



Article 98

- (1) Each House of Parliament shall have a separate secretariat staff: nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.
- (2) Parliament may by law regulate the recruitment & the conditions of service of persons appointed, to the secretariat staff of either House of Parliament.
- (3) Until provision is made by Parliament under clause (2), the President may, after consultation with the presiding officers, as the case may be, make rules regulating the recruitment, & the conditions of service of persons appointed, to the secretariat staff & any rules so made shall have effect subject to the provisions of any law made under the said clause".
- The Secretariat functions under the overall guidance & control of the Speaker. The main functions can be given as
 - (i) Providing secretarial assistance & support to the effective functioning of the house
 - (ii) Payment of salary & other allowances to the Members
 - (iii) Providing amenities as admissible to Members
 - (iv) Servicing the various Parliamentary Committees;
 - (v) Preparing research & reference material & bringing out various publications;
 - (vi) Recruitment of manpower
 - (vii) Preparing & publishing a record of the day-to-day proceedings and other publications
- Secretary general heads the administrative staff who in turn works under presiding officer.
- Additional Secretary/Joint Secretary is assisted by an officer of the rank of Director or Deputy Secretary & equivalent.
- At the middle level, officers of the rank of Under Secretary & equivalent are placed & at the lowest level, officers in the capacity of Executive Officer/Senior Executive Assistant/Executive Assistant & equivalent are provided. Besides, clerical & Secretarial assistance is also provided in addition to Messengerial service.
- Presently, there are ten Services categorized on functional basis
- The functions of each Service are supplementary to the other & their Officers & Staff are not freely interchangeable due to the nature of duties
- Secretary-General, holds the rank of the Cabinet Secretary to the GoI. She is assisted by senior functionaries at the level of Secretary, Additional Secretary, Joint Secretary & other officers and staff of the Secretariat.

- Snehlata Shrivastava (2017) was the first lady secretary general of LS & V.S. Ramadevi was first lady secretary general of Rajya Sabha(1993)
- Based on the recommendations of the Parliamentary Pay Committee way back in 1974, the Secretariat was restructured on functional basis into the following Services.
- i) The Legislative, Financial Committee, Executive and Administrative Service(LAFEAS)
- (ii) The Library, Research, Reference, Documentation and Information Service(LARRDIS)
- (iii) The Verbatim Reporting Service
- (iv) The Private Secretaries & Stenographers Service
- (v) Printing and Publications Service
- (vi) The Simultaneous Interpretation Service etc

RAJYA SABHA SECRETARIAT

- In the first Parliament, the Rajya Sabha opted for the first Secretary (General) S.N. Mukherjee, a civil servant, despite India having a legacy of the Legislative Assembly Department (Secretariat) attached to the Central Legislative Assembly since 1929.
- However, S.N. Mukherjee's appointment as Secretary (General) could be justified as he had served in the Constituent Assembly Secretariat as Joint Secretary & chief draftsman of the Constitution.
- S.S. Bhalerao joined the Rajya Sabha Secretariat as Deputy Secretary in 1958 and rose to become the third Secretary (General) in 1976. Before he had served as Assistant Secretary in the erstwhile Hyderabad Legislative Assembly & as Secretary in the Maharashtra Legislative Assembly.
- Similarly, Sudarshan Agarwal joined the Rajya Sabha as Deputy Secretary and became the fourth Secretary-General in 1981.
- Ramacharyulu was the first-ever Rajya Sabha secretariat staff who rose to become the Secretary-General of the Upper House.
- However, Ramacharyulu was replaced, bizarrely, by a former bureaucrat, P.C. Mody, in less than three months
- Since 1993, all the Secretaries-General of the Rajya Sabha were from the civil service till the appointment of Ramacharyulu as the 12th Secretary-General.
- The appointment of P.C. Mody, a retired IRS officer as the 13th Secretary-General in the Upper House was for the first time.
- The principle, laid in the Article 98 is that the secretariats should be independent of the executive government.

- In the Constituent Assembly, R.K. Sidhwa, an eminent member, emphasised the need for an independent secretariat.
- The Secretary-General, equivalent to the rank of Cabinet Secretary, is the third most key functionary of the Rajya Sabha after the Chairman and the Deputy Chairman.
- The Secretary-General also enjoys certain privileges such as freedom from arrest, immunity from criminal proceedings, and any obstruction and breach of their rights would amount to contempt of the House.
- The Secretaries-General of both the Houses are mandated with many parliamentary & administrative responsibilities.
- One of the prerequisites that demand the post of the Secretary-General is unfailing knowledge & vast experience of parliamentary procedures, practices and precedents.
- Most of the civil servants lack precisely this aspect of expertise.

