

Need of an Indian Legislative Service

What is the issue?

The appointment of Dr. P.P.K. Ramacharyulu as the Secretary-General of the Upper House by M. Venkaiah Naidu, Chairman of the Rajya Sabha drew much attention.

What is the history of appointing Secretaries-Generals in legislature?

- India has the legacy of the Legislative Assembly Department (Secretariat) attached to the Central Legislative Assembly since 1929.
- **Rajya Sabha**- The Rajya Sabha opted for the first Secretary (General) S.N. Mukherjee, a civil servant.
- Since the first Parliament in 1952, 11 Secretaries-General had served in the Rajya Sabha before Ramacharyulu.
- Except for some of the lateral entry staff, who could become Secretaries-General, all the others were opted from civil services or other services from time to time.
- **Lok Sabha**- The Lok Sabha had nine of its staff raised to become Secretaries-General to date.
- The first Secretary (General) of the Lok Sabha was M.N. Kaul.
- The precedent of promoting the senior-most secretary to the post of Secretary-General of the Lok Sabha has met with pause and resume.
- Some of them got the Secretary-General position after their retirement.

What is the constitutional provision regarding the Secretariat?

- Article 98 of the Constitution provides the scope of separate secretariats for the two Houses of Parliament.
- The principle laid in the Article is that the secretariats should be independent of the executive government.
- The Secretary-General, with the rank equivalent to the Cabinet Secretary, is the third most key functionary of the Rajya Sabha after the Chairman and the Deputy Chairman.
- **Pre-requisites for appointment**
 - Unfailing knowledge
 - Vast experience of parliamentary procedures, practices and precedents
- **Privileges of Secretaries-General**
 - Freedom from arrest
 - Immunity from criminal proceedings
 - Contempt of the House for any obstruction and breach of their rights
- The Secretaries-General of both the Houses are mandated with many parliamentary and administrative responsibilities.

What are the concerns of appointing civil servants as Secretaries-General?

- Several criticisms have been mounting against the hiring of civil servants to the post of Secretary-General as it
 1. Dishonours the purpose of ensuring the independence of the Secretariat
 2. Leads to a conflict of interests
 3. Breaches the principle of separation of power
 4. Officials mandated with exercising one area of power may not expect to exercise the others
 5. Bureaucracy persistently does not allow Parliament to be a competent and robust legislative institution

What is the need for an Indian Legislative Service?

- The mammoth law-making bodies lack their own common public recruiting and training agency at the national level.
- Parliament and State legislative secretariats recruit their pool of bureaucrats separately.
- For a competent and robust legislative institution, having qualified and well-trained staff in place is essential.
- The growth of modern government and expansion of governmental activities require a matching development and laborious legislative exercise.
- Therefore, creating a common all-India service cadre — an Indian Legislative Service is a must.
- A common service can build a combined and experienced legislative staff cadre, enabling them to serve from across local bodies to Union Parliament.
- In the United Kingdom, the Clerk of the House of Commons has always been appointed from the legislative staff pool created to serve Parliament.

The Rajya Sabha can, under Article 312, pass a resolution, in national interest, to create an all-India service common to both the Union and the States, and enables Parliament to create such a service by law.

Reference

1. <https://www.thehindu.com/todays-paper/tp-opinion/needed-an-indian-legislative-service/article65250740.ece>