delhi. We are trying to take action against such people. Ordinary people who are living in unauthorized colonies will not be touched at all. Let the House have this assurance from me.

Then, no new clause was added, after the Bill was referred to the Standing Committee, to modify the paid-up capital of public sector companies. Based on the proposal from Government of the NCT of Delhi in 2013, the companies registered under the Companies Act of 2013, with not less than 51 per cent paid-up capital

[Shri M. Venkaiah Naidu]

held by Government of India, were included. Now, as to why this confusion about 'corporations' and 'councils', it is because Delhi was earlier governed by one Corporation. Subsequently, three corporations were made, and also there was the New Delhi Municipal Council. So, there were some lacunae in interpretation. Keeping that in mind, we said 'corporations' and 'councils' to cover all these. That has been added here. Other than that, the Bill is as it was introduced by my friend, Shri Kamal Nath, at that time, which had been referred to the Standing Committee. The Standing Committee had made a recommendation with regard to the Estate Officer too. Also, it was very specific on the time limit. If you give them more time, they would go and get some stay from here and there.

DR. K. P. RAMALINGAM: They could go to the courts.

SHRI M. VENKAIAH NAIDU: Sir, you know our legal system. People can get stay from somewhere. The entire work could get stuck for six months or one year. Keeping that in mind, these powers are given.

With regard to action taken by the Estate Officer, there is an appeal to the District Judge. The District Judge is a superior officer. We should have confidence in the District Judge. Enough safeguards have been taken while drafting this Bill.

As for certain apprehensions expressed by some of our hon. Members, I assure them that enough care will be taken in preparing the guidelines and rules. Care will be taken to keep in mind the apprehensions expressed by Members from different sides. The Bill had been sent to the Standing Committee and it came back. In the larger public interest, I request the House to kindly pass this Bill and approve it. Thank you.

MR. DEPUTY CHAIRMAN: Now, the question is :

That the Bill further to amend the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, as passed by Lok Sabha, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up Clause-by-Clause consideration of the Bill.

Clauses 2 to 6 were added to the Bill.

MR. DEPUTY CHAIRMAN: Now, Clause 1; there is one amendment (No. 2) by Shri M. Venkaiah Naidu.

Clause 1 – Short Title and Commencement

SHRI M. VENKAIAH NAIDU: Sir, I move:

2. That at page 1, line 4, *for* the figure "2014" the figure "2015" be *substituted.*

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: Now, the Enacting Formula; there is one amendment (No. 1) by Shri M. Venkaiah Naidu.

Enacting Formula

SHRI M. VENKAIAH NAIDU: Sir, I move:

1. That at page 1, line 1, for the word "Sixty-fifth", the word "Sixty-sixth" be *substituted.*

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI M. VENKAIAH NAIDU: Sir, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

SHRI M. VENKAIAH NAIDU: Sir, I would like to thank Members from all sides, including the Opposition, from the bottom of my heart, for the support that they have extended to this Bill.

STATEMENT BY MINISTER

MR. DEPUTY CHAIRMAN: Now, Statement by Minister, Shri Jagat Prakash Nadda.

SHRI ANAND SHARMA: Sir, the Minister may make the statement. This is a matter of great national concern. Since it is late and two Bills have been discussed in past, clarifications could be taken up when more Members are present. A large number of Members are absent. Our request, Sir, is that clarifications can be taken up tomorrow.

THE MINISTER OF URBAN DEVELOPMENT; THE MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION; AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): We can have the statement today and we can take up clarifications later.