

## **12**

### **APPOINTMENT OF MEMBERS OF PARLIAMENT ON COMMITTEES, ETC.**

#### **BACKGROUND**

Committees, Councils, Boards, Commissions, etc. are appointed/constituted by the Government from time to time to deal with specified items of business requiring expert or detailed consideration and to aid and advise the Government. Such Committees etc. are composed of expert officials and non-officials and may include Members of Parliament who have specialisation/expertise/experience in the field.

The subject of 'Nomination of Members of Parliament on Committees and other bodies set up by the Government' has been allocated to the Ministry of Parliamentary Affairs under the Government of India (Allocation of Business) Rules, 1961 made by the President under article 77(3) of the Constitution. By virtue of this, Members of Parliament are to be selected and nominated on all Government bodies by the Minister of Parliamentary Affairs only. However, in the case of statutory bodies, where the statute provides that the Members of Parliament will be nominated by the Speaker, Lok Sabha, or the Chairman, Rajya Sabha, the nominations are made by the Speaker or the Chairman, as the case may be. In the case of Speaker, Lok Sabha, such nominations are processed by the Lok Sabha Secretariat directly. In case the nomination is to be made by the Chairman, Rajya Sabha, the Rajya Sabha Secretariat makes a reference to the Ministry of Parliamentary Affairs for obtaining the recommendations of the Minister of Parliamentary Affairs.

This function has been entrusted specifically to the Minister of Parliamentary Affairs for the reasons that (a) there should be a single authority through which all nominations of Members of

Parliament on various bodies set up by the Government are made, (b) the Minister of Parliamentary Affairs being the Government Chief Whip is eminently suited to discharge this function as he is in the know of the interest, aptitude, experience, suitability and availability of Members of Parliament in relation to the proposed assignments, and (c) certain uniform, fair and objective norms would be observed for equitable distribution of membership of various Government bodies among the Members belonging to different sections of both the Houses of Parliament to avoid a situation where some Members come to be overburdened with assignments while others have none.

Hindi Salahkar Samities are constituted by various Ministries/Departments of the Government of India to advise them on matters relating to the progressive use of Hindi in official work and other allied issues. The bye-laws of these Samities *inter alia* provide for nomination of four Members of Parliament-two each from the Lok Sabha and Rajya Sabha.

Considering all aspects of the matter, the Ministry with the approval of the Minister of Parliamentary Affairs, has laid down guidelines for nomination of Members of Parliament on committees etc.; consolidating all existing instructions on the subject (**Annex-XII-A**). A proforma has also been prescribed for the Ministries for sending their proposals for nomination of Members of Parliament (**Annex- XII-B**).

## **PROCESS**

Wherever bye-laws/rules regarding constitution of such committees etc. *inter alia* provide for nomination of Members of Parliament thereon, Ministries concerned request this Ministry to move the Minister of Parliamentary Affairs for nomination of requisite number of Members on the committees. On receipt of the proposal from the Ministry concerned, if the required information has not been received in the prescribed proforma, the Ministry concerned is requested to furnish it accordingly.

On receipt of complete information, the case is submitted to Minister of Parliamentary Affairs for nomination of requisite number of Members of Parliament through Minister of State (Lok Sabha) and Minister of State (Rajya Sabha), who suggest the names of Members of the Lok Sabha and Rajya Sabha respectively, for approval of the Minister. Main points contained in the

proposal and certain factual information - details of Members who were earlier nominated on that body and their availability (facts regarding expiry of term of Rajya Sabha Members/ resignation, demise of any of the earlier Members) - are provided in the note.

Names of the Members nominated by Minister of Parliamentary Affairs are then communicated to the Ministry with the request to notify their nomination on the body and supply to them all the necessary literature including the constitution, function and programme of work etc. of that body under intimation to this Ministry (**Annex-XII-C**).

Letters are also sent to the Members concerned informing them of their nomination on the body by the Minister of Parliamentary Affairs and to let this Ministry know if they, for any reason, would find it difficult to serve on that body (**Annex-XII-D**).

Under the Parliament (Prevention of Disqualification) Act, 1959, Members nominated on such committees etc. can draw only 'compensatory allowance' and no other remuneration for attending meetings of such committees, bodies etc. Compensatory allowance according to that Act means:

“Any sum of money payable to the holder of an office by way of daily allowance, such allowance not exceeding the amount of daily allowance to which a Member of Parliament is entitled under the Salary, Allowances and Pensions of Members of Parliament Act, 1954 (30 of 1954), any conveyance allowance, house rent allowance or traveling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.”

This is *inter alia* informed to the Members concerned through the aforesaid letter. The Ministry concerned is also advised to make suitable provisions for the purpose.

To fill up the vacancy of a Member of Parliament, if any, on such bodies, on account of the death, resignation or retirement of any Member nominated on the body, the case for nomination of another Member on it is processed on the same lines.

It has been observed that Ministries/Departments normally

delay the constitution of various Government bodies on which Members of Parliament are nominated by the Ministry. They also take time in sending necessary literature relating to these bodies, viz., notification regarding their constitution, functions, programme of work, etc. to the Members of Parliament concerned. Members have, on several occasions, complained to the Minister of Parliamentary Affairs in this regard. Ministry of Parliamentary Affairs takes up the matter with the Ministries/Departments concerned from time to time to expedite the requisite information/literature to Members concerned under intimation to the Ministry. Periodically, a D.O. letter at the Secretary/Joint Secretary level is also sent to all Ministries/Departments to impress upon them the necessity of quickly sending the requisite information/literature in the matter to MPs etc.

## **DECISIONS**

### **Nomination of Members of Parliament on Committees, Councils, Boards, Commissions, etc. set up by the Government**

Minister of Parliamentary Affairs nominates Members of Parliament on Committees, Councils, Boards, Commissions, etc. constituted/set up by the Government of India in any Ministry.

(No.F.1-1/95-CB)

### **Vigilance and Monitoring Committees for different District Rural Development Agencies (DRDAs)**

With a view to constituting the Vigilance and Monitoring Committees in 581 districts in the country, the Minister of Parliamentary Affairs was requested to nominate Member(s) of the Lok Sabha in each district where he/she has been elected, for being nominated as Chairman/Member of the respective District committee. Instead of nominating individual Members for each committee, 'guidelines' for nominating Members as Chairman/Co-Chairman were formulated with the approval of Minister of Parliamentary Affairs which were communicated to the Ministry of Rural Development for making nomination thereon as per the guidelines (**Annex XII-E**).

(No.F.2-29(2)/2002-CB)

### **Nomination of a Minister on a Committee**

Members of Parliament are nominated on various committees, councils, etc. constituted by the Government as per provisions contained in this Ministry's O.M.No.1-1/96-CB dated 24 May, 1999. Members of Parliament nominated on statutory bodies cease to be members of such bodies on their becoming Ministers, Speaker, Deputy Speaker, Lok Sabha, and Deputy Chairman, Rajya Sabha. However, the Ministry of Youth Affairs and Sports had suggested the name of a Minister, namely Shri Arun Jaitley, Minister of Law Justice and Commerce and Industry, for being nominated on the Preparation Committee for '2004 Olympic Games (Athens)' and Minister of Parliamentary Affairs approved the proposal.

(No.F.2-40(1)/2003-CB)

### **CHECK LIST**

A check list indicating the points to be checked while processing a case of nomination of Members on committees, etc. is at **Annex XII-F**.