

12.48 hrs.

ESTIMATES COMMITTEE
MINUTES

SHRI THIRUMALA RAO (Kakinada) : I beg to lay on the Table Minutes of the Seventh, Sixteenth, Seventeenth and Thirty-fifth sittings of the Estimates Committee relating to the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment)—Employees' Provident Fund Organisation.

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, यह जो लगातार रिपोर्ट आती हैं उनके बारे में मैं कहना चाहता हूँ कि पब्लिक अण्डरटेकिंग्स कमेटी के द्वारा जो रिपोर्टें देनी हैं हल्दिया, बरोनी रिफाइनरी के बारे में उनके सम्बन्ध में आप चेयरमैन को आदेश दीजिये कि वह जल्दी दें। मिनिस्टर साहब कहते हैं कि जब तक रिपोर्ट नहीं आयेगी, मैं कुछ नहीं करूंगा।

12.49 hrs.

MATTER UNDER RULE 377
APPOINTMENT OF ADVISERS TO WEST BENGAL
GOVERNOR

SHRI JYOTIRMOY BASU (Diamond Harbour) : Sir, under Rule 377, I beg to mention the following.

The Governor of West Bengal, under the President's rule has delegated his powers to five of his newly-appointed advisers, giving the people to understand that they are forming a mini-cabinet and portfolios have been distributed amongst the said advisers. The Governor for himself has retained judicial and legislative departments and matters relating to the high court. Shri M. M. Basu, the Chief Secretary, who is one of the advisers, has revealed that the Governor will preside over the regular meetings of the advisers almost on the same lines as the cabinet meets.

The Parliament, under Article 356(a), has

conferred on the President the power to delegate subject to such conditions as he may think fit to impose, the power so conferred to any other authority to be specified by him in that behalf. But there is no provision of authority for the Governor to delegate his powers to the advisers or any body else to act in his behalf. It could, therefore, be maintained that the steps taken so far by the Governor in appointing his advisers and empowering them and allotting portfolios to them are without authority and completely outside the jurisdiction.

In Article 356 of the Constitution which empowers the President to assume by a proclamation to himself or any of the functions of the Government of the State, it is clearly stated.

"Provided that nothing in the clause shall authorise the President to assume to himself any of the powers vested in or exercisable by the High Court or to suspend in whole or in part the operation of any provisions of this Constitution relating to High Court."

We note in this regard that the Governor, Mr. Dhavan, has retained for himself judicial and legislative departments and matters relating to the high court. This is a flagrant violation of the provisions of the Constitution which governs the imposition of the President's rule in West Bengal.

It is also clear under what provisions of the Constitution the Governor is entitled to appoint Advisers. Article 309 is the only article providing for recruitments and conditions of service of persons serving the Union or the State. Selection of these advisers are under the circumstances unconstitutional, irregular and without any authority. The selection of these advisers and fixation of their terms of service and remuneration is arbitrary and without any sanction of law and is therefore untenable.

श्री मधु लिमये (मुंगेर) : हिन्दुस्तान स्टैंडर्ड में मैंने कल पढ़ा कि चीफ सेक्रेटरी पद