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CONSULTATIVE COMMITTEES**BACKGROUND**

Functioning of the Consultative Committees of Members of Parliament for various Ministries is one of the functions allocated to the Ministry of Parliamentary Affairs under the Government of India (Allocation of Business) Rules, 1961. In discharge of this function, the Ministry constitutes these committees and arranges their meetings.

The current Consultative Committees of Members of Parliament in their broad features owe their origin to a suggestion made by the late Prime Minister, Shri Jawaharlal Nehru, in a Note circulated to the members of the Cabinet in 1954. The late Prime Minister felt that there should be some kind of Standing Advisory Consultative Committees of Parliament to provide opportunities to Members to have some glimpse into the working of the Government. It was felt that this might also help in reducing the number of questions asked by Members. With this in view, informal Consultative Committees were constituted for the various Ministries/Departments of the Government of India in the year 1954.

In 1969, discussions were held with Leaders of Opposition Parties/Groups in Parliament and as per decisions taken during these discussions, detailed guidelines were drawn up for constitution and functioning of these committees. It was also then decided that these committees would be known as "Consultative Committees" retaining, however, the informal nature of deliberations in these committees. These guidelines were also subsequently approved by the Cabinet. These committees have since been functioning under these guidelines (**Annex VII-A**).

The main objective of these committees is to provide a forum for informal discussion between Members of Parliament, on the one hand, and Ministers and senior officers of the Government,

on the other, hand on the policies, principles and programmes of the Government and the manner of their implementation. Discussions at the meetings of these committees are held in a free and frank manner, cutting across party lines.

THE PROCESS

Consultative Committees for various Ministries/ Departments are normally constituted after general election to the Lok Sabha and as and when necessary, thereafter. The constitution of these committees is generally timed with the summoning of the Budget Session of Parliament. The membership of these committees is voluntary and is left to the choice of the Members/Leaders of their parties/groups in the respective Houses. A Member of Parliament can be nominated on only one Consultative Committee. Members of Parliament belonging to both Houses are nominated on these committees by the Minister of Parliamentary Affairs.

Constitution of the Committees

After constitution of the Lok Sabha and allocation of portfolios to Ministers, the Minister of Parliamentary Affairs addresses a letter (**Annexes VII-B (i)-(iii)**) to the Members of both Houses/ Leaders of their parties/groups in the respective Houses to furnish, in the prescribed proforma (**Annex VII-C**), the names of the three Consultative Committees in the order of their preferences, on which they or the members of their parties/groups may be nominated. So far as the Members of the main ruling party, Members of smaller parties with membership of less than 5 in the both Houses, nominated Members and Independent Members are concerned, they are addressed by the Minister individually in this connection (**Annex VII-B(i)**). As regards the allied, supporting and opposition parties having strength in two Houses of 5 Members and more, but not more than the number of Consultative Committees proposed to be constituted are concerned, the Minister addresses the Leaders of those parties to suggest the names of Members of their parties for nomination on the proposed Consultative Committees [**Annex VII-B(ii)**]. Further, so far as the allied, supporting and opposition parties/groups having membership in the two House of 5 Members and more, but not more than the number of Consultative Committees proposed to be constituted are concerned, the Minister addresses Leaders of those parties/groups as in the letter **Annex VII-B(iii)**.

Subject to availability of vacancies, Members are nominated on the Consultative Committees of their first, second or third preference, as the case may be, with the approval of the Minister of Parliamentary Affairs. The Secretary, Ministry of Parliamentary Affairs, notifies the constitution of these committees and their sub-committees as and when they are constituted.

