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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रसंगसंकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 5th March, 1968:—

I

BILL No. XI OF 1968

A Bill to confer on the President the power of the Legislature of the State of West Bengal to make laws.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1 This Act may be called the West Bengal State Legislature (Delegation of Powers) Act, 1968.

Short title.

2. In this Act "Proclamation" means the Proclamation issued on the 20th day of February, 1968, under article 356 of the Constitution, by the President and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 322 of the said date.

Definition.

Confer-
ment on
the Presi-
dent of
the power
of the
State
Legisla-
ture to
make laws

3. (1) The power of the Legislature of the State of West Bengal to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as a President's Act a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of forty members of the House of the People nominated by the Speaker and twenty members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation of the President, dated the 20th February, 1968, the powers of the Legislature of the State of West Bengal are now exercisable by or under the authority of Parliament. Such legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of West Bengal to make laws for the State. The present Bill is intended to give effect to this proposal.

NEW DELHI;
The 1st March, 1968.

Y. B. CHAVAN.

II

BILL NO. VI OF 1968

A Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1968.

Amend-
ment of
section 2.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (hereinafter referred to as the principal Act), 32 of 1958. for clause (b), the following clause shall be substituted, namely:—

‘(b) “public premises” means any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government; and includes—

1 of 1956,

(1) 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 fifty-one per cent. of the paid-up share capital is held by the Central Government; and

(2) in relation to the Union territory of Delhi—

(i) any premises belonging to the Municipal Corporation of Delhi or any municipal committee or notified area committee, and

(ii) any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by, the said Authority;.

3. In section 3 of the principal Act, in clause (a), for the words "or officers of equivalent rank of the Corporation", the words "or officers of equivalent rank of any company or the Corporation" shall be substituted. Amendment of section 3.

4. After section 10D of the principal Act, the following section shall be inserted, namely:—

"10E. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorised occupation of any public premises or the recovery of the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or costs awarded to the Central Government under sub-section (4A) of section 9 or any portion of such rent, damages or costs." Insertion of new section 10E.
Bar of jurisdiction.

STATEMENT OF OBJECTS AND REASONS

Recently the Supreme Court in Northern India Caterers Private Limited Vs. State of Punjab (A.I.R. 1967 S.C. 1581) declared section 5 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1959 void on the ground that the section was discriminatory and violative of article 14 of the Constitution, inasmuch as it conferred an additional remedy over and above the usual remedy by way of suit and provided two alternative remedies to the Government, leaving it to the unguided discretion of the Collector to resort to one or the other. The object and the procedure prescribed by the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 are also similar to those of the Punjab Act. In view of this it is felt that in order to meet the objection raised in the aforesaid judgment of the Supreme Court regarding the validity of the Punjab Act, suitable amendment should be made to the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 so that the alternative remedy by way of suit that may be resorted to by the Estate Officer in his discretion is taken away.

2. The expression "public premises" as defined in clause (b) of section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 does not include premises belonging to public sector undertakings, namely, Government companies in which the Central Government holds at least fifty-one per cent of its paid-up share capital. These bodies are also faced, from time-to-time, with the problem of unauthorised occupation of their premises by unauthorised persons. It is impossible for such bodies to take speedy action even in flagrant cases of unauthorised occupation of their premises. It is, therefore, considered necessary to invoke the speedy machinery of the Act for the eviction of persons who are in unauthorised occupation of the premises belonging to such bodies by suitably amending the definition of the expression "public premises".

3. The Bill mainly seeks to achieve the above objects.

NEW DELHI;

JAGANATH RAO.

The 16th February, 1968.

B. N. BANERJEE,
Secretary.