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dated 15.4.2002

INSTRUCTIONS ON CONSTITUTION / RE-CONSTITUTION OF HIGH LEVEL COMMISSIONS / COMMITTEES ETC.

The administrative Ministries/Departments are required to obtain the approval of the Prime Minister through the Cabinet Secretary before High-Level Commissions or committees are set up or their composition altered. The procedure for processing the proposals is indicated below:-

2. Definition:-

The term " High-Level Committee/Commission" means a Committee or Commission presided over by a high ranking dignitary, e.g. a Minister, a Judge of the Supreme Court, a Vice-Chancellor etc. which inter-alia includes prominent persons in public life as members.

Explanation I :-

In determining whether a Committee or Commission is High-Level or not, regard should be had to the nature of its terms of reference and their importance from the economic, social or political standpoints. In other words, even if the Commission or Committee is presided over not by a high-level dignitary, but someone otherwise prominent and its terms of reference are important, it should be regarded as High-Level.

Explanation II :-

Proposals for setting up Public Commissions or Committees of Inquiries, i.e. Commissions or Committees set up under the Commission of Inquiry Act or other Commissions or Committees of Inquiry which may have to call for information and evidence from the public are outside the purview of these instructions; such proposals require the approval of the Cabinet and should be submitted in accordance with the procedure prescribed for submission of cases to the Cabinet. However, should any alteration in the composition of such Commission/ Committee become necessary after their establishment has been approved by the Cabinet, it would be sufficient if the approval of the Prime Minister is obtained to the proposed changes through the Cabinet Secretariat.

Explanation III :-

Departmental or Technical Committees presided over by, and composed principally of Government officials or experts in different disciplines, even if one or more non-officials are proposed to be included, are also outside the purview of these instructions. However, should such Committees include any Member of Parliament, the prior approval of Prime Minister to their inclusion must be obtained.

3. Procedure:-

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| i. | The question as to whether the proposed Commission/Committee conforms to the definition of the term "High-Level" should be carefully considered in accordance with the guidelines in paragraph 2 above. |
| ii. | If it is proposed to include Members of Parliament in the proposed Commission/Committee, the prior approval of the Minister of Parliamentary Affairs should be obtained to the nomination of the MPs. |
| iii. | Following receipt of a reply from the Department of Parliamentary Affairs in cases in which MPs are proposed to be included and ab-initio in others, details regarding the terms of reference, composition (MPs and others whether official or non-official) and tenure of the Commission/Committee etc. should be forwarded to the Cabinet Secretariat in the format of Annex. |
| iv. | The consent of the proposed Members, both MPs and others, should be obtained only after Prime Minister's approval has been communicated by the Cabinet Secretariat. |
| v. | Where proposals relate to organisations like CSIR, ICAR and ICMR (all registered societies), any change in the composition of the membership of the society may be made with the approval of the Minister concerned, within the framework of the memorandum of association of the registered society and its rules and by-laws. |
| vi. | For bodies like the Atomic Energy Commission, the Space Commission, the Electronics Commission and the Planning Commission, the Prime Minister is himself the Minister-in-charge. Membership of the respective Commissions, or any changes therein, would therefore in any case be subject to his prior approval. |

Note:- The proposed change in composition may at times be limited only to Members of Parliament and not extend to other members. Even in such cases, a reference to the Cabinet Secretariat after obtaining the formal approval of the Minister for Parliamentary Affairs is necessary. This is because a check is necessary to see whether the names already informally cleared by PM fit in with the rest of the membership of the high-level Commission/Committee before formal approval is accorded.

4. These instructions apply to all high-level Commissions/Committees whether standing or ad-hoc and to all appointments whether part-time or whole-time.

ANNEX.

Proforma for submitting proposals for constitution/ reconstitution or change in the composition of High-Level Commissions/ Committees requiring approval of the Prime Minister

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| 1. | Name of the Ministry/Department | |
| 2. | Name of the high-level Commission/ Committee. | |
| 3. | Background information leading to the appointment of the Commission/ Committee. | |
| 4. | Terms of reference of the Commission/ Committee. | |
| 5. | Composition/Re-composition/change in the composition of the Commission/ Committee. | |
| 6. | Period prescribed for completion of work assigned to the Commission/ Committee. | |
| 7. | Whether concurrence of the Department of Parliamentary Affairs has been obtained in respect of MPs included in the composition of the Commission/Committee. | |
| 8. | Whether the proposal has been approved by the Minister-in-charge of the Ministry/Department. | |