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### **CABINET COMMITTEE ON PARLIAMENTARY AFFAIRS**

#### **BACKGROUND**

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. The then Department of Parliamentary Affairs and now Ministry of Parliamentary Affairs has been providing secretarial assistance to the committee since 1954. Prior to 1954, the Ministry of Law had been providing secretarial assistance to the committee though secretarial assistance in regard to planning of Government Business in both Houses of Parliament was even then provided by the then Department of Parliamentary Affairs.

As per the First Schedule to the Government of India (Transaction of Business) Rules, 1961, the following functions have been assigned to the Cabinet Committee on Parliamentary Affairs:

- (i) To watch the progress of Government Business in Parliament and to give such directions as may be necessary from time to time, in order to secure smooth and efficient conduct of such business;
- (ii) to scrutinise, and to consider the attitude of the Government on non-official bills and resolutions to be presented to Parliament;
- (iii) to maintain a review from an all-India point of view of legislations undertaken by State legislatures; and

- (iv) to consider proposals to summon or prorogue the Houses of Parliament.

Under Rule 6 of the above Rules, the Prime Minister may, from time to time, modify the functions assigned to the committee.

The composition of the Cabinet Committee on Parliamentary Affairs, as last notified, is as under:-

1. Minister of Defence - **Chairman**
2. Minister of Agriculture and Minister of Consumer Affairs, Food & Public Distribution
3. Minister of Railways
4. Minister of Home Affairs
5. Minister of Chemicals & Fertilizers and Minister of Steel
6. Minister of Parliamentary Affairs and Minister of Urban Development
7. Minister of Road Transport & Highways and Minister of Shipping
8. Minister of Law & Justice

#### **Special Invitees**

1. Minister of State in the Ministry of Personnel, Public Grievances & Pension and Minister of State in the Ministry of Parliamentary Affairs
2. Minister of State in the Ministry of Defence and Minister of State in the Ministry of Parliamentary Affairs
3. Minister of State in the Prime Minister's Office
4. Minister of State in the Ministry of Rural Development and Minister of State in the Ministry of Parliamentary Affairs

(Ministers other than members of the committee, who are concerned with the subject matter under discussion in the meetings of the committee, are also invited, if necessary, to attend such meetings of the committee)

#### **PROCESS**

The Cabinet Committee on Parliamentary Affairs normally takes decisions on matters placed before it for consideration, through circulation of papers. However, whenever the Chairman

of the committee, who is normally the Minister of Parliamentary Affairs, desires to convene a formal meeting of the Cabinet Committee on Parliamentary Affairs for consideration of any issues related to functions assigned to it, action is taken by the Ministry to convene the meeting of the committee. The meetings of the committee are normally held during the session period, though there have been occasions when meetings have been held during inter-session period also. The venue of the meeting is either the Minister of Parliamentary Affairs' Room in Parliament House or any place/room inside or outside Parliament House, convenient to him/her.

As per records available in the Ministry, only thirty formal meetings of the Cabinet Committee on Parliamentary Affairs, including four meetings during the tenure of the XIII Lok Sabha, have so far been held since 1978 (**Annex VI-A**). Except for these meetings, the decisions by the committee on various issues placed before it for consideration, were taken through circulation of papers.

The process followed for taking action on four functions assigned to the Cabinet Committee on Parliamentary Affairs has been dealt with *in seriatim*, as follows:

**To watch the progress of Government Business in Parliament and to give such directions as may be necessary from time to time, in order to secure smooth and efficient conduct of such business**

There have been very few occasions when the Cabinet Committee on Parliamentary Affairs reviewed either in formal meetings or through circulation of papers, the progress of the Government Business in the two Houses. Earlier, the Cabinet Committee on Parliamentary Affairs had been meeting sometimes for this purpose, but for the last few years, it has hardly been meeting to review the progress of Government Business in the Houses. It will be interesting to note that during the term of the XIII Lok Sabha, the committee did not meet even once, either formally or through circulation of papers, for this purpose. As per records available with the Ministry (**Annex VI-A**), the committee held its first meeting to discuss the Government Business for the Winter Session, 1983, on 7 November, 1983. Since 1983, the committee has so far held only thirteen meetings to *inter alia* review the Government Business.

This function now-a-days is normally taken care of by the Minister of Parliamentary Affairs himself/ herself. About a week before the commencement of every session of Parliament, the Minister of Parliamentary Affairs or one of the Ministers of State for Parliamentary Affairs, if the Minister is not available on the proposed date of the meeting, takes a meeting with Secretaries/ senior officers of various Ministries/Departments to finalise the Tentative List of Legislative and other Business to be taken up in the two Houses during the ensuing session. Besides, the Minister also takes review meetings with Secretary/senior officers of the Ministry, as and when necessary, before commencement of the session and on an almost daily basis during the session period and gives such directions, as may be necessary, for expeditious and smooth disposal of pending and new Government Legislative and other Business in the two Houses.

