

## CHAPTER-II

### SECRETARIAT ORGANISATION

**2.1 Secretariat** — Article 98 of the Constitution of India provides as follows:

*Secretariat of the Council* (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 Lok Sabha Secretariat and Rajya Sabha Secretariat respectively.

The Vice-President of India is the *ex-officio* Chairman of the Council of States. The administrative control of the Secretariat of Council of States vests with the Chairman and is exercised by him/her either directly or through officers subordinate to him/her.

**2.2 Secretary-General** —The Secretary-General is the administrative head of the Secretariat of the Council of States. All matters requiring orders of the Chairman are routed through the Secretary-General.

**2.3 Recruitment and Conditions of Service Rules** — The conditions of service of the officers and staff of the Secretariat were earlier governed by the Legislative Assembly Department (Conditions of Service) Rules, 1929, as amended and adapted from time to time. In exercise of the powers conferred by the Clause (3) of Article 98 of the Constitution, the Rajya Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1957 (herein under referred to as ‘1957 Rules’) were framed and promulgated by the President in consultation with the Chairman to regulate the recruitment and the conditions of service of officers and staff of Rajya Sabha Secretariat *w.e.f.* 15th March, 1957.

#### **2.3.1 Strength and composition of the Secretariat:**

- (i) The Secretariat, at present, has:—
  - (a) 377 Group ‘A’ gazetted posts distributed among 8 different services of the Secretariat as detailed In **Annexure-I**.
  - (b) 584 Group ‘B’ non-gazetted posts distributed among 7 different services of the Secretariat as detailed in **Annexure-II**.
  - (c) 456 Group, ‘C’ posts distributed among 6 different services of the Secretariat as detailed in **Annexure-III**.

- (d) 72 Tenure posts in various grades attached to the offices of the Hon'ble Chairman, Rajya Sabha, Hon'ble Deputy Chairman, Rajya Sabha, Leader of Opposition, and Chairpersons of various Committees etc. as at **Annexure-IV**.

- (2) The Chairman, may, from time to time, increase or reduce the number of posts by adding thereto any new category of post or posts.

**2.3.2 Appointing Authority:** All appointments to the posts shall be made by the Chairman. The Chairman may, by general or special order, delegate to the Secretary-General or any other officer of the Secretariat, power to make appointments to any post or class of posts specified in such order other than posts in Group 'A'.

Appointments and promotions to all Group 'A' gazetted posts are at present, made by the Hon'ble Chairman, Rajya Sabha and the power to make appointments and promotions to Groups 'B' & 'C' posts in the Secretariat have been delegated to Secretary-General, Rajya Sabha.

**2.3.3 Pay, Leave, Pension and Age of Compulsory Retirement:** Subject to the provisions of Rules 11 and 12 of 1957 Rules, Rule 8 provides that:

- (i) the pay or attached scale of pay to each of the posts specified in Annexures I, II, III & IV in Column 4 shall be as set out against each of the posts in the said Annexures.
- (ii) the Chairman may, from time to time, by general or special order, after consultation with the concerned Ministry, amend any provision regarding Pay, Leave, Pension and Age of Retirement.

**2.3.4 Conditions of Service of Officers on deputation to the Secretariat:** An officer while on deputation to the Secretariat may be permitted to retain, to such extent and subject to such conditions as may be determined by the Chairman after consultation with the concerned Ministry, the terms and conditions of service which were applicable to him/her immediately before his/her deputation to the Secretariat.

**2.4 Consultation with Government and Application of Government Orders** — At the time of framing of the Lok Sabha Secretariat (Recruitment and Conditions of Service) Rules, Speaker Mavalankar recorded the following minutes with regard to the use of the term "consultation" in the said Rules:

*"I am unable to accept the principle of a compulsory consultation with the Ministry If the Ministry-the Finance Ministry in particular-insist on their concurrence, on the supposition that the Speaker will be unreasonable and that they alone are the guardians of the financial interests of the Government, the Speaker also may be equally allowed to consider that the Finance Ministry will merely have the point of rupees, annas and pies and will not be able to appreciate and understand the requirements and necessities of the Lok Sabha Secretariat.*

*In my view, therefore, I cannot agree to any provision where the consent of the Ministry is necessary for giving effect to what the Speaker thinks is essential in the Lok Sabha Secretariat and the Lok Sabha.*

*The only solution to this is the phraseology first suggested namely "after consultation" and not "in consultation". The words "in consultation" mean joint consultation and agreement. The Speaker is more entitled to presume that Ministry of Finance may unreasonably withhold its consent rather than the Speaker doing it himself/herself. In fact, the specified provision of any consultation is unnecessary. It is to be presumed that the Speaker will be functioning according to the previous practice and convention and will not be using his/her power or discretion in an arbitrary or oppressive manner. If this fundamental is borne in mind, there is no scope for any discussion about the phraseology."*

Matters regulating service conditions may form the subject matter of discussion with the concerned Ministry in terms of the relevant provisions of the Recruitment and Conditions of Service Rules and if a final settlement at Secretary General's level is not reached, the matter is placed before the Chairman, who records his/her opinion. As

a rule, when the Chairman is satisfied that certain conditions of service are necessary, his/her opinion prevails. It is, of course always open to the concerned Minister to request the Chairman/Speaker to reconsider his/her decision. In actual practice, such cases have been very rare and the experience of operation of the Rules during the last 43 years has shown that generally no major points of difference arose between the Rajya Sabha Secretariat and the Government.

