

LOK SABHA

SYNOPSIS OF DEBATES* (Proceedings other than Questions & Answers)

Wednesday, July 31, 2019 / Shravana 9, 1941 (Saka)

THE INTER-STATE RIVER WATER DISPUTES (AMENDMENT) BILL, 2019

THE MINISTER OF JAL SHAKTI (SHRI GAJENDRA SINGH SHEKHAWAT) *moving the motion for consideration of the Bill, said:* The disputes regarding sharing of river water in the country have had a long history. Even during the British Rule, there were disputes relating to sharing of river water between various states. The Inter-State River Water Disputes Act, 1956 was enacted to solve these disputes. Various amendments were made to this Act from time to time. The amendment made in the year 2002 on the basis of the report of the Sarkaria Commission, made it mandatory for a tribunal to submit its report within a period of five years. So far, nine tribunals have been constituted in the country, out of which only four tribunals have submitted their reports which took a very long time varying from 10 to 28 years. Keeping in view the shortcomings of this Act, this amendment Bill has been brought before you for consideration. In

* Hon. Members may kindly let us know immediately the choice of language (Hindi or English) for obtaining Synopsis of Lok Sabha Debates.

this Bill, we have provided for constitution of a permanent tribunal in place of separate tribunals and multiple benches under it for resolution of different disputes. After passing of this Bill, all the tribunals functioning today will merge into a permanent tribunal. In case of new disputes, we have proposed a Dispute Resolution Committee. If a dispute is not resolved under this Committee, the Government will have to refer it to the tribunal within a time frame of three months. We have also fixed the time limit for the bench of the tribunal that within two years time, which can be extended maximum for one year, the tribunal will have to pass its award. The amendments we have made in this Bill will definitely help in providing a very good and effective mechanism for settling the river water sharing disputes, which have been pending in the country for so many years, within a prescribed time limit. I urge the House to pass this Bill unanimously.

SHRI MANISH TEWARI *initiating said:* Since a new Government has taken office, a fresh consultation with the States should have been undertaken before this Bill was brought before this House. Why a particular tribunal has not been able to deliver an award is not because that particular tribunal was incompetent. It was because issues pertaining to water are increasingly complex. The purpose of this Amendment Bill is to cut the time taken to resolve a particular dispute. But, it has added another layer to the dispute resolution mechanism. It proposes a two-tier structure for Dispute Resolution Committee in Clause 4A, and then under clause 4B there will be the constitution of mini tribunals. So, rather

than cutting the time this Bill is only going to increase the time of dispute resolution by adding another layer to what is already a complex mechanism. In the original Act, the Chief Justice of India was empowered to select the members of the tribunal. This Bill proposes to replace it by a Committee which will consist of the Prime Minister or somebody who is nominated by the Prime Minister. But, this Committee does not have the Leader of Opposition in the Rajya Sabha or the leader of the single largest party in the Lok Sabha as its members. I cannot understand as to what is the logic that two people in the tribunal, namely, the Chairperson and the Vice-Chairperson, will have a tenure of five years, while the other three judicial members or the other three expert members will have a tenure on a case-by-case basis. Clause 6 of the Bill says, "The award given by the tribunal will not be published in the official gazette." There is no justification in the Statement of Objects and Reasons as to why a particular award which has been given by a tribunal, will not be notified in the official gazette. If the Government is really serious about resolving inter-State water disputes, then perhaps, it should consider a three-tier hierarchy. Clause 9 provides that the data to be collected with regard to a river basin, are going to be outsourced to an outside agency. If you will go into the genesis of the problem which each of these tribunals has encountered, there is no agreement on base line data. Therefore, it would be appropriate that the base line data collection should be with the Government.

DR. SATYA PAL SINGH: Disputes relating to sharing of river water have been going on in the country since the last 60-70 years. The Article 262 clearly states that the Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley. Therefore, there shouldn't be any doubt that the Government of India has no power to enact law on this subject. There are about 20 big state basins of rivers in the country. Our experience has been that the tribunals have neither passed any award for many years nor any time limit relating to them has been prescribed. Earlier, all the tribunals had judicial members. This time, the Bill proposes that it will have judicial members as well as expert members also, who will be of the level of chief engineer with experience of working on river water disputes. This is happening for the first time. It is the need of the hour that we constitute a permanent Tribunal so that the ever increasing number of inter-state river water disputes could be checked. Further, I would like to ask the hon. Minister whether the Government will review the Indus Water Treaty signed between India and Pakistan in 1960 so that our country gets justice.

