

States can't enact law on parliamentary secretaries: SC- The New Indian Express

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Supreme Court. (File photo)

NEW DELHI: The Supreme Court on Wednesday ruled that state assemblies hold no power to enact a law that enables them to appoint parliamentary secretaries.

A three-judge bench of justices J Chelameshwar, R K Agarwal and A M Sapre gave the ruling while hearing pleas challenging the appointment of 13 MLAs as parliamentary secretaries by the Assam government in 2015. The verdict would also have an impact on the Aam Aadmi Party government's decision to appoint 21 MLAs as parliamentary secretaries.

The Delhi High Court too had quashed their appointments, saying 'it lacked the approval of the lieutenant governor'.

The matter is currently pending before the Election Commission of India. All 21 MLAs may be disqualified if the poll body finds that AAP MLAs serving as parliamentary secretaries was a case of holding an office of profit. The question posed before the court was whether Article 194(3) and Entry 39 of List II of the 7th Schedule authorised the state legislature to make the impugned Act.

Entry 39 indicates the field of legislation regarding the powers, privileges, and immunities of the house of legislatures. The bench in its 39-page verdict observed that the legislature of Assam lacked the competence to make the impugned act, and declared it unconstitutional.

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