

(c) whether solar energy is available in plenty in the areas of Jodhpur, Jaisalmer, Barmer, etc. and whether there is any plan to utilise the same on an extensive scale; if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, SPACE AND ELECTRONICS (SHRI SHIVRAJ PATIL): (a) to (c) The Seventh Plan is not yet finalised. The Annual Plan for development of non traditional sources of energy in the country including Rajasthan and its districts of Jodhpur, Jaisalmer, Barmer etc. provides for an outlay of Rs. 90 crores during 1985-86.

A feasibility study has been taken up for setting up solar thermal power plants in different regions of the country including Rajasthan. Technical details and cost of plants would be known after the feasibility report is available.

Introduction of Bill to amend article 311(2) of the Constitution of India

2754. SHRI N. E. BALARAM:

SHRI CHATURANAN MISHRA:

Will the PRIME MINISTER be pleased to state:

(a) whether Government are aware of the widespread resentment amongst Government employees over the recent judgement of the Supreme Court giving rights to Government to terminate the services of the Government employees even without a preliminary notice;

(b) whether Government propose to amend Article 311(2) of the Constitution of India and other relevant rules;

(c) if so, by when the bill is proposed to be introduced to nullify the judgement of the Supreme Court; and

(d) if not, what are the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL AND TRAINING, ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES AND PENSION AND IN THE DEPARTMENT OF CULTURE (SHRI K. P. SINGH DEO): (a) to (d) The National Council (Staff Side) of the Joint Consultative Machinery and some of the Associations of the Government employees have conveyed to Government their concern on the likely repercussions of the judgement delivered by the Supreme Court on 11th July, 1985 disposing of some civil appeal etc., in all of which the interpretation of the second proviso to clause (2) of Article 311 of the Constitution was involved. After considering carefully the implications of the Supreme Court judgement, Government are of the view that any apprehension of insecurity of tenure of service for Government servants arising out of this judgement is due to an inadequate appreciation of the various aspects of the judgement. The judgement of the Supreme Court only clarifies the correct parameters of the Constitutional protection granted to the Government servants under Article 311(2) in the matter of dismissal, removal or reduction in rank and does not in any way alter or abridge the Constitutional guarantee available to them in the matter of tenure of employment. While explaining the scope of the exceptions to Article 311(2) enumerated in the second proviso to that Article itself, the Supreme Court have also spelt out clearly the guiding principles to be followed by the competent authority, when action is taken under any of the three clauses of the aforesaid second proviso. The judgement does not also take away the right of the aggrieved Government servant to invoke departmental remedies and seek judicial review in appropriate cases. Government also propose to issue suitable instructions to all the administrative authorities for their guidance bringing out clearly the guidelines contained in the judgement for dealing with the exceptional cases covered by clauses (a), (b) and (c) of the second proviso to Article 311(2). The Government does not consider it necessary to amend Article 311(2) of the Constitution of India or other related relevant service rules.