SHRI DAYANIDHI MARAN: I would like to talk about the Cauvery water dispute. The Cauvery Water Disputes Tribunal was formed in 1990. As per the interim award given in 1991, 205 tmc water was to be released to Tamil Nadu. But, no water was released. The final award was given in 2007. It reduced the quantity of water to be released to Tamil Nadu to 192 tmc. Again, no water was given. The

hon. Supreme Court further reduced this quantity to 177.25 tmc in the year 2018. Even then, no water was released. After struggling for 29 years, we have got a Cauvery Management Board, but today, the Government has brought this new Bill saying that all the existing Tribunals will be wound up. I would like to know what will happen to Cauvery Management Board. The people of Tamil Nadu have been suffering for all these years. My suggestion to the hon. Minister is that the Government should nationalise the rivers so that it can resolve the disputes. With these words, I oppose the Bill.

SHRI KALYAN BANERJEE: This Bill has proposed to constitute a permanent Tribunal. It is a very good proposal. But, my question to the hon. Minister is that how many Benches of the Tribunal can be created and how many members would be there in one Bench. I would also request to the hon. Minister to let only the Chief Justice of India remain in the process of consultation and the views of the Chief Justice should be given the primacy in the committee. I hope that the Supreme Court is also concerned to decide the water disputes immediately. The Government should set up more circuit Benches and the head offices of the Tribunal should be set up in different States. It will reduce the burden of the litigants. Further, my humble suggestion is that before making a reference of any water dispute to the Tribunal, the Government should appoint one arbitrator and the dispute should be referred to the Tribunal only when the arbitrator fails to settle it. In West Bengal, the Damodar Valley Corporation releases water during the

rainy season and because of that, some parts of our State are flooded. I request the hon. Minister to take note of this issue. The Corporation should release the water in consultation with the State Government.

SHRI P.V. MIDHUN REDDY: This Bill is very important for our country and more so for my State. There is a acute water crisis in my constituency too. I request the Minister to consider the effects of climate change because we are not able to predict when it is going to rain and when there is going to be a drought. If we do not manage water properly and especially in the State of Andhra Pradesh, the problem is going to be really acute. The issues of Godavari river basin, Krishna river and the Vamsadhara river are to be resolved. The rights of the lower riparian States should be protected. We want this Bill to be more progressive. We want the time limit of the Dispute Redressal Committee be cut down. We also request that the constitution of the members on the DRC should be amicable for both the affected parties under dispute.

SHRI HEMANT TUKARAM GODSE: Various States of the country are wrangling over water disputes warranting immediate resolution. It was way back in the year 1956 that Inter-State River Water Dispute Act had been enacted. Under the Act there would be separate Tribunals for the resolution of Inter-State Water Disputes. In the first place, the Central Government used to make an attempt to find a resolution of the disputes and subsequently in the event of the dispute not being resolved, it would be referred to the Tribunal. The irrigation potential of

every State is distinctly different from the other one. So, it must also form the basis for sharing of water. Even in this day and age, in a few districts of Marathwara region in Maharashtra water is made available by Rail. It is essential that in the event of disputes between the States over water the matter should be referred to Dispute Resolution Committee or a Tribunal in order that the States concerned may get their due share of water and there is equal distribution of water across the country. I would like to suggest that no member of the State concerned should be taken on board in the Dispute Resolution Committee. If at all there arises a need for additional members on the committee, there should be a provision to increase the number of members in consultation with the Chief Justice of India.

SHRI MAHABALI SINGH: When for the first time the Tribunal came into existence in the year 1956, this did resolve water disputes to some extent. However, the problem is far from being over. Be it the State of Odisha or be it Jharkhand, water disputes have not yet been settled. As per Rihand and Bansagar dam agreement Sone basin of Bihar was supposed to receive 5 lakh cusec to 12 lakh cusec water between December and April but even 1000 cusec water is not supplied to the Bihar based Sone river, let alone its due share. I demand that Sone river basin must be given the quantum of water as per the Agreement. Further, a proposal for the construction of a dam over Sone barrage has been sent to the Union Government by the Government of Bihar. This proposal should be acted on at the earliest possible. Finally, I would like to suggest that the Bill should have

penal provisions for the State Governments not adhering to the judgement of the Tribunal.

SHRI BHARTRUHARI MAHTAB: Generally, dispute resolution has not been very effective. There have been long delays in adjudication. The States have not complied with the verdicts of Tribunals. The Supreme Court does not have jurisdiction over it. So there is a need to allow the Supreme Court to come into dispute resolution mechanism. The constitution of Dispute Resolution Committee is a good provision. But its benefits will depend on the mechanism's efficiency. The experience of data bank has not been very encouraging because there are disputes relating to data that is provided. The challenge is to implement the award of the Tribunal. Cauvery Water Dispute Tribunal award is a case in point. The award was given in 2007 and is yet to be implemented. The River Boards Act of 1956 has become a dead letter. The ad-hoc mechanism like river authority, supervisory committee etc. have proved ineffective. It has been provided in the Bill that the decision of the Tribunal would be final and binding. This flies in the face of due process of law.

