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SC strikes down Act to pacify unhappy legislators



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In a significant judgment the Supreme Court on Wednesday called unconstitutional a law in Assam that paved the way for appointment of parliamentary secretaries in the rank of minister of state ([/taxonomy/term/2332](#)) to pacify the disgruntled ruling party legislators enacted in 2004.

A division bench of the country’s top court comprising Justice J Chelameswar, Justice RK Agrawal and Justice AM Sapre said that the legislation was unwanted in Assam to create these posts of parliamentary secretaries.

The court said, “Article 194 does not expressly authorise the state (/taxonomy/term/2332) legislature to create offices such as (/taxonomy/term/2291) the one in question.”

The Act (/taxonomy/term/1974) allowed the government to accord the status of a minister of state (/taxonomy/term/2332) to the parliamentary secretaries. Hence the Court struck down the Assam Parliamentary Secretaries (Appointment, Salaries, Allowances and Miscellaneous Provisions) Act (/taxonomy/term/1974), 2004 where the then Chief Minister Tarun Gogoi (/taxonomy/term/2150) rehabilitated many loyalist legislatures.



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