

MOTION FOR ADJOURNMENT ✓

Re: GOVERNMENT OF ANDHRA

Mr. Speaker: I have received notice of an adjournment motion from Mr. Gopalan. The subject is as under:

"Failure of the Union Government to give proper direction to the Governor of Andhra State in the matter of calling the Opposition Leader to form a Government when a no-confidence motion was passed against the Prakasam Ministry and the consequent dissolution of the Legislature of the State and the disregard of the conventions of parliamentary democracy and constitutional provisions involved in it thus resulting in the President's rule in the State." ✓

Well, I have my doubts as to how far such a motion can be admissible in this House. I believe the President acts on the Governor's report and if the Governor reports failure all that remains for the President to do is either to ask him to reconsider and try again or to proceed further. My point is it is entirely a matter for the Governor of the province—a matter within his discretion. The President has to act on whatever the Governor reports and I am, therefore, doubtful as to how far such a motion can be admitted in this House. How can there be a discussion on the conduct of the Governor in reporting failure or otherwise? But whatever that may be, I express my doubt. ✓

But there is another reason why this motion could not be now allowed at this stage, because the hon. the Home Minister has just placed a proclamation on the Table of the House. And I believe he is going to move a resolution asking this House to approve the proclamation. So, there is ample scope for discussion of all these matters which are referred to when the resolution comes before the House for consideration. I do not think we need take any

time over the consideration of this motion at this stage.

Shri A. K. Gopalan (Cannanore): May I know when the resolution will be placed before the House? May I request that it may be placed as soon as possible?

The Minister of Home Affairs and States (Dr. Katju): I have already intimated officially to the Parliament Secretary that they might fix a date for the purpose of discussion of that resolution. I shall welcome a very early discussion.

Mr. Speaker: I know the Lok Sabha Secretariat has received an intimation: that is why I came to know about this resolution. Now it will be for the Government to place it as early as possible.

Shri K. K. Basu (Diamond Harbour): In your ruling you expressed your doubt on the first point. May we know the reason why you do not consider it admissible?

Mr. Speaker: I merely expressed my doubt. My view, *prima facie*, is that such a motion will be inadmissible. Because I did not want to be misunderstood that I thought the motion was admissible and yet I did not permit a discussion because a resolution was coming, I wanted to be clear on that point. Therefore, I expressed a doubt and stopped there. But I have not ruled anything about it.

Shri K. K. Basu: So, that point is open otherwise?

Mr. Speaker: If and when an occasion arises again—God forbid, I should say—we shall discuss it.

Dr. Rama Rao (Kakinada): May I make a submission?

Mr. Speaker: On what?

Dr. Rama Rao: On the admissibility of the adjournment motion.

Mr. Speaker: When the occasion arises the point will be open for

[Mr. Speaker]

discussion. I am not giving any ruling which will be binding.

Dr. Rama Rao: I want to make a submission on the admissibility of the adjournment motion.

Mr. Speaker: I said it is unnecessary now. I am not ruling it out. I am only not admitting it. I only want it to be clear, so that it may not be argued later that the implication of my declining to give my consent at this stage is that the motion was admissible, but I did not allow discussion on other grounds. So I have practically reserved that point for hon. Members to argue if and when an occasion arises.

We will now proceed with the further business of the House.

GOVERNMENT PREMISES (EVICTION) AMENDMENT BILL

The Minister of Works, Housing and Supply (Sardar Swaran Singh): I beg to move:

"That the Bill further to amend the Government Premises (Eviction) Act, 1950, be taken into consideration."

Shri K. K. Basu (Diamond Harbour): Let the House be adjourned for some time.

Mr. Speaker: It is not a good precedent to adjourn the House. The best course is for Members to walk away very slowly and without making any noise.

Sardar Swaran Singh: Sir, this Bill seeks to amend the Government Premises (Eviction) Act, 1950. The object is two-fold. Firstly, it seeks to amend the definition of "premises" so as to cover not only the lands belonging to the Delhi Improvement Trust but also the buildings owned by the Delhi Improvement Trust. Secondly, it seeks to authorise the eviction of persons who continue to

be in occupation of the premises allotted to them even after the due determination thereof.

So far as the second amendment is concerned, it has been necessitated by the fact that recently in a case decided by the High Court of Bombay it was held that sub-section (1) of section 3 of the Act does not authorise the eviction of a person who continues to be in occupation of the premises allotted to him even after the due determination of allotment, because he was not a person in unauthorised occupation of the premises within the meaning of clause (b) of the said sub-section. The intention of the section had always been that such persons should be deemed to be in unauthorised occupation of the premises.

Shri S. S. More (Sholapur): What is that case?

Sardar Swaran Singh: The object of the amendment under consideration is to make our intention clear in this respect. I have no intention to put forward any elaborate arguments, in support of it because the person continues to be in unauthorised occupation irrespective of the fact that initially he was in authorised occupation of that premises. Therefore, it is felt that the interpretation which was put on this provision by the Bombay High Court is not in consonance with the intention of the legislature.

So far as the first amendment is concerned, all that I need say at this stage is that the Delhi Improvement Trust owns a number of buildings as also a number of plots of land. The present Act is applicable to plots of land. The intention by making the present amendment is that the buildings which are owned by the Delhi Improvement Trust should also come at par with the premises or the plots which are owned by Government. The Delhi Improvement Trust has been experiencing con-