SHRI NAMA NAGESWARA RAO: If the records available with the Central Water Commission has anything to go by, as much as 70 thousand tmc water goes into the sea. The fact of the matter is that we need merely 40 thousand tmc water to cater to our agricultural needs and just 10 thousand tmc water for industry and drinking water. By implication it is only because of a proper policy

not being in place that the country is suffering today. The Government Should formulate a National Water Policy. During the last 75 years, the issue of water has found a mention in every Presidential Address but we are yet to find a solution to this issue. According to the Article 262 of the Constitution, the Parliament has got full powers in relation to inter-state rivers and river valleys. The Dispute Redressal Committee will redress the issue within a year but this period is extendable by six more months. The Bill allows two years plus one year, a total of three years to the tribunal. Thus, a total of five years are given for the resolution of the dispute. Construction of the project will also take a long time. So, the Government should think on this aspect.

***SHRI SUNIL DATTATRAY TATKARE:** Today we can see that there is a flood like situation in different parts of the country. But at the same time, some parts are facing drought like situation. Hence, there is a need to take some steps to make a policy to streamline the water availability in our country. I think there is an issue regarding Selection Committee under the chairmanship of Hon. Prime Minister. Leader of Opposition is supposed to be nominated to this committee. But, there is no leader of opposition hence the leader of the largest opposition party should be nominated to this committee. It is mentioned in the Bill that the data regarding the river basins and ravines should be made available to everyone. But, I would like to request not to disclose this data as there is a possibility of its misuse.

* Original in Marathi

We had signed a memorandum of understanding with Gujarat for distribution of Girna river water. But Government of Maharashtra decided to divert the water of the river towards the west to the drought ridden Marathwada region. Jal Shakti Ministry should try to divert the water of these west bound rivers towards the east for the benefit of our people. There is a Tata Dam at Mulshi. Water of this dam is being utilized for industrial purpose. But this water is going to be diverted towards the west. Before implementing this, availability of water should be ensured in my Raigad district for industrial and drinking purposes. We need higher allocation of funds for river-linking project in Maharashtra.

SHRI H. VASANTHAKUMAR: There are numerous large and small rivers spread over the country. While in many parts there is a threat of floods, in other parts there always exists a drought-like situation. Had the major rivers of the country been interlinked, the problem of floods and droughts would have been resolved. Therefore, the Government should consider linking the major rivers with other rivers on a war footing basis. I urge upon the Government to sort out all the pending issues within a time frame. I want to know from the Government what is the mechanism available with the Government to ensure that the awards given by the tribunal are implemented. I appeal to the Government to cut short the time limit of one-and-a-half years to six months and ensure that no extension is given on any count to the Dispute Resolution Committee. I take this opportunity to focus attention of the Government regarding the Mullaperiyar Dam and Cauvery water

issues. If a State Government does not release water to another State, thus affecting the farmers of that State, the State Government concerned and the Central Government should compensate the farmers. If the Godavari and the Krishna are linked with the Cauvery, I am sure the dispute of inter-state rivers will be reduced considerably. I urge upon the Government to resolve inter-state water disputes.

SHRI FEROZE VARUN GANDHI: I rise to support this Bill. Farmers are worst affected by the river water dispute between the States. We need to look at rivers not just as bodies for extraction. We need to look at rain water harvesting, desalination and hydroponics also. I request the hon. Minister to put in place a deliberative process to combat this issue. We need to increase our irrigation efficiency from 30 per cent to 60 per cent by promoting drip irrigation, sprinkler systems and hydroponics. The Government should take up the River Basin Management Bill, 2018 again. Time of one and half years given to the Disputes Resolution Committee is appropriate. I would like to ask the hon. Minister if the Government will be imposing fines on States for not obeying the Tribunals' awards. It is good that the Government has made the tribunals a multi-disciplinary body. I just want to end my speech by saying that the more we look at water from a territorial perspective, everybody is going to lose. But, if we look at it from the regenerative national resource perspective, it will make it ecologically sustainable and will pull together as a nation.

ADV. A. M. ARIFF: This Bill is an attack on the federal structure of the country. Like all other Bills, these Bills are also having political motivation. I would like to know about the implementing mechanism. The Bill is silent on this. Inter-State water dispute is a complex issue. No doubt, the Government stands for centralization instead of decentralization.