Posts in the Secretariat of the Rajya Sabha are excluded from the purview of the UPSC under the provisions of the UPSC (Exemption from Consultation) Regulations, 1958. The Administrative Tribunal Act, 1985 is also not applicable to persons appointed in the Secretariat.

According to well established conventions in respect of matters for which provision has been made in 1957 Rules, the orders issued by the Government of India for its officers and staff do not *ipso facto or ipso jure*, apply to the officers and Staff of the Secretariats of Parliament, unless explicitly adopted by them. Under the provisions of Rajya Sabha Secretariat (Recruitment and Conditions of Service) Rules, 1957, the orders of Government of India are adopted in the Secretariat subject to such modifications, variations or exceptions, if any, as the Chairman may by order specify. However, in respect of all other matters regulating the conditions of service of officers for which no provision or insufficient provision has been made in these rules, officers are governed by such rules as are applicable to the officers holding corresponding posts in the Central Secretariat, subject to such modifications, variations or exceptions, if any, in such rules, as the Chairman may, after consultation with the concerned Ministry, from time to time, by order specify.

**2.5 Recruitment Orders** — The Chairman, Rajya Sabha in exercise of the powers conferred by the sub-rule (2) of Rule (4) and Rule (5) of the Recruitment and Conditions of Service Rules, 1957 made an order called the Rajya Sabha Secretariat (Methods of Recruitment and Qualifications for Appointment) Order, 1969 which has since been superseded by a similarly titled Order of August, 2009.

**2.6 Parliamentary Committee on structure of pay** — The Third Central Pay Commission stated in their report that the employees of Secretariat of Parliament were excluded from their purview in view of the provision of Article 98 of the Constitution. In view of this position, the presiding Officers of the two Houses appoint a Committee of Parliament to report on the structure of pay and allowances etc. after report is submitted by a Central Pay Commission.

**2.7 Rajya Sabha Secretariat Staffing** — The Rajya Sabha Secretariat (Methods of Recruitment and Qualification for Appointment) Order, 2009 in its schedule specifies that the Secretariat shall comprise of the following Services:

- (i) The Legislative, Financial, Executive and Administrative Service.
- (ii) The Library and Reference, Research, Documentation and Information Service.
- (iii) The Verbatim Reporting Service.
- (iv) Private Secretaries and Stenographic Service.
- (v) The Simultaneous Interpretation Service.
- (vi) The Printing and Publications Service.
- (vii) The Editorial and Translation Service.
- (viii) The Parliament Security Service.
- (ix) The Drivers and Despatch Riders Service.
- (x) The Messenger Service.

The important functions of these Services are as detailed below:

**2.8 The Legislative, Financial, Executive and Administrative Service** — The offices staffed by this service support the functioning of the Council of States by processing matters relating to the business of the Council, *i.e.*, Questions, Motions, Legislation, etc. The service also provides support for the functioning of the eight Department Related Parliamentary Committees and ten Standing Committees. The Service is also responsible for managing establishment, house keeping, welfare and finance work pertaining to Rajya Sabha Secretariat. The Sections/Branches manned by this Service and their functions are as follows:

**Notice Office:** This Section is responsible for receiving all notices and papers from Members in connection with the business of the Council, supplying forms for Notices to the Members, Dealing with Members' queries on various matters as a single window, Receipt of TA/DA claims and Distribution of Cheques to the Members, Exchange Order Requisitions, Issue of Passes for Rajya Sabha Galleries, Issue of Central Hall Pass on daily basis and Central Hall Gallery Pass for witnessing President's Address, Entry Pass for PA/PS to Members of Rajya Sabha and Library Pass, Parking Labels (for MPs, Ex-MPs, officials, etc.), Issue of Identity Cards to former Members, Issue of Entry Pass to Member's Spouse, Issue of Identity Cards to officers and staff of the Secretariat and officials of Allied Agencies and Lok Sabha television.

