

1

THE GENESIS, EVOLUTION AND STRUCTURE OF THE MINISTRY

Coordinating Agency in Parliamentary Democracy

In a parliamentary democracy, parliamentary work constitutes one of the important preoccupations of the government. The day-to-day working of the system makes large claims on the time and resources of the various administrative departments of the government. Though, at any given time, the Houses of Parliament may be concerned with a single legislative proposal or an issue of Government policy or the performance of a department in charge of an individual minister, the total parliamentary programme, over a period of time, covers numerous intricate issues (financial, legislative and non-legislative) concerning various Ministries/Departments of the Government. In order that this enormous and diverse parliamentary work may be handled efficiently on behalf of the Government in the Houses of Parliament, it is necessary to have a coordinating agency between Parliament and the Government as a whole. In India, this task is presently assigned to a full-fledged Ministry, known as the Ministry of Parliamentary Affairs in charge of a Cabinet Minister.

Genesis of the Ministry of Parliamentary Affairs

Before the Indian Independence Act, 1947 came into operation, the Secretary of the Ministry of Law, who used to be a nominated member of the Legislative Assembly, assisted the Leader of the House in the Central Legislative Assembly. The Legislative Department of the Government of India, *inter alia*, served as the coordinating agency between the Central Legislative Assembly and the entire Executive Wing of the Government.

2 *Handbook on the Working of Ministry of Parliamentary Affairs*

With the establishment of a popular and responsible Government on the passing of the Indian Independence Act, 1947, the Law Secretary ceased to be a member of the Assembly and functions of coordination devolved on the Government Chief Whip, who was, on the analogy of the practice obtaining in the House of Commons, appointed Secretary to the Leader of the Assembly. The functions assigned to him were:

- (1) to arrange Government Business before the House;
- (2) to maintain liaison between the Hon'ble Ministers and the other Members of the House in relation to official and non-official business before the Legislature;
- (3) to maintain contact with the Hon'ble Speaker and the Legislative Assembly Department in relation to Government Business;
- (4) to arrange priority for Government Business in consultation with the Hon'ble Ministers concerned and the Ministry of Law;
- (5) during the non-session period, to attend to arrangements connected with the holding of meetings of the various Select Committees in consultation with the Legislative Assembly Department and the Ministries concerned; and
- (6) generally, to act under the directions of the Hon'ble Leader.

On a realistic appraisal of the importance of the office of the Government Chief Whip, he was given the rank of a Minister of State from 14 December, 1948. Keeping in view the onerous functions assigned to the Government Chief Whip, and taking note of the fact that his counterpart in the U.K. had been provided with a separate staff and organisation to assist him, a small organisation, with a nucleus staff was created on 26 January, 1949 in the Ministry of Law to assist the Government Chief Whip in discharge of his functions. This office was designed to serve as a Secretariat to the Government Chief Whip. This arrangement was intended to be purely temporary till a separate full-fledged Department of Parliamentary Affairs, with the Government Chief Whip (designated as Minister of Parliamentary Affairs) as the administrative head of the Department, was formed on 16 May, 1949 by a Government Notification (**Annex I-A**).

Functions

When the Department of Parliamentary Affairs was created in the year 1949, its functions mainly consisted of:

- (i) efficient and smooth running of the parliamentary machinery;
- (ii) mapping out the time of the session and providing details of the Government's programme of business;
- (iii) to extract from the proceedings of the House, assurances, promises and undertakings given by Ministers on the floor of the House and to watch and report to the House the progress of action taken on these assurances from time to time;
- (iv) co-ordination of the activities of the Standing Committees attached to various Ministries; and
- (v) to act as an instrument of co-ordination effecting liaison between the various sections which come in contact with Parliament, such as between Ministers and the House, between the Speaker and the Members, and between the individual Members of the House.

On 3 April, 1952, when the Upper House (Rajya Sabha) was constituted, the Department of Parliamentary Affairs was made responsible for all the above functions in respect of that House as well.

With the passage of time, the functions of the Department of Parliamentary Affairs went on expanding. These functions in the year 1950 consisted mainly of the following:

- (i) providing secretarial assistance to the Parliamentary and Legal Affairs Committee of the Cabinet;
- (ii) liaison with the Speaker/Chairman and Parliament Secretariats;
- (iii) liaison with Ministries/Departments of the Government of India;
- (iv) discharge of responsibilities towards the Prime Minister as the Leader of the House; and
- (v) liaison with the Members of Parliament.