SHRI M. SELVARAJ: The water disputes differ from case to case and from State to State. There are hundreds of dams in the country and over 200 of them are in disputes. If a Central Commission is formed, they cannot look into them perfectly. The Tribunal's verdicts have not been honoured by Karnataka. The farmers are virtually starving. So, on behalf of the Communist Party of India, I oppose the Bill.

SHRI RAHUL KASWAN: This Bill was very much needed. So many tribunals have been established to solve the river water dispute between different States but there is no solution of these disputes till date. Rajasthan did not get its due share of water despite several agreements. Punjab always deny that they don't have enough water to share with Rajasthan. Choudhary Kumbharam lift canal project has come into existence and this project was to irrigate 2.40 lakh hectares of land. Farmers are waiting for water to irrigate their land till date. Even today flood irrigation is rampant in the entire State. The Government should take initiative in this regard. If flood irrigation is checked, we can save 50 per cent of water.

SHRI HANUMAN BENIWAL: After rapid development of the Indira Gandhi canal system, Rajasthan is in a position to use water of its entire share. The Government of Rajasthan gave representations several times to the Government of India, the Punjab Government and the Bhakhara Beas Management Board for release of the remaining 0.60 M.A.F. water of its share, but the Bhakhara Beas Management Board has been releasing only 8.00 M.A.F. water to Rajasthan instead of 8.60 M.A.F. There has been agitations in Rajasthan now and then for water. Wherever oil reserves are found, it automatically become the property of Union Government. Similarly, if there is more water in a certain region that must also be nationalized.

SHRI N. K. PREMACHANDRAN: If we look at the Indian situation, India has 2.4 per cent of the total world's land. Eighteen per cent of the world's population is in India. But we are having only four per cent of the renewable water resources. This is the precarious situation prevailing in our country. The nexus between water and politics results in the recurrence of inter-State Water Disputes. Kerala is ready to supply water to the Tamil Nadu because it is the generous State in the world. As far as the Neyyar agreement is concerned, Neyyar is not an inter-state river. In Siruvani agreement also, we are supplying water. We have no problem. I strongly believe that judicial adjudication of water dispute will never solve the problem. I fully support and fully welcome the suggestions made by the Government.

SHRI RAM MOHAN NAIDU KINJARAPU: The establishment of the Tribunals and their verdicts has also been taking time due to various reasons. So, regarding the problems of the Tribunals, this Bill definitely addresses these problems. There is a severe lack of comprehensive data that look at hydrology, meteorology, ecology and economy in an integrated fashion. When there is no proper reliability on the data, the States cannot agree. There is irregular and unpredictable monsoon. The groundwater situation is depleting day by day. The river course is changing. Now we see water as an important issue. We have done inter-linking of rivers. Krishna and Godavari Rivers have been linked together under the great project of Pattiseema. Water is a very dynamic issue.

SHRIMATI SUMALATHA AMBAREESH: This Bill is a very important Bill. There is no dispute in the fact that today water is the most precious commodity. Therefore, the proposal by the Government to constitute a single tribunal to adjudicate dispute relating to inter-State river water is very welcome and I support it. The present adjudicating mechanism is heavily based on data. So, I would like to request the Government to make it clear as to how and what kind of mechanism is proposed to put in place to collect this information. I would also like to suggest that there should be a better mechanism for institutional support. The long festering problems of the States should be solved by ensuring equal justice. I hope this Bill will do away with all the apprehensions of the people of Karnataka. I would like to draw the attention of this august House and also the Union

Government to some of the significant facts related to the Cauvery water sharing issue. The sharing of Cauvery river water has always been a point of conflict between Karnataka and Tamil Nadu. My State Karnataka is drought-hit and there is no drinking water for more than 150 talukas at present. The tribunal says that 740 TMC water is available in the entire Cauvery basin. If so, why is only 270 TMC for our State? After the State reorganization, the sharing of water became a serious issue and it is an irony that we are being asked to follow, referred and directed by, rules made during the British era which does not take into account the present factors.

SHRI BRIJENDRA SINGH: I rise to support this Bill wholeheartedly as I come from the State of Haryana that has had to suffer from the inadequacies of the Inter-State River Water Disputes Act, 1956. The first allocation of surplus Ravi-Beas River waters was made in the year 1976. Thereafter, Haryana mooted the construction of SYL canal to carry the waters allocated to it. However, there was no progress from Punjab side. Ultimately, an agreement was signed among Punjab, Haryana and Rajasthan. The construction of SYL Canal was inaugurated on 11th April, 1982. Thereafter, the situation became tense which ultimately led to the Punjab settlement, popularly known as Rajiv Longowal Accord. It was this Accord which provided for the water allocation by a Tribunal. The Tribunal submitted its Report in 1987. As some clarifications were sought under Section 5(3) of the Act of 1956, even after 36 years, it has not come to any conclusion. So,

I want to say that it is not just a techno-legal but it is essentially a political issue. I hope this Bill will go a long way in addressing the issues as it provides for a new Tribunal to be formed and for the dissolution of the previous Tribunal dealing with Ravi-Beas waters.