The maximum limit of membership on a Consultative Committee is 40 from both the Houses. The Consultative Committee for a Ministry/Department is not constituted if a minimum of ten Members have not given their option for being nominated on that committee. Members having special interest in subjects concerning a particular Ministry/Department can be nominated as Permanent Special Invitees (PSIs) on Consultative Committees attached with such Ministries/Departments. The maximum limit for nomination of PSIs on a Consultative Committee is four from both the Houses. The Consultative Committees, so constituted, are notified and Members nominated thereon and all concerned are informed about it (**Annex VII-D**). At the time of dissolution of the XIII Lok Sabha, there were 30 Consultative Committees for various Ministries/Departments (**Annex VII-E**).

Special Invitees

Under the guidelines, a Member of Parliament who is not a member of the committee, may also suggest subject(s) for discussion at a meeting of the Consultative Committee. If his/her item(s) is/are included in the agenda, he/she is invited as a special invitee to the meeting, subject to the condition that he/she will not be entitled to payment of TA/DA for attending the meeting. It is necessary that in case any suggestions or subjects are received from a non-member, the Ministry concerned takes an expeditious decision regarding their inclusion in the agenda or otherwise so that he/she may be invited by the Ministry of Parliamentary Affairs to the meeting or informed about the non-inclusion of his/her items in the agenda, sufficiently in advance of the date of the meeting.

When the Ministry has fixed a subject for discussion for a meeting of the committee, a Member of Parliament, who is not a member of the committee, may be allowed, with the approval of the Minister of Parliamentary Affairs, to attend the meeting, if he expresses a desire to participate in the discussion on the subject of the agenda. When any such request is received by a Ministry

from a non-member, it should be forwarded to the Ministry of Parliamentary Affairs for being placed before the Minister of Parliamentary Affairs for permission to allow such a Member to attend the meeting of the committee of which he is not a member. The Ministry should not take a decision on its own in the matter and should not extend an invitation to such a Member directly, but refer the request to the Ministry of Parliamentary Affairs.

Periodicity of the Meetings

Each Consultative Committee is expected to hold one meeting each during the session and inter-session period, the only exception being the Consultative Committee for the Ministry of Railways which meets only during the inter-session period. However, there are sixteen Zonal Informal Consultative Committees of the Ministry of Railways, each consisting of Members of both Houses belonging to the areas falling under the respective Railway Zones. These zonal committees, which are also constituted by the Ministry of Parliamentary Affairs, after the constitution of the Consultative Committees for various Ministries/Departments, are expected to meet once in a year during the session period.

The Ministries/Departments may also hold one meeting of their Consultative Committees in a calendar year during an inter-session period anywhere in India, if the Chairman of the committee, so desires (**Annexes VII-F & G**). At the beginning of each session/inter-session, the Ministry of Parliamentary Affairs requests the Ministries to indicate the dates convenient to their Ministers for holding the meetings of the committees attached to their Ministry (**Annexes VII-H & I**). The Ministries are expected to fix the dates of the meetings of their committees without waiting for a formal communication from this Ministry. The Minister in charge of each Ministry/Department presides over the Consultative Committee attached to his/her Ministry. The meetings of the Consultative Committees are also attended by senior officers of the Ministry who assist the Minister during the meetings.

Venue of the Meetings

Normally, meetings of the Consultative Committees are held in Parliament/Parliament House Annexe, New Delhi. The

committee rooms in these buildings are booked by the Ministry of Parliamentary Affairs. However, if no committee room is available in either of these buildings for the day on which the Ministry proposes to hold the meeting of their committee, the Ministry/Department concerned has itself to arrange for a venue/committee room for the meeting. However, during the session period, meetings of the committees have to be normally held in Parliament/Parliament House Annexe to enable Members to attend the session or move to Parliament in case their presence in the Lok/Rajya Sabha is required urgently. In case the meeting is arranged at a venue other than the Parliament/Parliament House Annexe, the concerned Ministry may have to make transport arrangements for the Members from the Parliament House to the venue of the meeting and back.