**Table Office:** The main responsibility of this Section is the preparation of lists of business, making arrangements for oath/affirmation, preparing obituary and other references, election of the President/Vice President and the Deputy Chairman. The other responsibilities include maintenance of Roll of Members and Minutes Book of the Council, preparation of duty roster for the Table for each Session; coordination regarding Laying of Papers, preparation and issue of Bulletins Part I & Part II, servicing Business Advisory Committee, preparation of statement showing party position in Rajya Sabha, allocation of division numbers, preparation and issue of List of Members of Rajya Sabha etc. processing of resignation by Members, vacation of seats and filling up of vacancies, cases under the Anti-Defection Law and preparation of Resume of Business transacted by the Rajya Sabha after each Session.

**Legislative Section:** The main function of this Section relates to the summoning and prorogation of the House, its sittings, President's address, processing of notices for calling attention, short duration discussion, resolutions, motions, special mentions and Zero Hour submissions, etc. In addition to these, it also deals with matters relating to the Committee on Rules and Committee of Privileges, matters relating to Statutory & Private Members' Resolutions and maintaining Publications Counter.

**Bill Office:** All legislative work relating to Government and Private Members' Bills including scrutiny, introduction, publication in the Gazette, consideration at all stages, amendments to Bills, passing and preparation of and submission for the President's assent are dealt by this Section. The Section checks the technical requirements of proposed legislation during the various stages for converting a Bill into a law. It is also involved in communication of messages between the Houses and work relating to Ordinances.

**Lobby Office:** This Section deals with attendance of Members, applications for leave of absence, coordinates Video recording of proceedings and general upkeep of the Rajya Sabha Chamber, rooms of Committee, Chairman and Deputy Chairman in Parliament House. It also looks after arrangements in connection with the President's Address, Farewell function for the retiring Members and preparation of Journals of Rajya Sabha for each Session of Rajya Sabha.

**Question Branch:** This Section deals with all matters relating to questions, issue of Bulletins and Charts showing dates and programmes of sittings of the Rajya Sabha, supply of printed forms for giving notice of Questions/ Short Notice Questions and Receipt of notices of questions, Diarising and Balloting, processing and examination of notices of questions for admission under the Rules, preparation, finalization and supply of Manuscripts of lists of starred and unstarred questions, preparation of sets of reply, correspondence with the Ministries and Members of Rajya Sabha in relation to questions, etc.

**Committee Sections:** These Sections are basically responsible for dealing with various Standing Committees, Department-related Committees. The Committees are serviced by Committee Sections headed by Directors/Joint

Directors who report to the Chairman of the concerned Committees through a Joint or Additional Secretary. These Sections may from time to time service Select, or Joint Committees also.

**At present, Rajya Sabha Secretariat provides support to the following Committees:~**

- (i) **Standing Committees** viz., General Purposes Committee, Business Advisory Committee, Committee on Rules, Committee of Privileges, Committee on Subordinate Legislation, Committee on Petitions, Committee on Government Assurances, Committee on Papers Laid on the Table, House Committee, Ethics Committee.
- (ii) **Department-related Parliamentary Standing Committees** viz., Committee on Commerce, Committee on Home Affairs, Committee on Human Resource Development, Committee on Industry, Committee on Science & Technology, Environment & Forests, Committee on Transport, Tourism & Culture, Committee on Personnel, Public Grievances, Law & Justice and Committee on Health & Family Welfare.
- (iii) **Committees which are currently not in the rules**, viz., Committee on Provision of Computer to Members of Rajya Sabha and Committee on Members of Parliament Local Area Development Scheme.

**Conference and Protocol Section:** This Section looks after protocol matters including tours of Parliamentary Delegations issuance of Diplomatic Passports and Visa Notes to Members, and release of foreign exchange to Members. This Section also deals with the Presiding Officers' Conferences including Conference of Secretaries of Legislative Bodies in India and abroad. It also looks after the work relating to the Conferences concerning I.P.U., Conferences of Association of Secretaries-General of Parliaments, Conferences of the Society of Clerks at the Table and Commonwealth Conferences.

**Members' Amenities Section:** The main function of this Section is to ensure provision of amenities and facilities to Members as per norms. These include accommodation, telephones, medical aid and other amenities to Members of Rajya Sabha as may be deemed necessary from time to time. The Section also provides services to the House Committee.

**Members' Salaries and Allowances Branch:** This Section deals with all matters concerning Salaries and Allowances (including travel and daily allowance) to Members and Pension to Ex-members, Issue of Identity-cum-railway pass to Members, payment of salaries of PAs of Members, issue of Exchange Orders for travel by official airlines, settlement of airline invoices, telephone, water and electricity bills etc. and reimbursement of medical expenses to Members and their dependent family members. It also maintains the records of the usual place of residence of the Members.

**Administrative Sections:** These Sections include Personnel Section, Establishment (G) Section, Establishment (A/Cs and Budget) Section, General Administration Section, Stores Section, Distribution Branch, Sales and Archives Section, Training Cell, O & M Section, and IT (Hardware) Section, IT (Software) Section, RTI Cell, Recruitment Cell, Finance Cell and Welfare Unit.