SHRI PRATAPRAO JADHAV: Vidharbha is one the most backward areas of this country. Availability of water in this area is inadequate for setting up industries. If water is made available in this area through water-lifting technology then this area is likely to attract big industries which will ultimately help in mitigating the unemployment problem also. So, I would urge upon the Government to link the Wein Ganga Project to Pan Ganga so that the farmers of whole Vidharbha and Marathwara regions may be benefitted and potable water may also be made available to the people of this area. So, I support this Bill.

***SHRI P. RAVEENDRANATH KUMAR:** The rivers are separated by human beings, and their flow is affected due to several situations in the States besides various political issues. Tribunals were set up for resolving such issues. But the disputes are on the rise despite the continuous efforts of these tribunals. This Bill has been brought in order to find a permanent solution to these river-water sharing related issues. I am duty-bound to place mainly four demands pertaining to Tamil Nadu for the consideration of Hon. Minister on behalf of my AIADMK party and the Tamil Nadu Government. I urge that this Bill should not

* Original in Tamil

be affecting the rights of the State Government as enshrined in the Constitution of India. Water-starved States affected by severe drought and monsoon failure should be given priority. When a particular State wishes to construct a dam on rivers, that State Government should get the consent of the neighbouring States or the lower riparian States. Any State wishing to construct a dam should also get the approval of the Chief Minister and the recognized political parties of the affected State. I request the hon. Minister to consider my demands pertaining to Tamil Nadu.

SHRI SUKHBIR SINGH JAUNAPURIA: I support this very important Bill as this Bill has been brought to simplify and streamline the justice delivery system in inter-state river water disputes. Under the provisions of this Bill, various tribunals have been subsumed into a single permanent tribunal. The Eastern Rajasthan Canal Project is a very important project and it is also the lifeline of the farmers. Under this project, water for drinking and irrigation purposes are proposed to be provided in the 13 districts of Rajasthan. So, I would like to urge upon the Government that this project should be included in the national projects and work pertaining to this project should be completed at the earliest so that the people of Rajasthan may get drinking water. In addition to that, Ishabda Dam is related with my district which is proposed to be completed into two phases. I would request the Government to complete it at the earliest. Under this project, landlords-farmers should be provided compensation as per the provisions of the new Land Acquisition Bill so that their displacement process may be completed.

Apart from that, a dam project on Dubbi Banas river in Sawai Madhopur should be approved so that water for drinking and irrigation purposes may be made available in our area.

SHRI GAJENDRA SINGH SHEKHAWAT replying said: About 21 Members expressed their views on the Inter-State River Water Disputes (Amendment) Bill, 2019 which was brought in to ensure the resolution of disputes in a time bound manner. This Bill provides that the award given in sync with the constitutional provisions will be treated equivalent to the decree given by the Supreme Court even without it being published. I would like to assure the hon. Member and this House that the Government of India does not have any intention to outsource the data. We have not changed any provision of the Section 6(a) of the existing Act in any way. So the Cauvery Water Management Authority, Narmada Control Authority and such other institutions constituted under this Section will continue to exist as before. The present Bill clearly provides that the number of benches will be decided as per the number of disputes. It has already been decided that the tribunal will comprise of 8 members. In my opening remarks, I had said that we are going to subsume 5 tribunals. A member may serve as the member of multiple benches. According to the scheme provided in this Bill, the Chairperson or the Deputy Chairperson will head the Bench and will definitely, be from judiciary. An hon. Member asked as to why the headquarters of all the Benches are located in Delhi only. In this regard, there is a provision in the

Section 4(e) that the Chairman of any Bench may hear the dispute in any city of the country, if he desires so. All the hon. Members have unanimously accepted that the distribution of river water, especially the distribution of water of inter-state rivers is a complex issue. The complexity of the issue makes it imperative for us to provide for a timeline of 1.5 years for the resolution of the disputes. I accept that one more law is required to be formulated to avoid the necessity of any intervention by the court after the award is given by the tribunal. A concern on the implementation of the award given by the Tribunal was also expressed. Keeping it in view, Section 6(a) has been inserted herein. It is not totally true that the award given in the Cauvery River Water Dispute has not been implemented. We formed the Cauvery Water Management Authority and constituted a Water Regulation Committee as well after the award was given. Both of them have started functioning. So far as reliable data is concerned, the Government of India has set up Water Informatics Centre where all the data of the country will be maintained. I have tried to respond to all the issues raised by the hon. Members. We will certainly have to brood over the management of water because neither the Tribunal nor the court can create water. Hence, we all need to think about this country as a whole by leaving aside the concern of our respective States. What will be the scenario of water in India after 30 years should also figure as an issue in this process. We will be able to find out a solution to this problem if we direct our line of thinking towards it. Such disputes are bound to exist in the basin which is