**To scrutinise and to consider the attitude of the Government on Non-Official Bills and Resolutions to be presented to Parliament**

This is the most important function of the committee. The committee has held a maximum number of meetings, formally as well as through circulation of papers, for consideration of matters relating to Private Members' Bills and Resolutions.

Private Members' Bills and Resolutions are taken up alternatively in the two Houses for two and a half hours on every Friday or any other day of the week during the session period as the Presiding Officer of the respective House may direct. If Private Members' Bills are taken up in one week, then the Private Members' Resolutions will be taken up during the next week and so on. Whenever the Private Members' Bills/Resolutions are listed for consideration in the two Houses, the Government has to take a stand on their subject matter with the approval of the Cabinet Committee on Parliamentary Affairs. For this purpose, Ministries/Departments concerned are requested to furnish, with the approval of their Ministers, two copies of the 'Note for Consideration of the Cabinet Committee on Parliamentary Affairs', commonly called 'Brief', both in English and Hindi versions, indicating the Government's stand on the Private Members' Bills/Resolutions which have been listed for consideration in the two Houses for the day scheduled for such business (Ministries are requested to furnish two copies of

the brief in each version, if the approval of the committee on the Ministry's proposal is to be taken through circulation of papers and thirty copies in each version, if there is a proposal to convene a formal meeting of the committee). The various stages at which the copies of the Brief are called from the Ministries/Departments concerned can be seen in the following paras.

As soon as the result of the ballot in respect of Private Members' Bills to be taken up for consideration in the Lok Sabha on the days scheduled for Private Members' Bills is notified in the Parliamentary Bulletin by the Lok Sabha Secretariat, a letter (**Annex-VI-B**) is addressed by the Secretary, Ministry of Parliamentary Affairs, to the Secretaries of the Ministries/Departments concerned with the Bills which secure the first ten positions in the ballot, requesting them to send the requisite copies of the Brief (English and Hindi versions), if not already sent, to this Ministry for consideration/approval of the Government's stand on such Bills by the committee. So far as the Private Members' Resolutions in the Lok Sabha and the Private Members' Bills and Resolutions in the Rajya Sabha are concerned, the names of Members, who have given notices for moving these items, are only balloted and the Members who secure the first few positions/places in the ballot are requested to intimate the title of the pending Bills/text of the Resolutions which they intend to move to the respective Parliament Secretariat so that such Bills/Resolutions in their names could be listed for consideration in the Order Papers of the two Houses for the days specified for this purpose. As the Members furnish their replies in this regard when the List of Business is about to be sent to the Press for printing, no letter is addressed by the Secretary, Ministry of Parliamentary Affairs, after the results of the ballots in respect of Private Members' Resolutions in the Lok Sabha and the Private Members' Bills and Resolutions are notified by the Parliament Secretariat concerned.

Wherever, however, the requisite information from the Members in this regard becomes available to the Parliament Secretariat a couple of days or more in advance of the date of printing of the Lists of Business, an advance list of such business is obtained from the concerned Secretariat and Ministries/Departments concerned therewith are requested (**Annex-VI-C**) to immediately furnish the requisite number of copies of the Brief in both the versions clearly and precisely indicating the

Government's stand on such Bills and Resolutions. Alternatively, as and when the printed Lists of Business of Private Members' Bills and Resolutions become available, which is normally two or three days in advance of the day on which they are to be taken up, Ministries/Departments, which have not already furnished Briefs on the Bills/Resolutions included in the list for consideration, are requested to immediately furnish Briefs on such Bills and Resolutions (Such communication is first faxed and then physically sent to the Parliament Unit of the Ministry to provide them maximum possible time to examine the Bills/Resolutions and furnish the requisite information). Ministries/Departments, from whom the Briefs are not received in time as specified in our communication, are also informally contacted at various levels, to expedite the same.