**2.9 The Library and Reference, Research, Documentation and Information Service** — The Service maintains a small Library and prepares research and reference material for the Chairman and Members. This Section also brings out various Publications on behalf of the Secretariat, including biographical sketches of Members every two years, soon after the biennial elections to Rajya Sabha.

**The Service has been restructured into the following eight Units:~**

- (i) General Research Unit; (ii) Publications and Who's Who Unit; (iii) Library and Reference Unit; (iv) Media Education and Audio-Visual Unit; (v) Research Unit-I; (vi) Research Unit-II; (vii) Research Unit- III and (viii) Research Unit-IV.

**2.10 Reporting Service** — This service is responsible for the preparation and publication of the verbatim reports of the proceedings of each sitting of the Rajya Sabha and also of the Parliamentary Committees where required.

**2.11 Simultaneous Interpretation Service** — This service provides the Simultaneous Interpretation during the proceedings of the House and where required, of the Committees. The languages in which services are provided are Assamese, Bengali, Gujarati, Kannada, Malayalam, Marathi, Oriya, Tamil, Telgu, Punjabi and Urdu.

**2.12 Editorial and Translation Service** — The service is charged with responsibilities of editing and indexing debates in the floor language and in Hindi. In addition, the service looks after the work relating to the translation from English to Hindi or *vice-versa* of Questions, Motions, Resolutions, Bulletins, Lists of Business, Bills, and Committee Reports, etc. The Synopsis Section prepares a Synopsis of the daily proceedings of the House in English and Hindi, which is separately published. A Rajbhasha Prabhag has also been created in this Service to promote the usage of Hindi as official language and implement provisions of Official Language Act.

**2.13 Private Secretaries and Stenographic Service** — Members of this service provide Secretarial assistance to Chairmen of Parliamentary Committees and Officers of the Secretariat. They also staff the Stenographic Pool available to Members of Rajya Sabha for their official work.

**2.14 Printing and Publications Service** — This service ensures the printing of Parliamentary papers including Lists of Business, Lists of Members, Bills, Reports and evidence of Committees, WHO'S WHO of Members of Rajya Sabha, Debates and their appendices and indices, etc. and other publications of the Secretariat brought out from time to time. While the actual printing work is done in the Government Printing Press (and where required, privately), all preparatory and coordination work including proof-reading, technical advice, monitoring of progress etc. is done by this Service.

**2.15 Parliament Security Service** — Parliament Security Service is under the overall control of an Officer of the rank of Joint Secretary or above of Lok Sabha Secretariat who has full operational control regarding the security in the precincts of the entire Parliament House complex. However, the Service cadres are separate for each of the Rajya Sabha Secretariat and Lok Sabha Secretariat and provide personnel for all security related duties within the precincts (or Sectors) for performance of assigned responsibilities. The main functions of this Service are maintenance of access control for vehicles, men and material and maintenance of order within the precincts of the Parliament Estate; co-ordination relating to protection of VVIPs/VIPs and Members of Parliament inside the Parliament precincts in liaison with Delhi Police, CRPF, *etc.*; guarding of Rajya Sabha Chamber, Galleries, Central Hall and other areas of Parliament House/Parliament House Annexe and ensuring thorough anti-sabotage and anti-explosive checks of all vital areas of Parliament House/Parliament House Annexe; fire and sanitation services and supervising the functioning of Centralised Pass Issue Cell (CPIC).

**2.16 Drivers and Despatch Riders Service** — This Service consists of Drivers and Despatch Riders. Drivers provide transport services to Members of Parliament and officers of the Secretariat. Despatch Riders are responsible for prompt delivery of parliamentary and other papers to Members and Government officers.

**2.17 Messenger Service** — It consists of Personal Attendants to Hon'ble Chairman, Rajya Sabha, the Chamber Attendants and the Attendants Grade-I, II & III. Chamber Attendants are posted in the Chamber/Lobbies during Session for assisting and attending to the needs of Members such as transmission of communications, messages, etc. The Attendants provide functional support to the officers and sections of the Secretariat.

**2.18 Pay and Accounts Office** — The Pay and Accounts Office, Rajya Sabha was constituted on 1st October, 1955 under the Scheme of separation of accounts from audit. It functions as a Treasury-cum-Departmental Accounts Office of the Rajya Sabha Secretariat and also as Controller of Exchequer. All payments and accounting of transactions relating to the Rajya Sabha Secretariat and Pay and Accounts Office are made by this Office. The Secretary-General, Rajya Sabha acts as the Chief Accounting Authority and this responsibility is discharged by him/her through and with the assistance of the Pay and Accounts Officer.