



HP Parliamentary Secretaries Act, 2006

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The **Himachal Pradesh High Court (HP HC)** recently quashed the HP Parliamentary Secretaries (Appointment, Salaries, Allowances, Powers, Privileges & Amenities) Act (HPPSA), 2006 which had allowed the state government to appoint [Members of the Legislative Assembly \(MLAs\)](#) as **Chief Parliamentary Secretaries (CPS)**.

- The Court ruled that the HPPSA, 2006, was beyond the **legislative competence of the State Legislature**, making the law unconstitutional.
- The HPPSA, 2006, was found to violate **Article 164(1-A)**, which **limits the size of a cabinet and its composition**.
 - Article 164(1-A) states that the total number of Ministers, including the Chief Minister, in the Council of Ministers in a **State shall not exceed 15%**.
- The Court noted that **CPS performed tasks similar to ministers**, with similar perks, access to official files, and involvement in decision-making, despite lacking formal powers.
- Additionally, the **"office of profit"** clause prevents public office holders from using their position to **gain additional benefits**. The creation of positions like CPS, when not backed by constitutional provision, is **seen as a violation of this clause**.
- The Court emphasised that the difference between ministers and parliamentary secretaries was artificial and went against constitutional rules.
- The HP HC ordered the government to immediately end the CPS appointments and revoke all associated privileges.
- Earlier, the [Supreme Court](#) has consistently struck down the creation of parliamentary secretary posts in states like West Bengal, Punjab, Goa, and Assam, ruling them **unconstitutional for bypassing the 15% ceiling on the Council of Ministers**.

Read more: [Himachal Pradesh's Bill to Raise Women's Minimum Marriage Age to 21](#)

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