The functions of the Ministry expanded in 1954 when, on recommendations of the Ministry of Law, the work relating to

4 *Handbook on the Working of Ministry of Parliamentary Affairs*

subjects under entry 73 of the Union List, namely "Salaries and Allowances of MPs and Officers of Parliament", was transferred to the Ministry. Informal Consultative Committees consisting of Members of Parliament attached to various Ministries/ Departments were formed in the same year and the functions regarding the constitution and working of these Informal Consultative Committees devolved on the Ministry of Parliamentary Affairs. Later, in 1959, Informal Consultative Committees for the various Zonal Railways were also constituted and work relating to the constitution and working of these too was assigned to this Ministry. The nomenclature of Informal Consultative Committees was changed on 20 June, 1969 and these Committees were designated as Consultative Committees which provided a forum for Members of Parliament to have free and frank discussion with the Minister in charge as well as officials of the concerned Ministries regarding their policies, programmes and activities.

In 1956, the Ministry was allotted the following functions:

- (i) fixation of dates of summoning and prorogation of the two Houses of Parliament;
- (ii) timely preparation of the programme and business for the session through co-ordination of legislative proposals emanating from various Ministries;
- (iii) laying down priorities and order of Government Business for each House from day to day;
- (iv) determination of the House in which Bills, other than Money Bills, should originate and the timing and stages of their consideration (including reference of Bills to Select/Joint Committees);
- (v) broad allocation of time between Legislative and non-Legislative Business;
- (vi) implementation of assurances given by Ministers in Parliament;
- (vii) determination of Government stand on recommendations made by Parliamentary Committees in their reports;
- (viii) to advise Ministries on procedural matters and on state of business in the House; and

- (ix) to maintain informal contact with Leaders of Opposition/groups and to ascertain their views on allocation of time for various discussions and to render assistance to individual Members interested in discussions on specific problems of public importance.

As on 1 March, 1973, the functions of the Ministry, allocated by the President under article 77(3) of the Constitution, were as follows:

- (1) Dates of summoning and prorogation of the two Houses of Parliament, dissolution of Lok Sabha, President's address to Parliament.
- (2) Planning and co-ordination of Legislative and other official business in both Houses.
- (3) Allocation of Government time in Parliament for discussion on motions given notice of by Members.
- (4) Liaison with Leaders of groups and Deputy Chief Whips.
- (5) Lists of Members of Parliament on committees and other bodies set up by the Government.
- (6) Appointment of Members of Parliament on committees and other bodies set up by the Government.
- (7) Functioning of Consultative Committees of Members of Parliament for various Ministries.
- (8) Implementation of assurances given by Ministers in Parliament.
- (9) Government's stand on Private Members' Bills and Resolutions.
- (10) Secretarial assistance to the Cabinet Committee on Parliamentary Affairs.
- (11) The Salaries and Allowances of Members of Parliament Act.
- (12) The Salaries and Allowances of the Officers of Parliament Act.
- (13) Advice to Ministries on procedural and other parliamentary matters.
- (14) Coordination of action by Ministries on the recommendations of general application made by Parliamentary Committees.
- (15) Officially sponsored visits of Members of Parliament to places of interest.

6 *Handbook on the Working of Ministry of Parliamentary Affairs*

- (16) Matters connected with powers, privileges and immunities of Members of Parliament.

In 1976, the Ministry was made responsible for the work relating to the Manual for Handling Parliamentary Work in Ministries/Departments. This work was transferred from the Department of Personnel and Administrative Reforms.

For the first time, the offices of the Leader of Opposition in the Lok Sabha and the Rajya Sabha were created on 1 November, 1977 by an Act of Parliament and the work relating to the salary and allowances of the Leaders of the Opposition in Parliament was assigned to this Ministry.

In December, 1985, the following two Items were added to the list of functions allotted to this Ministry, after entry 16 thereof:

- (17) The Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (33 of 1977).
(18) Parliamentary Secretaries - functions.

In 1990, a scheme comprising a National Youth Parliament Competition for Kendriya Vidyalayas and the Nehru Parliamentary Quiz Contest was launched by the Ministry.