The 'Note for CCPA' (**Annex VI-D** for Bills and **Annex VI-E** for Resolutions) for consideration and approval of the Government's stand on the Private Members' Bills/Resolutions, listed for consideration in the two Houses and on which Briefs have been received from the Ministries/Departments concerned, is submitted normally a day before the day for which they are listed and approval of the committee is ordinarily obtained through circulation of papers (Bills/Resolutions on which Government's stand has already been approved by the committee are not included in such Notes). Whenever it is, however, decided to convene formal meetings of the committee for the purpose, the convenience of the Minister in regard to the date, time and venue of the proposed meetings is solicited. After getting the room reserved, if necessary, all the members of the committee are informed about it, along with the agenda of the meeting, preferably a day in advance of the day of the meeting. Arrangement for providing tea/coffee and pens/pads etc. is also made by the Ministry. In addition to the members of the committee, the concerned Ministries are also endorsed copies of the agenda with the request that they may depute their officers, preferably of the level of Joint Secretary or above to the meeting to brief the committee, if necessary, on the item(s) included in the agenda concerning those Ministries. The Secretary and other officers of the Ministry of Parliamentary Affairs also attend the meetings to render necessary secretarial assistance to the committee. Decisions taken by the committee, in the formal meetings or through circulation of papers, are communicated to

the Ministries/Departments concerned first on the telephone followed by formal communications as normally decisions by the committee in such matters are taken on the day on which the Bills/Resolutions are scheduled to be taken up in the Houses.

A majority of the Private Members' Bills introduced in the two Houses involve expenditure from the Consolidated Fund of India when enacted and brought into operation and, therefore, require the recommendation of the President under article 117(3) of the Constitution before they are taken up in either House of Parliament. Similarly, some Bills sponsored by private Members require the recommendation of the President under article 117(1) of the Constitution before they are introduced in the Lok Sabha. In response to queries made by the Ministries on the scope of granting or withholding of such recommendation, the question was considered in consultation with the Ministry of Law and Justice who opined as under:

“The recommendation of the President is for the introduction or moving of the Bill. The grant of this recommendation is an executive act to be performed on the advice of the Ministry. The fact that the Ministry advise recommendation only means that it has no objection to the introduction or moving of the Bill. It does not preclude the Government from opposing the passing of the Bill into law. It may, therefore, oppose the Bill on merits at any stage after introduction.”

In view of the above, whenever references seeking advice from the Ministry in this regard are received, the Ministries are advised that the President's recommendation required under clause (1) and/or (3) of article 117 of the Constitution for the introduction/consideration of Private Members' Bill may ordinarily be granted unless very exceptional circumstances specially warrant withholding of the President's recommendation (**Annex VI-F**). As per recommendation of the Committee on Private Members' Bills and Resolutions, even the Private Members' Bills awaiting recommendation of the President under article 117(3) for their consideration in the Houses can be included in the List of Business to be transacted by the Houses. To avoid any embarrassment being caused to the administrative Ministry owing to listing of a Bill for consideration for which they have

not obtained the requisite recommendation of the President, Ministries/Departments are required to take action for obtaining/withholding of recommendation of the President as soon as they receive notices of such Bills from the Parliament Secretariat concerned (**Annex VI-G**).

Notwithstanding the opinion of the Ministry of Law and Justice in the matter (**Annex VI- F**), Ministries/Departments, citing various reasons, have from time to time been making references to the Ministry of Parliamentary Affairs for soliciting the approval of the Cabinet Committee on Parliamentary Affairs to the Government stand to advise the President to withhold his recommendation for introduction/consideration of the Private Members' Bills by the two Houses under article 117(1)/(3) of the Constitution. In such cases and also on various related issues, decisions taken by the committee from time to time have been indicated under the heading 'Decisions'.

**To Maintain a Review from an all-India point of view of Legislations undertaken by State Legislatures**

As per records available in the Ministry, the committee has never undertaken a review of this nature since its constitution.

**To Consider Proposals to Summon or Prorogue the Houses of Parliament**

***Summoning of the Houses***

Since 1999, proposals regarding summoning the Houses of Parliament are being submitted to the Cabinet for consideration and decision. However, prior to 1999, such proposals were submitted to the CCPA and after approval by the committee, the approvals of the Prime Minister and the President were sought. After the President had approved the proposed dates of summoning of the Houses, the respective Parliament Secretariats were informed of the Government's decisions in the matter for further necessary action. The submission of such proposals was discontinued in 1999 following a observation made by the then Minister of Home Affairs that suchs proposals should be submitted to the Cabinet. As this function of the committee has almost been rendered dysfunctional since 1999, a proposal that the Cabinet Secretariat may be requested for deletion of this

function from the list of functions assigned to the Committee, was submitted for consideration of the Minister of Parliamentary Affairs in 2003. However, after discussion with the Minister, it was decided not to pursue the proposal.

### **Prorogation of the Houses**

As soon as the Houses are adjourned *sine die* on the conclusion of a Session, a Note for consideration of the CCPA (**Annex VI-H**) seeking its approval to the proposal to prorogue the Houses is submitted and approval of the committee is obtained through circulation of papers. After the committee has approved the proposal, the Secretary-Generals of the two Houses are informed of the Government's decision in the matter by the Secretary, Ministry of Parliamentary Affairs (**Annexes III-K & L**). Whenever the committee is not functional because of its non-constitution, e.g. on the conclusion of a short first Session of the Houses held after the constitution of a new Lok Sabha, proposals regarding prorogation of the Houses, after their approval by the Minister of Parliamentary Affairs, are submitted to the Prime Minister for his approval in terms of Rule 12 of the Government of India (Transaction of Business) Rules, 1961 (Rule 12 states that "The Prime Minister may, in any case or classes of cases permit or condone a departure from these rules, to the extent he deems necessary"). After the Prime Minister has accorded his approval to the proposal, the two Parliament Secretariats are informed in the usual manner.

