

## CHAPTER-I

### INTRODUCTION AND DEFINITIONS

**1.1 Introduction** — The functioning of Rajya Sabha is regulated under various provisions of the Constitution of India in general and Article 118 in particular, which reads as follows:

*Rules of procedure* — (1) *Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.*

(2) *Until rules are made under clause (i) the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.*

(3) *The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of and communications between the two Houses.*

(4) *At a joint sitting of the two Houses the Speaker of the House of People, or in his absence such person as may be determined by rules of procedure made under clause (3), shall preside.”*

**1.2 The Rajya Sabha Secretariat** — As early as in January, 1926, the Presiding Officers Conference adopted a resolution proposing the creation of a separate office for the Central Legislative Assembly, independent of and unconnected with the Government. On 22nd September, 1928 Pandit Motilal Nehru moved a resolution in the Central Legislative Assembly to the effect that a separate Assembly Department be constituted. The resolution was adopted unanimously. The Secretary of State for India, having accorded his approval, with certain modifications to the scheme as embodied in the resolution, a separate self-contained department known as the ‘Legislative Assembly Department’ was created on 10th January, 1929 in the portfolio of the Governor General with the Speaker of the Legislative Assembly as its *de facto* Head.

The recruitment and conditions of service of the employees of the Legislative Assembly Department were governed by separate Rules called the Legislative Assembly Department (Conditions of Service) Rules, 1929 made by the Secretary of State in Council on 7th August, 1929. Officers and staff of the Legislative Assembly Department thereafter began to be appointed in accordance with those Rules with the approval of the President (Chairman/Speaker) of the Assembly. The position and authority of the Speaker in the matter of recruitment, terms and conditions of service of the officers and staff of the Central Assembly Department (and its successor Secretariat) have ever since been recognised by Statutory Rules and conventions and finally by the Constitution of India.

Under the provisions of the Indian Independence Act, 1947, the legislative functions of the Central Legislature were taken over by the Constituent Assembly of India. There was, however, no change in the nomenclature of the Legislative Assembly Department. With the coming into force of the Constitution and creation of a provisional Parliament on 26th January, 1950 the name of the Department was changed to ‘Parliament Secretariat’. Article 98 of the Constitution of India made the following specific provision for separate Secretariats for the two Houses of Parliament:

*Secretariat of Parliament* (1) *Each House of Parliament shall have a separate Secretariat staff: Provided that 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 and 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 Speaker of the House of the People or the Chairman of the Council of States as the case may be make rules regulating the recruitment and the conditions of service of persons appointed to the secretariat staff of the House of the People or the Council of States and any rules so made shall have effect subject to the provisions of any law made under the said clause.”*

Even after the Council of States (Rajya Sabha) and the House of the People (Lok Sabha) came into existence in 1952 the Secretariat of the House of the People continued to be called the ‘Parliament Secretariat’, and a new Secretariat called the ‘Council of States Secretariat’ was set up for the Rajya Sabha. The names of the two Secretariats were changed in 1954 to ‘Rajya Sabha Secretariat’ and ‘Lok Sabha Secretariat’ respectively. The conditions of service of the Officers and Staff of the Secretariats continued to be governed till 30th September, 1955 by the Legislative Assembly Department (Conditions of Service) Rules, 1929, as amended and adapted from time to time. New rules were framed, as given in the next chapter, in 1957.

**1.3 Accountability of the Secretariat and the purpose of this Manual** — Under Article 122, Courts cannot inquire into the validity of the proceedings in Parliament nor are officers of Parliament subject to jurisdiction of any court in respect of exercise of any powers regulating procedure, or the conduct or for maintaining order. Accountability for the official actions of the officers/officials of Rajya Sabha Secretariat at different levels however exist, and in the administrative hierarchy it is essential, more so when the normal check of judicial scrutiny is not applicable to lay down this accountability so that the responsibility at different levels is known to everybody. Discretion and freedom of action must be well defined and standardised and process of office working must be laid down to establish accountability at all levels.

The present 2nd edition of the Manual of Office Procedures in the Rajya Sabha Secretariat (Office Manual in short) is a compilation of the set and well-established procedures to be followed by different Services/Sections in handling different types of work in the Secretariat and contains various instructions relating to the working of the Secretariat. Its purpose is to lay down benchmarks of performance, assign responsibility and standardise procedures. As such the Manual is expected to be used on a day-to-day basis. It is also a training aid and a reference document for inspection purposes.

**1.4 Definitions** — In this Manual, unless the context otherwise requires:

- (i) *Bulletin* — means the Bulletin of the Council of States (Rajya Sabha) containing (a) a brief record of the proceedings of the Council at each of its sittings (Part-I Bulletin); and (b) information on any matter relating to or connected with the business of the Council or other matter which in the opinion of the Chairman may be included therein; and (c) information regarding Committee, of the Councils or Select Committees of the Council or Joint Committee of the two Houses (Part-II Bulletin).
- (ii) *Case* — case consists of the file containing the papers under consideration and any other files and papers, books etc. put up for reference to enable the question or questions raised to be disposed of.
- (iii) *Correspondence* — correspondence is the collection of all communications (receipts) received and office copies of out-going communications (issue) consisting of (a) Official correspondence; (b) Demi-official correspondence; and (c) Unofficial correspondence.

*Appendix to Correspondence* — in relation to a file means lengthy enclosures to a communication (whether receipt or issue) on the file, inclusion of which in the correspondence portion is likely to obstruct smooth reading of the correspondence or make the correspondence portion unwieldy.