Agenda

The agenda for the meeting is decided by the Chairman of the committee either on the basis of suggestions received from the Members or in consultation with Members during the preceding meeting of the committee. Notes on agenda items, brief records/minutes of the preceding meetings, and Action Taken Report (ATR) on the minutes of the last meeting are prepared by the Ministry concerned. However, notices regarding the meetings of the committees, all the documents mentioned above and other relevant papers are circulated to the Members and all others by the Ministry of Parliamentary Affairs.

No decisions are taken in these meetings. However, where there is unanimity of views in the meeting, the Government may accept the views of the committee, subject to the following exceptions, viz.:

- (i) any recommendation with financial implications;
- (ii) any recommendation concerning Security, Defence, External Affairs and Atomic Energy; and
- (iii) any matter falling within the purview of an autonomous institution.

In these meetings, Members are free to discuss any matter which can be discussed on the floor of the Houses. However, no reference to the discussions held in these meetings may be made on the floor of the Houses.

Time Schedule for Circulation of Papers

The agenda notes, minutes and the action taken reports are required to be supplied to this Ministry by the Ministry concerned well in advance of the meeting for circulation to the members of the committee. This Ministry has laid down a time schedule (**Annex VII-J**) for circulation of papers, which may be strictly adhered to by the Ministries/Departments in order to obviate any criticism from the members of the Consultative Committees.

Quorum

There is no requirement of presence of a minimum number of Members to constitute the quorum for holding meetings of Consultative Committees.

Press Briefings

The question of briefing of the Press about the deliberations of a Consultative Committee meeting was discussed between the Minister of Parliamentary Affairs and the Leaders/Chief Whips/Whips of various parties in Parliament on 30 April, 1974 and the following decision was taken:

“While it was agreed that in the Consultative Committees the discussions should be free and frank, it was also decided that any information, which, in the opinion of the committee was of a classified and confidential nature, should not be reported to the press.”

This decision was conveyed to all the Ministries/Departments in 1974 (**Annex VII-K**).

Entitlement for TA/DA

Regular members of the Consultative Committees (and not PSIs) are entitled to payment of TA/DA, as admissible to them under the Rules, for attending the meetings of the committees held during inter-session periods. However, sometimes, Members reach the place of the meetings of the Committees but cannot attend the meetings due to certain unavoidable circumstances. On the other hand, there may be occasions when the Members reach the place of meeting but the meeting has

already been cancelled/postponed though the intimation regarding it was not received by the Members before they left their constituency etc. for the place of the meeting. To deal with such and other similar contingencies, certain guidelines (**Annex VII-L**) have been designed in consultation with the Ministry of Finance to examine the cases regarding entitlement of TA/DA Members as and when requests of this nature are received from them.

Other Services at the Meetings

Whenever meetings of the Consultative Committees are held in rooms where simultaneous translation facilities are available, the Ministry concerned has to make arrangements to provide simultaneous translation in Hindi and English. As regards translation from other languages, action may be taken by the Ministry concerned if a request is received from a member of the committee.

It is for the Ministry concerned to ensure that the microphones in the meeting room are in working condition. For this purpose, the Ministry has to contact the Lok Sabha/Rajya Sabha Secretariat, Junior Engineer (Sound/Electrical/A.C.), Parliament House/Parliament House Annexe, well in advance of the meeting.

The Ministry has to supply necessary stationery items such as note pads/papers, pens/pencils, etc. to the members of the committee.

It is for the Ministry to make arrangements for refreshments and lunch/dinner if so decided to the members of the committee. For this purpose, they may contact the Chief Caterer, Parliament House/Parliament House Annexe in case the meetings are to be held in these buildings.

Sub-committees/Study Group

A Consultative Committee may decide to constitute a Sub-committee or Study Group for the purpose of going into any particular aspect of the working or a problem concerning the Ministry and to make a report thereon (**Annex VII-M**). The notification for setting up the Sub-committee or Study Group is issued by the Ministry with the approval of the Minister of Parliamentary Affairs. If the term of the Sub-committee/Study Group is to be extended, it also requires the approval of the Minister of Parliamentary Affairs.