deficient in water. We all will have to work together to this end. We have brought in this Bill in order to ensure the time-bound, effective and transparent resolution to the disputes which have been lying pending for several years. Once again, I would like to urge upon all the hon. Members to pass this Bill with consensus. This Bill has also got a provision to set up a tribunal in case some dispute arises and the concerned state approaches the Government in future. One hon. Member made a mention of non-supply of water even during stress period. If the water will be available, it must be supplied. However, we all have to sit together and devise ways and means to ensure strict enforcement of the applicable rules in this regard. Another hon. Member raised an issue about the reliability of the data. In fact, the Government has laid down a new system to enhance the reliability of the data. A new platform has been created clubbing together the data of the CWC and the IMD. Another Member has talked about the tenure of Members. It has been asked as to why the tenure of the Members has been linked with award. If a Member works in the bench of another tribunal then his tenure will continue. We already have the National Water Policy in India and 70 thousand TMC water flows into the ocean. This is a matter of serious concern that a part of India witnesses famine but the other part experiences the devastating flood annually. All such issues can be resolved if we all come together.

The Bill was passed.

**THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED
OCCUPANTS) AMENDMENT BILL, 2019**

THE MINISTER OF STATE OF THE MINISTRY OF HOUSING AND URBAN AFFAIRS; MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI HARDEEP SINGH PURI) moved that the Bill further to amend the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, be taken into consideration. This legislation, enacted in 1971, has already been amended on five earlier occasions. The residential accommodation is a perquisite of office and a privilege which certain sections of our society like hon. Members of Parliament, Ministers of the Governments, public servants, Central Government employees enjoy. The general pool of residential accommodation has a total of 15,416 residential accommodations under its quota. Currently we have a total of 3081 cases which are in litigation. This constitutes 20 per cent of the overall size. Therefore, It is in intended, through this amendment, to ensure three specific changes which will ensure that the occupants will be left with very little option but to voluntarily move out. But let me explain as to why this situation is arising. During the notice period the unauthorized occupant goes to a court and getting a stay order. We are therefore utilizing an existing provision which provided for summary notice. The Government, therefore, proposing three

specific amendments. The first amendment is to introduce a new definition in the Act. These are essentially only for residential accommodation. The second proposed amendment is to insert a new section in the Act, after Section 3A, a Section 3B to provide for eviction from residential accommodation on a summary basis by the estate officer. A period of three days will be a notice period. The third amendment is again flowing from the first two amendments that for the period that the unauthorized occupants has been in possession of the premises because he or she may get a stay order, damages will be calculated in terms of the period of unauthorized occupation. I would recommend that this Bill be considered for discussion and eventual adoption.

SHRI ADHIR RANJAN CHOWDHURY *initiating said:* This Bill is basically focused on three features, residential accommodation as depicted by the hon. Minister, notice for eviction and order of eviction & payment of damages. That means, some deterrent measures have been explored in order to expedite the process. I would draw the attention of the hon. Minister to certain shortcomings. The Bill does not quantify the damages to be paid for every month of overstay when an appeal is filed against the eviction order. Section 5 of the principal Act contains a provision allowing for an additional 15 days to vacate the premises after issue of the order. However, this applies to eviction from public premises and no such provision has been provided for residential accommodation/occupation under Section 3(d). I urge the Government that all the powers should not be entrusted

upon the Estate Officer. Some sort of redressal mechanism should be put in place. Otherwise, representatives like me would again be embarrassed. I only wanted to suggest two or three points so that the Bill becomes more streamlined and effective.

SHRI PARVESH SAHIB SINGH VERMA: This Bill is for the common welfare. While filing election nomination one must give an affidavit that till the time he/she holds the office, he/she will enjoy the Government facilities and the day he/she relinquishes the office, he/she will vacate the official accommodation. First of all we should act as a moral citizen. Thousands of people are in the waiting list. Still there is ten years waiting time. This Bill is not only for accommodation but it is for every piece of land which is in Delhi. There are more than 500 pieces of land in Delhi which have been illegally occupied. I urge the hon'ble Minister to form a special investigation team in this regard.