LOK SABHA SECRETARIAT

- The first Secretary (General) of the Lok Sabha, M.N. Kaul (1952-64), was Secretary to the Constituent Assembly Secretariat (1947-50) & the Provisional Parliament (1950-52).
- S.L. Shakhdar (1964-77), the second Secretary-General of the Lok Sabha, who was the Secretary of the Department of Parliamentary Affairs in 1949, was later appointed as the OSD to M.N. Kaul & succeeded Kaul as the Secretary (General) of the Lok Sabha subsequently.
- The nine Secretaries-General (from the Secretariat) were Avtar Singh Rikhy, Subhash Kashyap, C.K. Jain, R.C. Bhardwaj, G.C. Malhotra, P.D.T. Achary, S. Bal Shekar, P. Sreedharan and P.K. Grover.
- Gradually this trend set on decline. Also, some of them got the Secretary-General position after their retirement.
- Serving civil servants or those who are retired & having clout of their past career.
- When civil servants are hired to the post of Secretary-General, it dishonours the purpose of ensuring the independence of the Secretariat but also leads to a conflict of interests.
- It breaches the principle of separation of power. The officials mandated with exercising one area of power may not expect to exercise the others.
- Parliament has all the reasons for its surveillance of administration. Parliament must have the technical & human resource competency that is on a par with the executive to be an effective body for providing meaningful scrutiny & to make the executive accountable.
- A strong Parliament means a more answerable executive. However, the bureaucracy persistently does not allow Parliament to be a competent and robust legislative institution.

- There are thousands of legislative bodies in India, ranging from the panchayat, block panchayat, zila parishad, municipal corporations to State legislatures and Union Parliament at the national level.
- Despite these mammoth law-making bodies, they lack their own common public recruiting & training agency at the national level.
- Parliament & State legislative secretariats recruit their pool of bureaucrats separately.
- The growth of modern govt & expansion of governmental activities require a matching development and laborious legislative exercise.
- Creating a common all-India service cadre, an Indian Legislative Service, can be a good option.
- A common service can build a combined & experienced legislative staff cadre, enabling them to serve from across local bodies to Union Parliament
- The Rajya Sabha can, under Article 312, pass a resolution to this effect, in national interest, to create an all-India service common to both the Union and the States,
- In the United Kingdom, the Clerk of the House of Commons has always been appointed from the legislative staff pool created to serve Parliament.
- According to P.D.T. Achary, The secretariat is the eyes, ears and arms of the legislature. If the secretariat is under the control of the executive, the legislature will most surely fail to perform its most fundamental duty of scrutinising the functioning of the executive.
- Vithalbai Patel, the first Indian speaker (president) elected to the Central Legislative Assembly in 1925 .
- He laid down the basic rules for the independence of the legislature & its secretariat in India.
- He fought a long battle with the colonial government for an independent secretariat for the Central Legislative Assembly
- At last, Vithalbai won the battle and an independent secretariat was established on January 10, 1929.

LEADER OF THE HOUSE

- The term Leader of the House has been defined in Rules of Procedure of the Lok Sabha & the Rajya Sabha.
- According to Rule 2 of the Rules of Procedure & Conduct of Business in the leader of the house in Lok Sabha means the prime Minister, if he is a Member of the House or a Minister who is a Member of the House & is nominated by the Prime Minister to function as the Leader of the House.
- The Prime Minister is invariably the Leader of the Lok Sabha.
- Leader of the House exercises direct influence on the course of parliamentary business.
- The arrangement of Govt business is the responsibility of the Leader of the House, though

the details are settled, subject to her approval, by the Chief Whip.