On 23 September, 1992, determination of policy and follow-up action in regard to matters relating to Zero Hour became part of the functions allotted to this Ministry.

Training courses in Parliamentary procedure and practices for officers of State Governments were initiated by the Ministry in 1994.

Thus in January, 1997, the following items of work were allocated to the Ministry by adding them after entry 18 as under:

- (19) Organisation of Youth Parliament Competitions in Schools/Colleges throughout the country.
(20) Organisation of All India Whips' Conference.
(21) Determination of policy and follow-up action in regard to matters raised under Rule 377 of the Rules of Procedure and Conduct of Business in Lok Sabha and by way of Special Mentions in the Rajya Sabha.
(22) Manual for Handling Parliamentary Work in Ministries/Departments.

In 1997, a scheme for National Youth Parliament Competition for Jawahar Navodaya Vidyalayas as well as Universities/Colleges was launched by the Ministry. In 1999, the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998 was passed. The functions of the Ministry at present, as per the Government of India (Allocation of Business) Rules, 1961 (Notification dated 6 January, 2004) are as at **Annex I-B.**

Nomenclature of the Department

The Department of Parliamentary Affairs was re-designated as the Ministry of Parliamentary Affairs in 1985 by a notification dated 4 January, 1985 amending the Government of India (Allocation of Business) Rules, 1961.

On reorganisation of the various Ministries/Departments on 25 September, 1985, the Ministry of Parliamentary Affairs was redesignated as the Ministry of Parliamentary Affairs and Tourism with two Departments (i) Department of Parliamentary Affairs; and (ii) Department of Tourism.

On 12 May, 1986, the Ministry of Parliamentary Affairs and Tourism was bifurcated into two separate Ministries under the Presidential Notification to the Government of India (Allocation of Business) Rules, 1961, namely, Ministry of Parliamentary Affairs and Ministry of Tourism. Since 12 May, 1986, it has been a separate Ministry of the Government of India.

Cabinet Committee on Parliamentary Affairs (CCPA)

With the creation of a bicameral Parliament consisting of several representatives of the people, it was deemed desirable that the Cabinet should delegate the overall responsibility regarding detailed parliamentary matters to a small standing committee of the Cabinet, specialising in this task. A Parliamentary and Legal Affairs Committee was accordingly constituted in 1949. This committee was subsequently named as the Cabinet Committee on Parliamentary Affairs (CCPA). The Department of Parliamentary Affairs has been providing the Secretarial assistance to this committee since 1954, before which it was provided by the Ministry of Law. (Even during the period 1949 to 1954, the Department of Parliamentary Affairs used to render secretarial assistance to the committee in regard to planning of Government Business in both Houses of Parliament.)

8 *Handbook on the Working of Ministry of Parliamentary Affairs*

As on 1 March, 1973, this committee consisted of the following members:

- (i) Minister of Defence (Chairman),
- (ii) Minister of Law, Justice and Company Affairs,
- (iii) Minister of Parliamentary Affairs,
- (iv) Minister of State for Parliamentary Affairs,

Ministers other than those mentioned above, who are concerned with the subject matter under discussion with the committee, are also invited to attend meetings when necessary. Functions allocated to the Committee and its present composition can be seen at **Annex I-C**.

Administrative Structure

In the year 1950, the Department consisted of a Secretary of the rank of Under Secretary to the Government of India, 16 other officers and staff. The budget estimate for the Department for the year 1950-51 was Rs. 90,000 only. The Department grew steadily and in the year 1956, the administrative machinery consisted of one Secretary of the rank of Deputy Secretary to the Government of India and 42 other officers and staff and the budget estimate for 1956-57 was Rs. 1,48,000. In the year 1972-73, the Department consisted of a Secretary of the rank of Joint Secretary to the Government of India, two Deputy Secretaries, three Under Secretaries and 137 other officers and staff. The budget estimate for 1972-73 was Rs. 12,18,000, the revised estimate being Rs. 12,34,000.

In the year 2004-05, the Ministry of Parliamentary Affairs consists of a Secretary of the rank of Secretary to Government of India, a Joint Secretary, three Deputy Secretaries and six Under Secretaries, with a total sanctioned staff strength of 129 (August, 2004). The budget (non-plan) for the Ministry stood at Rs. 5.89 crore (BE 2004-05). The Organisational Structure of Ministry is at **Annex I-D**. The details of sections along with their staff strength and the work allocated to them is at **Annex I-E**. The details of decentralisation of powers in respect of cases in each section of the Ministry of Parliamentary Affairs are provided in **Annex I-F**.