DECISIONS

Strength of Committees

- (a) The maximum membership of a Consultative Committee should be limited to forty. In addition, a maximum of four Members from both Houses can also be nominated as Permanent Special Invitees.
- (b) The minimum membership of the Consultative Committee shall be ten.

Permanent Special Invitees

With the approval of the Minister of Parliamentary Affairs, the number of Permanent Special Invitees on a Consultative Committee has been raised from two to four Members, with effect from 19 September, 1998.

Request for Change of Consultative Committee not to be Entertained if it Brings down the Membership of the Committee below ten Members

The committee is normally constituted if there are ten or more Members who have been chosen to be nominated on the committee. It was decided that normally no request from a Member for change of a Consultative Committee be entertained if such request brings down the strength of the committee of which he/she is a member, below the minimum limit of ten members.

Nomination of Members of Parliament, who have not made/subscribed oath/affirmation, on the Consultative Committee

It was decided with the approval of the Minister of Parliamentary Affairs that a Member who has not made and subscribed the oath or affirmation in the House can also be nominated to a Consultative Committee.

Keeping Consultative Committees under suspended animation under Caretaker Government

During the period of a caretaker Government, the Consultative Committees should be kept under suspended animation and a final decision in the matter may be left to be taken by the new Government whenever formed.

Exchange Vouchers for Members for Undertaking Air Journeys

Members desirous of traveling by air during the inter-session period for attending the meetings of Consultative Committees should obtain exchange vouchers from the respective Secretariat of Parliament.

Agenda Papers

Agenda papers are also be issued to Members who are in jail.

Meeting Presided over by a Member

As per guidelines, the Minister concerned with each Ministry/Department shall preside over the meeting of the Consultative Committee attached to his/her Ministry. It is, therefore, not desirable for a Minister to leave the meeting midway and request one of the members of the Consultative Committee to preside over the meeting. In a case of this nature, the violation of guidelines was brought to the notice of the Minister concerned.

Meetings of Consultative Committees outside Delhi during Inter-session Period

- (a) With the approval of the Ministry of Finance, it has been decided that Ministries/Departments may hold one meeting of their Consultative Committee in a year during the inter-session period anywhere in India, if the Chairman of the committee so desires. This decision was conveyed to all Ministries/Departments *vide* this Ministry's circular No. F. 12(26)/94-CB dated 16 October, 1995.
- (b) During the calendar year 2002, the Ministry of Civil Aviation convened two meetings of their Consultative Committee outside Delhi viz. one meeting was held at Mumbai on 28 January, 2002 as usual and the second meeting was held at Cochin on 10 July, 2002 with the approval of the Secretary, Ministry of Parliamentary Affairs.

Meeting of Consultative Committees held outside Delhi during the Session Period

No meeting of a Consultative Committee may be held outside Delhi during the session period. However, with the approval of the Minister of Parliamentary Affairs (P), the Ministry of Home Affairs was allowed to hold the meeting of its Consultative Committee at BSF Academy, Takenpur, Madhya Pradesh, on 8 March, 2003 during the recess of Budget Session, 2003 of Parliament.

Visits of the Consultative Committees outside Delhi to Project Sites of Major PSUs under the Concerned Ministries

With the concurrence of the Ministry of Finance, it has been decided that, if necessary, visits of the members of the Consultative Committees to project sites of major Public Sector Undertakings under the control of the concerned Ministry could be undertaken during Inter-session periods. A liaison officer may accompany the committee during such visits and the local officer may explain the progress of projects. Members of the Consultative Committee are entitled to TA and DA as admissible under the Salary, Allowances and Pensions of Members of Parliament Act, 1954 for participating in such visits.

'Year' for the Purpose of Outside Meetings Means 'Calendar Year'

In terms of this Ministry's Office Memorandum dated 11 February, 1997, the question whether 'year' for the purpose of 'holding meeting once in a year outside Delhi' be taken as Calendar or Financial year, it has been clarified that 'year' in this regard shall be taken as 'calendar year'.

