GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. 2001/LML/14/1 New Delhi, dt. 5 .04.04

The General Managers,
All Indian Railways, & PUs,

The Directors General,
RDSO/Lucknow,
RSC/Vadodara.

The Director,
IRICEN,
Pune.

Sub: Guidelines for recourse to eviction proceedings Under Public Premises (Eviction of unauthorised Occupants) Act, 1971.

A copy of D.O. letter No. 21011/2/97-Pol.I dt. 2.9.02 received from the Secretary, Ministry of Urban Development & Poverty Alleviation, Government of India, alongwith a copy of Resolution dt. 8.6.02 on the above subject, was circulated to the Railways and PUs vide Board's circular of even number dt. 3.10.02 (copy enclosed).

On receipt of a letter from Western Railway seeking clarification whether the guidelines contained in the Resolution apply to the Railways, the matter was discussed with the Legal Adviser, Railway Board. **It is clarified that the Guidelines issued by M/o Urban Development vide Resolution dt. 08.06.02 in the Gazette of India, to prevent arbitrary use of the powers to evict genuine tenants from public premises using PPE Act, 1971, applies only to Public Sector Undertakings/Financial institutions, and do not apply to the Railways.**

This is for the information of the Railways.

Rashmi
2-4-04
(RASHMI BHATNAGAR)
Deputy Director/Land Management
Railway Board

DA: As above

सत्यमेव जयते

एम. शंकर
M. SHANKAR
Tel. : 3019377

सचिव
भारत सरकार
शहरी विकास और गरीबी उपशमन मंत्रालय
शहरी विकास विभाग
निर्माण भवन, नई दिल्ली-110011

SECRETARY
Government of India
Ministry of Urban Development
& Poverty Alleviation
Department of Urban Development
Nirman Bhavan, New Delhi-110 011

D.O.No. 21011/2/97-Pol.I
September 02, 2002

Dear Shri Rana,

The Ministry of Urban Development and Poverty Alleviation is responsible for the administration of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. This Act provides for speedy eviction of unauthorized occupants from public premises. A number of Public Sector Undertakings like LIC, Banks, National Textile Corporation, Oil Companies, etc. resort to the provisions of this Act for eviction of the unauthorized occupants from the premises owned by them

2. A number of representations and complaints have been received in this Ministry from individuals, organisations and Members of Parliament alleging that the provisions of this Act are being used indiscriminately by the Public Sector Undertakings, to obtain possession of premises for commercial motives. In order to prevent arbitrary use of powers under this Act and to redress the grievances of these individuals/parties, the Ministry formulated Guidelines in 1992 and circulated them to all the Union Ministers vide letter dated 14.1.92, enjoining upon them to give wide publicity to these guidelines, and to advise the officers of all the Public Sector Undertakings under their control, to enforce them strictly. These guidelines were reiterated through letters dated November 13, 1997 and December 30, 2000.

3. However, representations still continued to be received from aggrieved parties. Accordingly, an Inter-Ministerial Committee was constituted under the Chairpersonship of Director of Estates to look into the matter and recommend how these guidelines can be better enforced. On the recommendations of the Committee, this Ministry has issued a 'Government Resolution', notifying the Guidelines dated January 14, 1992 in the Gazette of India on June 8, 2002.

4. The underlying intention in issuing these guidelines through a Government Resolution is to impress upon the Public Sector Undertakings and other Government bodies, engaged in the process of eviction of unauthorized occupants from public premises, to adhere to them in letter and spirit and not to invoke the provisions of the P.P.(E) Act, 1971 indiscriminately.

5. I enclose a copy of the Govt. Resolution dated June 8, 2002. I shall be grateful if you could issue instructions to the Public Sector Undertakings/Banks, etc. under your control to observe these guidelines in letter and spirit while resorting to the provisions of the Public Premises (Eviction of Unauthorized Occupants), Act 1971.

With regards,

Yours sincerely,

M Shankar

(M. Shankar)

Encl.: As above

Shri I.I.M.S. Rana,
Chairman, Railway Board
Ministry of Railways,
New Delhi