- She makes proposals for the dates of summoning & prorogation of the House for the approval of the Chair.
- She has to draw up the programme of official business to be transacted in the Session of Parliament, namely, Bills, motions, discussions on general or specific subjects like five-year plans, foreign policy, economic or industrial policy and other important State activities.
- She fixes priorities for various items of business to ensure their smooth passage.
- After settling tentative programme for the whole session, She maps out tentative programme for a session, weekly & daily basis
- On the basis of suggestions made by the leader of the house, the Business Advisory Committee determines the allocation of time for Govt Bills & other business .
- The Leader of the House in the Rajya Sabha is generally a member of the Business Advisory Committee (BAC).
- If, she is not a member of the BAC, she is invited to attend its meetings.
- The Leader of the House shapes the course & content of legislation in & will be the final voice in deciding amendments.
- In the British parliamentary system the fate of the private member bill be determined by the Prime Minister in consultation with the Leader of the House.
- In India apart from the Leader of the House there is a committee of the Cabinet known as the Cabinet Committee on Parliamentary Affairs, which determines what attitude the government should take towards private members' business & it is not exclusively left to the discretion of the Leader of the House as is done in the British system
- She can move, or delegate her functions to any other member to move a motion that the seat of a member should be declared vacant under clause (4) of Article 101 of the Constitution.
- The Leader of the House can request the Presiding Officer to fix a day for sitting of the House in secret.
- He/She is consulted by the Chair in regard to the arrangement of govt business & allotment of days or allocation of time for discussion of the matters referred to in the President's Address to the House under article 87(1);
- The Leader of the House is generally consulted when a motion for suspension of a member from the service of the House, is moved, or a question involving a breach of privilege, either of a member or of the House, or of a committee, is raised in the House.
- The leader of house acts as spokesperson of the house collectively, in the case of a difference with

the other House, where there is some complaint of breach of privilege of the House against any outside body or agency or when it is desired to give expression to the feelings of the House on some event of importance in home or foreign affairs.

- She maintains liaison between the govt & the Opposition groups in the House.
- She is the guardian of the legitimate rights of the Opposition as well as those of the govt.
- Leader of house influences the conduct of the house – She can nominate a deputy leader – named as 'majority leader' in USA

LEADER OF HOUSE IN UK

- According to Sir Ivor Jennings, the British Constitution has a way of creating offices without legislation & without any formal decision. Like an office is that of Leader of the House of Commons.
- In England, a member of the Govt is responsible to the PM for the arrangement of the Govt business in the House of Commons is known as the Leader of the House.
- Until 1942, PM, if a member of the House of Commons, generally also acted as the Leader of the House;
- if she was a member of the House of Lords the duties of the Leader of the House of Commons were performed either by the First Lord of the Treasury or by the Chancellor of the Exchequer
- Since 1942, it has been the regular practice to have a separate Leader of the House.
- Now, a Minister who is a member of the House of Commons is appointed by the Prime Minister as the Leader of the House.
- According to Gladstone, the Leader of the House 'suggests, & fixes, the course of all principal matters of business, supervises & keeps In harmony the actions of his colleagues, takes the initiative, in matters of ceremonial procedure, and advises the House in every difficulty as it arises'
- In the absence of the PM, the Leader of the House of Commons has the responsibility of expressing the sense of the House of Commons on formal occasions like moving Motions.
- On the basis of the recommendations of the Leader of the House, decisions are taken by the Govt on Private Members' motions & Bills.
- The Leader of the House does this by working closely with the government's Chief Whip.
- The Leader of the House, who may be the Chief Minister of the State, is a man of influence. She is the leader of the majority party.
- Her presence in the House is an added strength that ensures smooth functioning of the House.
- The Leader of the House frequently conducts meetings with leaders of various political parties, to discuss the proposals and measures that the government is planning

- The Leader of the House, who is also a Member of the Business Advisory Committee, places its report on the Table of the House and shapes the course and content of legislation.
- He maintains liaison with other political parties in the House, particularly in case of urgency & intervenes in discussion, responds to the demands of the members of opposition parties and groups & also controls unusual behavior of members and extends help to the Chair in taking decisions.
- Normally, PM nominates a Minister who is a member of the Rajya Sabha as Leader of the House, but if she is a member of rajya sabha then she will be the leader of the house herself .
- If PM is not a Member of either House or is a Member of the Upper House, the Minister of Parliamentary Affairs requests the Prime Minister to nominate a Minister who is a Member of the Lok Sabha to function as Leader of that House.
- After obtaining approval of the Prime Minister, the Minister of Parliamentary Affairs informs the Speaker accordingly.

