

3. The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2019

Prelims: Governance- Policies

Mains: GS-II- Government Policies and interventions for development in various sectors and Issues arising out of their Design and Implementation.

Why in News?

- ▶▶ The Public Premises (Eviction of Unauthorized Occupants) Amendment Bill, 2019 which was passed by the Parliament during the last Budget Session has come into effect.

Background:

- ▶▶ The aim of the Bill is to facilitate **smooth and speedy eviction of occupants of government accommodation** on expiry of their terms and conditions.
- ▶▶ The Government provides residential accommodation to its employees, Members of Parliament and other dignitaries while they are in service or till the term of their office on licence basis.
- ▶▶ As per the existing allotment rules, **after the expiry of the terms and conditions of the licence, the occupants of such residential accommodations become unauthorised for staying in such accommodation and should vacate the same.**

Issue:

- ▶▶ However, it is often seen that the unauthorised occupants do not vacate the government accommodation on expiry of the terms and conditions of the licence as per the rules and uses dilatory tactics to withhold the accommodation.
- ▶▶ In order to check this delay, it is proposed to insert a **new sub-section (3A) in section 7** of the Act to the effect that if the person challenges the eviction order passed by the estate officer in any court, he has to pay the damages for every month for the residential accommodation held by him.
- ▶▶ Under the existing provisions, the eviction proceedings of unauthorised occupants from “public premises” take around five to seven weeks’ time.

Key Highlights of the Bill:

▶▶ Residential Accommodation:

- ❖ The Bill defines ‘residential accommodation occupation’ as the occupation of public premises by a person on the grant of a license for such occupation.
- ❖ The license must be given for a fixed tenure, or for the period the person holds office.

- ❖ Further, the occupation must be allowed under the rules made by the central, state or union territory government, or a statutory authority (such as Parliament Secretariat, or a central government company, or premises belonging to a State Government).

▶▶ **Notice for Eviction:**

- ❖ The Bill adds a provision laying down the procedure for eviction from residential accommodation.
- ❖ It requires an estate officer (an officer of the central government) to issue a written notice to a person if he is in unauthorised occupation of a residential accommodation.
- ❖ The notice will require the person to show cause of why an eviction order should not be made against him, within three working days.
- ❖ The written notice must be fixed to a conspicuous part of the accommodation, in a prescribed manner.

▶▶ **Order of Eviction:**

- ❖ After considering the cause shown, and making any other inquiries, the estate officer will make an order for eviction.
- ❖ If the person fails to comply with the order, the estate officer may evict such person from the residential accommodation, and take possession of it.
- ❖ For this purpose, the estate officer may also use such force as necessary.

▶▶ **Payment of Damages:**

- ❖ If the person in unauthorised occupation of the residential accommodation challenges the eviction order passed by the estate officer in court, he will be required to pay damages for every month of such occupation.