### **DECISIONS**

(i) With the approval of the Cabinet Committee on Parliamentary Affairs, the Ministries of Personnel, Public Grievances and Pensions and Urban Affairs and Employment approached the President to withhold his recommendations for consideration of (i) the Declaration of Assets by Civil Servants Bill, 1994 by Shri K. Ramamurthy, and (ii) the Slums and Jhuggi Jhopri Areas (Basic Amenities and Clearance) Bill, 1994 by Smt. Bhavna Chikhalia and Shri Suresh Pachouri, under article 117(3) of the Constitution. However, the President recommended all these Bills for consideration under article 117(3) of the Constitution. (F.No.44(3)/95-Leg.I)

(ii) The Cabinet Committee in its meeting held on 25 February,

1999 did not agree with the views of the Ministry of Urban Development and Poverty Alleviation for advising the President to withhold his recommendation under article 117 (3) of the Constitution for consideration of the Slum and Jhuggi Jhopri Areas (Basic Amenities and Clearance) Bill, 1977 in the Rajya Sabha by Shri Suresh Pachouri. (F.No.44(5)/98-Leg.I)

(iii) The State of Vidarbha Bill, 1999 by Shri Vilas Muttemwar relating to reorganisation of States, attracted the provision of article 3 of the Constitution, which *inter alia* provides that no such Bill can be introduced in either House of Parliament without the recommendation of the President after he has referred the Bill to the concerned State Legislature for expressing its views thereon within a specified period. On this Bill, the Ministry of Home Affairs had sought the approval of the C.C.P.A. to the following Government's stand:

“The State of Vidarbha Bill, 1999 may not be referred to the State Legislature of Maharashtra for expressing its views thereon as required under article 3 of the Constitution.”

The Minister of Home Affairs, who was invited to the meeting, was requested by the Minister of Parliamentary Affairs to reconsider their stand on the Bill. The Ministry of Home Affairs, however, subsequently stated that after reconsideration of the matter, it has been decided, with the approval of the Minister of Home Affairs, to reiterate their earlier stand on the Bill. The Committee accorded its approval to the Government's stand through circulation of papers vide CCPA Note No.15/2000 dated 22 November, 2000.

(F.No.70(2)/2000-Leg.I - Part-II and f.44(6)/2000-Leg.I)

(iv) On the State of Paschim Pradesh Bill, 2000, relating to the creation of a separate State of Paschim Pradesh by reorganising the present state of Uttar Pradesh, introduced in the Lok Sabha by Shri Chandra Vijay Singh, the Ministry of Home Affairs had sought the approval of the CCPA to the following Government's stand:

“Bill be not referred to the State Legislature of UP for expressing its views thereon as required under article 3 of the Constitution of India.”

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The proposal was placed before the CCPA and the CCPA, through circulation of papers, approved the above stand of the Ministry of Home Affairs *vide* Note No. 3/2001 dated 8 March, 2001. (F.No.70(1)/2001-Leg.I)

(v) The Ministry of Home Affairs proposed that the President may be advised to withhold his recommendation under article 117(3) of the Constitution, for consideration of the States Reorganisation Commission Bill, 2000 by Shri Subodh Mohite in the Lok Sabha. The CCPA, through circulation of papers, approved the proposal of the Ministry of Home Affairs *vide* Note No.11/2001 dated 22 November, 2001.

(F.No.70(1)/2001-Leg.I Part-II)

(vi) The Ministry of Home Affairs proposed that the following Bills introduced in the Lok Sabha may not be referred to the respective State Legislatures for expressing their views thereon, as required under article 3 of the Constitution of India:

1. The State of Telangana Bill, 2001 by Dr. Y. Lakshmi Prasad.
2. The State of Gorakhaland Bill, 2001 by Shri Dawa Lama.
3. The State of Vidarbha Bill, 2000 by Shri Vijay J. Darda.

The proposals were placed before the CCPA and the CCPA approved the above stands of the Ministry *vide* Note No.11/2001 dated 22 November, 2001. (F.No.70(1)/2001-Leg.I Part-III)

**CHECK LIST**

A check list indicating steps to be taken at various stages in connection with the functions allocated to the committee is enclosed as **Annex VI-I**.