

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2892
ANSWERED ON:06.08.2015
Compliance of Constitutional Provisions
Khanduri AVSM Maj. Gen. (Retd) Bhuwan Chandra

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government is aware of the fact that certain States including Uttarakhand and Telengana have been violating the constitutional provisions by giving Ministerial status to Chairman of Boards/Commissions and Political Advisors/Parliamentary Secretaries etc. and if so, the reaction of the Government thereto;
- (b) whether the Government proposes to do away with such practice of granting Ministerial status over and above the limit prescribed in the Constitution of India and if so, the details thereof;
- (c) if not, the reasons therefor along with the remedial steps proposed to be taken in this regard;
- (d) whether the Government is aware of any judgements of High Courts of these two States in this regard; and
- (e) if so, the reaction of the Government thereto?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)

- (a): The Central Government does not have such information since the matter is primarily the concern of the State Governments.
- (b) & (c) No, Madam. Article 75 and article 164 of the Constitution of India, enjoin that the total number of Ministers, including Prime Minister and the Chief Minister, in the Council of Ministers and the Council of Ministers in a State, shall not exceed fifteen per cent of the total number of members of the House of the People and the total number of the members of the Legislative Assembly of that State, as the case may be. Thus, it is a constitutional mandate to be adhered to strictly by all concerned.
- (d) The Government is not aware of any such judgement.
- (e) Does not arise.