LEADER OF OPPOSITION

- Leader of opposition – leader of largest party in opposition not less than one tenth seats of total strength of house.
- In British parliament , opposition & govt are carried on alike by agreement.
- The minority agrees that the majority must govern, & the majority agrees that the minority should criticise.
- The uninterrupted respect for the rights of the opposition which govt shows should be accepted as prima-facie evidence of the soundness of its parliamentary faith.
- In performing her duties & obligations, the Leader of the Opposition has to take into account not only what she is today but what she hopes to be tomorrow.
- In 1969, when Indira Gandhi was the PM, the Congress split to form the Indian National Congress (Requisitionists) & the Indian National Congress (Organisation).
- The Leader of INC(O), Ram Subhag Singh, became the first person to be formally recognised as LoP in the Lok Sabha.
- Until 1977, there were no emoluments & perks attached to the position of LoP.
- There is no provision in the Constitution or even in the Lok Sabha Rules of Procedure in regard to the recognition of the LoP.
- Right from the first Lok Sabha, the practice has been to recognise the leader of the largest party in Opposition as the LoP provided that party has a strength one-tenth of the total membership of the House — at present that comes to 55 members.
- The 1977 Act defines LoP as that member of the House who is the “Leader in that House of the party

in opposition to the Govt having the greatest numerical strength & recognised as such by the Chairman of RS or the Speaker of LS, as the case may be.

- The Leaders & Chief Whips of Recognised Parties & Groups in Parliament (Facilities) Act, 1998 also refers to a recognised party in the Lok Sabha as a party that has not less than 55 members.
- Since there is no constitutional provision, the 1977 law does not provide for the requirement of 55 members as an essential prerequisite.
- As it all depends on the Speaker’s directions & discretion, it may be hoped that rightful action will be taken.
- While it is entirely within the jurisdiction of the speaker to extend to opposition leaders privileges like office accommodation on Parliament premises, some secretarial assistance, preference in the seating arrangement of the House & speaking time during proceedings, etc
- Without a leader of opposition in LS, selection process of Lokpal, chief vigilance commissioner (CVC) & chief information commissioner (CIC)-- cannot be done
- The leader of opposition is part of the selection panel for these posts.
- Leader of opposition – to provide constructive criticism of policies of govt & to provide alternative govt – got statutory recognition in 1977 – salaries , allowances & other facilities equivalent to cabinet ministers .
- 1969 official leader of opposition recognised for first time – termed as ‘Minority leader’ in USA
- Shadow cabinet – British system

WHIP

- The Whips are not officially recognised in the standing orders of the House of Commons or the House of Lords. but long tradition has given them a secure place in the parliamentary machine.
- Essential for efficient & smooth running of the parliamentary machine.
- The word 'Whip' is derived from the 'Whipper-in' employed by a hunt to look after the hounds & keep them together in the field.
- Edmund Burke, in a debate in the House of Commons in May, 1769, described how the King's Ministers had made great efforts to bring their followers together & how they had sent for their friends to the North & to Paris for "Whipping them in".
- Since then the phrase caught the public fancy and became popular.
- Each party has a Chief Whip & Assistant Whips depending on the number of Members it has in the House.
- She is responsible for the orderly consideration of the Government business.