Thus, from a small cell with a nucleus staff to help the

Government Chief Whip in Parliament, the Department of Parliamentary Affairs has gradually grown into a full-fledged Ministry of the Government of India, under the charge of a Cabinet Minister, assisted by two to five Ministers of State serving as a vital link between Parliament and the Government as a whole.

Status of the Secretary

The post of Secretary, Ministry of Parliamentary Affairs, was equivalent to that of an Under Secretary to the Government of India up to 26 November, 1952. It was made equivalent to the status of a Deputy Secretary to the Government of India up to 28, November, 1963 and upgraded to the status of a Joint Secretary to the Government of India with effect from 29 November, 1963. It was upgraded to the status of an Additional Secretary to the Government of India with effect from 3 June, 1980. It was again upgraded to the status of a Secretary to the Government of India with effect from 18 February, 1984, but as personal to the then incumbent Shri Ishwari Prasad (a member of the Indian Administrative Service) up to 29 February, 1988 and Shri B.N. Dhoundiyal (a member of the Indian Administrative Service) up to 12 July, 1990. With effect from 13 July, 1990, the post of Secretary of the Ministry was upgraded to the status of a Secretary to the Government of India on a regular basis. The list of Secretaries of this Ministry is at **Annex I-G**.

Status of the Minister of Parliamentary Affairs

In the year 1948, the Government Chief Whip was given the rank of a Minister of State in the Council of Ministers and designated as the Minister of Parliamentary Affairs. In 1962, the Minister of Parliamentary Affairs was given the rank of a Cabinet Minister. In the year 1966, the Minister of Parliamentary Affairs was appointed the Leader of the House in the Lok Sabha and the Minister of State, in-charge of Parliamentary Affairs, was made the Government Chief Whip. (At that time, the Prime Minister was a Member of the Rajya Sabha). In March, 1967, however, the Prime Minister on her election to the Lok Sabha became the Leader of the House and the Minister of Parliamentary Affairs was made the Government Chief Whip. (During a brief interval from February 1969 to June 1970, the

10 *Handbook on the Working of Ministry of Parliamentary Affairs*

Minister of Parliamentary Affairs had the status of a Minister of State. From June 1970 onwards, he has held the rank of a Cabinet Minister.)

In the year 1952, as a result of enlargement of duties of the Minister of Parliamentary Affairs with the emergence of the two Houses of Parliament, two Government Deputy Chief Whips were appointed to assist him in the performance of his parliamentary duties, one for the Lok Sabha and the other for the Rajya Sabha. The Government Deputy Chief Whips enjoyed the privileges and the amenities available to Parliamentary Secretaries from 1954 to 1968, when they were given the status of Deputy Ministers. In 1962, the strength of the Government Deputy Chief Whips was raised to three, two in the Lok Sabha and one in the Rajya Sabha. In addition, a Member of the Rajya Sabha was appointed as Government Whip in charge of the Informal Consultative Committees. In April, 1966, the Government Whip in charge of the Informal Consultative Committees was also designated as the Government Deputy Chief Whip. After the fourth general election in 1967, the Department had one Cabinet Minister, one Minister of State and two Deputy Ministers. In addition, there was one Government Deputy Chief Whip in charge of the Informal Consultative Committees. Subsequently, in the place of Deputy Ministers, three Government Deputy Chief Whips were appointed, two for the Lok Sabha and one for the Rajya Sabha, in addition to one Government Deputy Chief Whip in charge of the Informal Consultative Committees. One more Government Deputy Chief Whip was later appointed in April, 1969 to look after the work relating to implementation of Government Assurances given by Ministers on the floors of the Houses. With effect from 1 April, 1968, the status of the Government Deputy Chief Whips was raised to that of a Deputy Minister in the Government of India (with a marginal difference in pay).

At present, the Minister of Parliamentary Affairs is assisted by a Minister of State in the Rajya Sabha and two Ministers of State in the Lok Sabha. A list of Ministers, Ministers of State and Deputy Ministers, who have held charge of the Ministry of Parliamentary Affairs is at **Annex I-H**. The allocation of work among the Ministers is at **Annex I-I**.