- (iv) *Dak* — dak includes every type of written or printed communication such as letter, telegram, savingram e-mail and communications received from Members of Rajya Sabha including notices received under Rules of Procedure and Conduct of Business and others, *Classified dak* means dak bearing security grading and *Urgent dak* means dak marked immediate or priority and includes telegrams, savingrams, wireless messages and telex messages.

- (v) *Demi-official Correspondence* — a communication is demi-official when Secretariat officers correspond with each other, with Government officers or with any member of the public without the formality of the prescribed procedure and with a view to elicit, inter-change or communicate opinion or information before a formal decision is taken.
- (vi) *Departmental Instructions* — departmental instructions mean instructions issued by a department to supplement or alter the provisions of the Manual of Office Procedure.
- (vii) *Distribution Section* — distribution section means a unit consisting of the Central Registry and the Central Issue section and is charged with the responsibility of receiving, registering and distributing dak meant for that department and includes functionaries like resident clerk and night duty clerk.
- (viii) *Docketing* — docketing means making of entries in the notes portion of a file about the serial number and Diary/Despatch number assigned to each item of correspondence (whether receipt or issue) for its identification, along with particulars of date of receipt/issue.
- (ix) *Draft* — draft means a rough copy prepared of a document. The word drafting when used in the Secretariat means composing of official communications, based on officers' notes or orders.
- (x) *Executive/Legislative/Committee Officer* — Executive/Legislative/Committee Officer means an officer supervising a section, designated according to the work performed by the Section.
- (xi) *File* — file means a collection of papers on a specific subject matter and assigned a classified identification number (File No.), consisting of one or more of — (a) correspondence; (b) notes; (c) appendix to correspondence; and (d) appendix to notes. *Current File* - current file means...a file containing a paper or papers on which action has not been finally completed.
- (xii) *Filing* — filing can be defined as placing loose papers in a systematic order in a file relating to the subject, generally in chronological order of receipt so that the papers wanted can be located readily.
- (xiii) *Fresh Receipt* — See 'Paper Under Consideration' below.
- (xiv) *Indexing* — indexing in relation to a file means indicating its title under appropriate catchwords arranged in their alphabetical order with a view to facilitating its location whenever needed. Thus it is a means of tracing records on a particular subject.
- (xv) *Issue* — the term 'Issue' is used to signify the various stages of action after approval of a draft, namely, typing of fair copy, comparison with approved draft, submission of the fair copy for signature and finally the despatch of the communication to the addressee.
- (xvi) *Note* — note means the remarks recorded on a case to facilitate its disposal. It includes a precise of previous papers, a statement or an analysis of questions requiring decision, suggestions regarding the course of action and final orders passed thereon.  
  
*Appendix to Notes* — in relation to a file, means lengthy document or statement containing detailed information concerning certain aspects of the question discussed on the file, incorporation of which in the main note is likely to obscure the main point or make the main note unnecessarily lengthy.
- (xvii) *Official Correspondence* — means correspondence addressed by or to any Government or Rajya Sabha Secretariat Official, public body or private individual in conformity with the prescribed form and procedure.
- (xviii) *Paper Under Consideration* — the paper under consideration (P.U.C.) is normally a primary receipt, the consideration of which is the subject matter of the file or case. The latest communication or a subsidiary receipt which is to be considered in relation to the subject is termed as 'Fresh Receipt' (F.R.).

- (xix) *Receipts* — all communications whether official, demi-official or unofficial received in the Secretariat or by any officer of the Secretariat in his official capacity are called receipts.
- (xx) *Recording* — recording is the process of closing a file after action on all the issues considered thereon has been completed. It includes operations like completing references, removing routine papers, re-pagination, revising the file title, changing the file cover and stitching the file.
- (xxi) *Referencing* — referencing is the process of putting up and referring to connected records, precedents, rules regulations, books or any other paper having a bearing on the case.
- (xxii) *Section* — Section means the basic work unit within a service responsible for attending to items of work allotted to it. It is generally supervised and controlled by an Executive/Legislative/Committee Officer or by an Assistant Director or by both.
- (xxiii) *Standing Guard File* — Standing Guard File on a subject means a compilation consisting of the following three parts:
- (a) a running summary of the principles and policy relating to the subject with number and date of relevant decisions or orders quoted in margin against each;
  - (b) copies of the decisions or orders referred to, arranged in chronological order; and
  - (c) model forms of communications to be used at different stages.
- (xxiv) *Standing Note* — standing note in relation to a subject means a continuing note explaining, among other things, the history and development of the policy and procedure, designed to serve as a complete background material for review of the existing policy or procedure.
- (xxv) *Standard Process Sheet* — means a standard skeleton note developed for a repetitive item of work, indicating predetermined points of check or aspects to be noted upon.
- (xxvi) *Table* — means the Table of the Council of States (Rajya Sabha).
- (xxvii) *Unofficial Correspondence* — A communication is 'Unofficial' when a paper or a file or a case is forwarded with a note to any other Department(s) for obtaining their concurrence, opinion or remarks.

Words and phrases used in this Manual but not defined here shall have the same meaning as in the 'Rules of Procedure and Conduct of Business in Rajya Sabha,' or in the Central Secretariat Manual of Office Procedure and in respect of matters covered by the Information Technology Act, 2000, the definition given in that Act. In particular except where the context otherwise requires, 'written' or 'document' or 'papers' shall include electronic text; 'record' or 'information' shall include electronic record or information in any form and 'correspondence' or 'letters' or 'communications' shall include e-mail or other forms of electronic transmission, record and receipt of information.