- According to Sir Ivor Jennings "arrangement of business is an art of which attention must be paid"
- After the start of the Session, the main function of the Govt Chief Whip is to ensure that the Govt business is transacted in accordance with the planned programme.
- "To keep a House", says Ivor Bulmer Thomas, "is to ensure that there is always sufficient attendance of members to form a quorum & more particularly to give support to their own chosen speakers.
- Cooperation among the parties can be achieved with the help of whip leaders
- it is one of the responsibilities of the Whips to maintain party discipline in the House.
- She keeps the Leaders, & Ministers, informed of the currents of opinion in the party as also the moods and inclinations of individual members when those deserve special notice.
- The complaints or criticism of members must be listened & their grievances met, for parties really split over a multitude of small complaints
- In the words of N. Nicolson, the Whips "must act as a two-way Intelligence Service to warn Ministers of trouble stirring on the backbenchers, and to warn members of the consequences of carrying disagreement to extreme lengths"
- Herbert Morrison has written "it is persuasion rather than bullying that is the rule; it is reasoning with a recalcitrant member rather than coercion that is the general practice
- During the Session, the whips send out notices to all members of their parties, when important divisions are expected. Such notices are known as "Whips".
- The Minister of Parliamentary Affairs is the Chief Whip of Government. He is directly responsible to the Leader of the House.
- It is a part of her duties to advise the Govt on Parliamentary business and to maintain a close liaison with the Ministers in regard to parliamentary business affecting their Departments.
- There are regional Whips also who keep liaison with the Members belonging to their respective States in regard to the business of the House
- Whips of the ruling party & of parties in the Opposition come into contact with each other to sort out matters of common.
- Even in the matter of selection of members of the Opposition for Select Committees, contact between Whips of the Govt & the Opposition becomes important.
- By the Constitution (52nd Amendment) Act, the task of the Whips has become easier.
- Although the main job of the Whip to make the House & to keep the House continues in regard to important divisions or voting.
- The Parliament has passed on Act known as the Leaders & Chief Whips of Recognised Parties & Groups in Parliament (Facilities) Act, 1998 this Act provides important facilities to each Chief Whip of a recognized party and a recognized group.
- A one-line whip, is usually issued to inform party members of a vote, & allows them to abstain in case they decide not to follow the party line.
- A two-line whip directs them to be present during the vote.
- A three-line whip is the strongest, employed on important occasions such as the second reading of a Bill or a no-confidence motion, and places an obligation on members to toe the party line.
- The penalty for defying a whip varies from country to country. In the UK, MPs can lose membership of the party, but can keep their House seats as Independents; in India, rebelling against a three-line whip can put a lawmaker's membership of the House at risk.
- The anti-defection law allows the Speaker/Chairperson to disqualify such a member; the only exception is when more than a third of legislators vote against a directive, effectively splitting the party.
- Several practitioners are of the view that the whip should be applicable only to motions where the survival of the govt is in question, & not to ordinary legislation.
- In the UK, political parties sometimes announce a "free vote", in which MPs are allowed to vote as they wish on certain issues.
- Speaking on the practice of issuing whips in India, the chairman of the Rajya Sabha recently said that "we need to build a political consensus so that the room for political and policy expression in Parliament for an individual member is expanded.
- In a country like the US, where primaries determine who would be the candidate for any seat in the legislature, party leaders cannot use the instrument of issuing party tickets to ensure greater party discipline.

INTER-PARLIAMENTARY UNION

- Inter-Parliamentary Union Cell deals with the IPU related Conferences / Meetings / Workshops such as Statutory Assemblies of IPU, Specialised Conferences which are either organized directly by the IPU or are jointly organised by IPU and the organisations recognized by the IPU.
- IPU Cell also deals with meetings of Asian Parliamentary Assembly (APA), Forum of Asia-Pacific Parliamentarians for Education (FASPPED), Asia-Europe Parliamentary Partnership (ASEP) and Asia-Pacific Parliamentarians Conference on Environment & Development (APPCED).
- The Secretarial work including Protocol and Liaison work pertaining to the Indian Parliamentary Delegations going abroad and Inter-Parliamentary Cooperation are done by the Cell.
- The IPU Cell also organises IPU related Conferences.

INDIAN PARLIAMENTARY GROUPS

- The Indian Parliamentary Group is an autonomous body formed in the year 1949 in pursuance of a motion adopted by the Constituent Assembly (Legislative) on 16th August, 1948.
- Membership of the Indian Parliamentary Group is open to all Members of Parliament and ex-Members of Parliament.
- A Member of Parliament can become a life Member of the Group on payment of life subscription.
- On ceasing to be a Member of Parliament, a life member of the Group is designated as 'Associate Life Member'.
- The management & control of the affairs of the Group are vested in the Executive Committee. The Speaker, Lok Sabha is the ex-officio President of the Group.
- The Group aims to promote personal contacts between Members of Parliament & disseminate information to the Members of Parliament by conducting seminars etc. on the issues that are likely to come up before Parliament.
- It arranges lectures on political, defence, economic, social & educational problems & also arranges visits to foreign countries with a view to develop contacts with Members of other Parliaments.
- The Group acts as a link between the Parliament of India and the various Parliaments of the world by exchange of delegations, goodwill missions, correspondence, documents etc. with foreign Parliaments.
- It also functions as the (a) National Group of the Inter-Parliamentary Union and (b) Main Branch of the Commonwealth Parliamentary Association in India.



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