SHRI KALYAN BANERJEE: Prima facie, it appears from a reading of this Bill that the Bill is very innocuous, but it is not so. It seems as if it is restricted to the Members of Parliament, but it is not so. This Bill's effect is up to the ground level public servants. Now, the main objection is that he is going to the court. Let us assume that a person has been dismissed from service illegally, and he goes to the court to get a stay. Do you think that the court is granting stay blindly unless a case is made out by someone? I am saying that it is a draconian law. Unbridled discretionary power has been entrusted or given to the Estate Officer. This power,

which has been given under Clause 4, is capable of being exercised arbitrarily. One Estate Officer will fix a particular amount as damage and another Estate Officer will fix another amount as damage. There needs to be clarification on certain points. Suppose a dismissal has taken place. A person has gone to the court. He has not got the stay immediately. He is staying in the accommodation. After six months, he has succeeded in the case. Will you evict him? Or will you impose damage? Will that period be treated as unauthorized? Secondly, how much time are you giving to him? It must be of statutory one. One must know this. Clause 4 of the Bill is a draconian law and I am opposing this Bill on this ground because the estate officer is given unbridled capricious power to impose damage without laying down the guidelines and it is capable of being exercised arbitrarily.

SHRI KANUMURU RAGHURAMA KRISHNARAJU: There are almost 3,500 houses out of 15,000 houses to get vacated. There is a clause in the Bill which says that if some temporary structure is made on some premises, it has to be demolished at the cost of whoever has stayed there. I have another suggestion to make. Let there be a special Committee to review the genuineness on case-to-case basis. But whoever goes to court in order to get more time should be imposed a penalty of double the market rent. Then only the new MPs would get houses.

SHRI PINAKI MISRA: The fact that there are 3,081 such cases shows that the law simply is not strong enough and it does not have enough teeth. I

would urge the hon. Minister to seriously consider that there should be, as in many other cases and in many other Acts, a bar of civil court jurisdiction in cases relating to Public Premises Act. I agree that you left the charges and the damages as indeterminate, which is wrong. According to me, you should determinate the charges. I believe that there are one or two things that the hon. Minister left in the realm of a little bit of subjectivity. For instance, you said, in section 3B that the estate officer must forthwith issue notice in writing. Now, for an estate officer, 'forthwith' could mean anything. 'Forthwith' must be replaced with 'within 12 hours or 24 hours'. The person must be immediately put on notice. Please bring in as draconian a law as possible because people who are in public service must set an example, and if they do not set an example, then they must pay dearly for not setting that example.

SHRI NAMA NAGESWARA RAO: Some people are selling 15 to 20 years old properties with the help of fake documents. Some cases of sale of government properties by creation of fake documents have also come to light. Hence legislation was required in this regard. I would like to request one thing that some extra rooms and offices built in certain premises should not be demolished because new occupant would be making extra investment. So this provision needs a relook. I support this Bill.

SHRIMATI SUPRIYA SADANAND SULE: This is a bill which I will definitely support. I come from Maharashtra and traditionally most people leave

their homes within 48 hours. There is nothing to be glorified in it. I think the Bill is very commendable; it is very important and relevant. I have just two queries to ask. One is that most of these bungalows which are occupied by Members of Parliament or bureaucrats are heritage properties. It is the heritage of India. It is something that we have all inherited and several people have looked after it well. So, we support this wholeheartedly. The Government should not encourage a loophole which would add to corruption.

SHRI RAJENDRA DHEDYA GAVIT: This public property eviction law was made in 1971 and it was brought again in 2017. Today, it has been brought again here and for that, I would like to thank honourable Minister. Government assets are for the execution of social obligations. Through the amended law, it will be possible for the new allottees to receive the government facility quickly. There are many types of government assets in the country. But, it is seen that people illegally possess these assets for many years and it makes significant loss to the revenue of the Government. My Parliamentary Constituency is Palghar. The population of that area has increased upto around 20 lakh. The city, Vasai-Virar near Mumbai is also known as third Mumbai city. Illegal works are being done in many places which are under Government control. We have to protect the Government land. So, I support this Bill.

SHRI JANARDAN SINGH SIGRIWAL: The unauthorized occupants in the government accommodations are required to be evicted as per the provisions of

PPE Act, 1971. This process generally takes very long time. So, there was urgent need for such an Act. Hence, due to absence of any such Act, people stayed in the government accommodations in unauthorized capacity and used to go to court in case of getting notice from Estate officer. These cases take very long time and people continue their unauthorized stay in government accommodations. There are a number of merits in this Bill. Unauthorized stay of people in government accommodations also results in loss of revenue for the government. The government has to pay allowance to those who have not been allotted government accommodations. There are also cases of misuse of government accommodation in Bihar. But the present government has taken back these accommodations and has used it for opening schools for the dalits and underprivileged people.