Visits of the Committee in addition to Meeting Outside Delhi

(a) In August, 2001, the Ministry of Rural Development had proposed to arrange the visits of MPs of their Consultative Committee to the states of Andhra Pradesh, Maharashtra, Madhya Pradesh and Rajasthan to review the Land Reforms Schemes. Accordingly, a reference was made to the Ministry of Finance whether the visit of the Consultative committees to a place outside Delhi can be arranged in addition to one outside meeting of the committee in a calendar year. The Ministry of Finance, however, did not agree to the proposal.

(b) In August, 2002, the Ministry of Rural Development had

again proposed to arrange the visit of the members of their Consultative Committee to Palampur in Himachal Pradesh. A reference was made to Ministry of Finance seeking their advice on the point. The Ministry of Finance clarified the position as under:

“The Consultative Committees attached to the Ministries having no major PSUs were allowed to hold one meeting outside Delhi once in a calendar year, keeping in view the visits of Members of Consultative Committees attached to the Ministries having major PSUs. The presumption of the Ministry of Parliamentary Affairs that visit of the Consultative Committee can be arranged outside Delhi in addition to one outside meeting in a calendar year, does not seem to be correct.”

In view of the above, it was decided with the approval of the Secretary, Ministry of Parliamentary Affairs, that visits of CCs of Ministries having no major PSUs under their control may not be arranged outside Delhi in addition to one outside meeting in a calendar year.

Guidelines Regarding Constitution and Functioning of Sub-committees

The matter relating to constitution of Sub-committees of Consultative Committees was reviewed in the Ministry and with the approval of the Minister of Parliamentary Affairs, the following decisions with regard to the constitution and functioning of Sub-committees of Consultative Committees were taken:

- “(a) Consultative Committees, being informal bodies, should not ordinarily set up Sub-committees.
- (b) Instead of setting up Sub-committees for a detailed enquiry, they should get exhaustive information regarding any particular aspect of working of the Ministry. The Minister in-charge, who presides over the meetings of Consultative Committees, can direct the officials to furnish the relevant information.
- (c) In rare cases, where the Members insist on constituting a Sub-committee, it can be constituted with the

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approval of the Minister in-charge and in consultation with the Ministry of Parliamentary Affairs. The term of a Sub-committee shall in no case exceed three months. No request for any extension of tenure of a Sub-committee beyond three months shall be entertained.

- (d) The Sub-committees may meet only at Delhi; and in case they are required to visit places outside Delhi, the Members may kindly make the visit on the strength of their free railway/air passes.”

These instructions were conveyed to all the Ministries/ Departments vide this Ministry's Office Memorandum No. 6-8/93-CB dated 21 November, 1994 (**Annex VII-M**).

Meetings of Sub-committee Held Outside Delhi

As per guidelines, the Sub-committees may meet only at Delhi; and in case they are required to visit places outside Delhi, the Members may make the visit on the strength of their free railway/air passes. The Sub-committee for Air India Ltd. of the Consultative Committee for the Ministry of Civil Aviation had convened two meetings outside Delhi i.e. at Mumbai on 28 March and 24-25 June, 2003, respectively, with the approval of Secretary, Ministry of Parliamentary Affairs. No representative from the Ministry of Parliamentary Affairs was deputed to attend those meetings.

Visit of Sub-committee Abroad Not Agreed to

The Sub-committee for Airports Authority of India (AAI) of the Consultative Committee for the Ministry of Civil Aviation desired to undertake a visit to one of the International Airports abroad in order to enable members of the Sub-committee to study the facilities available there and to give positive recommendations to the Consultative Committee. The request of the Sub-committee was rejected.

CHECK LIST

A check list of steps to be taken at various stages during constitution and functioning of the Consultative Committees is at **Annex VII-N**.