

Title: Regarding the notice of Adjournment Motion regarding the dismissal of the duly elected Government of Shri Manohar Parrikar, Chief Minister of Goa by the Governor of the State. (Speaker withheld his consent to the notice).

11.30 hrs

The Lok Sabha re-assembled at thirty minutes

past Eleven of the Clock.

(Mr. Speaker *in the Chair*)

OBSERVATION BY THE SPEAKER

NOTICE OF MOTION FOR ADJOURNMENT

MR. SPEAKER: Hon. Members, I am thankful to the hon. leaders of different parties. They came and met me in my Chamber. There was a request from all sides and it was agreed to by all that the House may be adjourned till tomorrow. But before I announce that adjournment of the House, I wish to give the ruling on the Adjournment Motion.

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): Mr. Speaker, Sir, I would abide by your decision. But I have also given a notice of an Adjournment Motion on one subject, and if you allow, I would like to mention it here.

MR. SPEAKER: You have to do it tomorrow because the House is being adjourned now.

SHRI KINJARAPU YERRANNAIDU : Okay, Sir.

MR. SPEAKER: Hon. Members, I have received a notice from Shri L.K. Advani expressing his intention to move an Adjournment Motion regarding the dismissal of the duly elected Government of Shri Manohar Parrikar, Chief Minister of Goa by the Governor of the State.

I have heard hon. Shri Advani and some hon. Members on the issue of admissibility of the notice. As per Rule 56 of the Rules of Procedure and Conduct of Business in Lok Sabha, Adjournment Motion is an extraordinary device, which if admitted, leads to setting aside the normal business of the House for discussing a definite matter of urgent public importance.

Rule 56 has to be read in consonance with sub-rules (vii) and (viii) of Rule 58, and such a reading would make it clear that the right to move the Adjournment Motion in the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions:

"The motion shall not deal with any matter which is under adjudication by a court of law having jurisdiction in any part of India; and the motion shall not raise any question, which under the Constitution or these rules, can only be raised on a distinct motion by a notice given in writing to the Secretary-General."

I have to inform the House that I have a communication from the Government informing that a Writ Petition (C) No. 78 of 2005 -- Manohar Parrikar *versus* State of Goa and Others, in this regard, is under consideration of the hon. Supreme Court. The matter is *sub judice*.

I may also inform the House that on an earlier occasion , *i.e.*, on 27th November, 1996, notices of Adjournment Motion, given by Shri Atal Bihari Vajpayee, the then Leader of the Opposition, and five other hon. Members seeking to raise issues *inter alia* relating to the alleged unconstitutional action of the Governor of Uttar Pradesh and continuation of the President's Rule in the State were also disallowed by the Chair *inter alia* on the ground that the matter is *sub judice* in the Allahabad High Court.

As per Kaul & Shakhder, page 512, it has been held by the Speakers from time to time that conduct of the Governor of a State could not be raised by way of an Adjournment Motion.

In view of these facts, I withhold my consent to the notice of Adjournment Motion.

The House stands adjourned till 11.00 a.m tomorrow.

11.33 hrs.

The Lok Sabha then adjourned till Eleven of the Clock

On Wednesday, March 2, 2005/Phalguna 11, 1926 (Saka)