SHRI RAM MOHAN NAIDU KINJARAPU: As MPs, we all can agree that we face this difficulty in finding homes for ourselves when we come to Delhi. The Supreme Court has also observed that over-staying in the premises directly infringes on the rights of others. But, I have some concerns. One of them is Section 3(b)(a) where it talks about three working days. I feel that it may be extended to five working days. Other than that, the explanation of the term, 'damages' and what needs to be paid are not clear. As per my knowledge the time for eviction is different for bureaucrats and Members of Parliament. MPs have been given approximately one month's time. There should not be different categories.

SHRI SHANKAR LALWANI: I support this Bill. This Bill is for authorized persons entitled for government accommodations, be it bureaucrats or Ministers or Members of Parliament. It is often observed that Members of Parliament, Ministers and Government officers take long time in evacuating the government accommodations after completing their term in office. When we were elected as Members of Parliament, we were asked to fill up our priority for government accommodation. But we observed that our priority is not getting fixed due to unauthorized occupants in the government accommodations. I hope that we will soon get new accommodation after this Bill is passed.

SHRI N.K. PREMACHANDRAN: I rise to support the Bill but with strong observations. I would like to know from the hon. Minister what is the criteria by which only the Members of Parliament and officers and staff of both the Secretariats of Lok Sabha and Rajya Sabha are being made to vacate their premises in this way. A new clause is being incorporated that is clause 3A. It is interesting. The Estate Officer is entitled to recover compensation or damages from the person who is in unauthorized or illegal occupation. But why are you incorporating this section in the Bill? If you are challenging the order in the court, then definitely you will be responsible and you will have to pay the compensation. What are the criteria and norms for fixing the compensation? After the expiry of the stipulated time one is given just three days to give a reason for not vacating the premises.

You should at least give 30 days to a Member of Parliament or to a staff of the Secretariat of both the Houses.

SHRI ANIL FIROJIYA: It is concerned not only to Delhi but the whole country also. The officers or the employees who are in possession of government accommodation do not want to vacate it. They want to retain their accommodations for a long time even after their retirement. Whenever an action is taken against them, they go to court and get a stay order from the court either on medical ground or some other family problems. They face difficulties in getting an accommodation. The Members of Parliament, the employees or the officers are supposed to get a government accommodation.

SHRI RAJIV PRATAP RUDY: If the law was present, then it should have been brought much before. There are 15000 houses for government employees and out of these 3000 houses are under eviction process. A government servant, when he is about to retire manoeuvres, to grab a constitutional post, so that he could be entitle to retain his accommodation after getting the post. The government should make a provision for providing a rental accommodation in open market for the persons seeking extension of their services after attaining 60 years of age. I think that the government will definitely think about the practice of retaining designated houses or accommodations on the pretext of government service. There should be only two categories of accommodations for the Members of Parliament and allot from whatever category you want. Let the government construct the

Type-7, Type-8, Type-9 or Type-10 houses for the officers or the Ministers. The categorization of accommodations in government of India must be stopped.

THE MINISTER OF STATE OF THE MINISTRY OF HOUSING AND URBAN AFFAIRS; THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI HARDEEP SINGH PURI) *replying said:* I would take this opportunity to resolve the issues raised by the Hon. Members on Public Premises (Eviction of Unauthorized Occupants) Amendment Bill, 2019. Some Hon. Members have raised the issue that the Bill does not quantify the damages payable. Actually the Bill does not need to quantify the damages because the damages are quantified elsewhere. So far as the issue of their being very low is concerned, I would examine it after the passing of this Bill. Various Members have spoken about the three days' notice period. The three days' notice period will be given only after all other means of persuasion were exhausted. The culture of impunity exhibited by the officials in vacating government accommodation needs to be tackled. A Member has mentioned the need for establishing SIT. SIT is already there. I would also like to mention the coverage of the ACT. The Act applies to all public premises but the amendment that we are bringing in today applies only to the residential accommodation occupied by the Government Officers, the Members of Parliament etc. So far as judiciary is concerned members of the Courts also occupy accommodation but

they manage it themselves and retired judges never decide to stay in the official accommodation. I would also like to clarify that Estate Officers are gazetted officers and Gazette notifications are always issued. A question was also raised whether surveys and routine checks are carried out. I would like to say that we are carrying out checks all the time. As asked by an Hon. Member I would like to mention that against the demand of 77199 government accommodations there is shortage of 15416 houses and 3081 cases are under litigation. I would like to assure the House again that we are going to implement the three days' notice period in a very soft and humane manner and the cases of medical or any other emergency are decided in our Cabinet Committee on Accommodation. I would like to clarify one more thing that designated accommodation is only meant for certain specified people and we will not subscribe to that if certain families or certain officials choose to keep on to a house.

The Bill was passed.

SNEHLATA SHRIVASTAVA
Secretary General

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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