

NEEDED, AN INDIAN LEGISLATIVE SERVICE

Relevant for: Indian Polity | Topic: Executive: Structure, Organization & Functioning ; Ministries and Departments of the Government

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, on September 1, 2021, was news that drew much attention. Ramacharyulu was the first-ever Rajya Sabha secretariat staff who rose to become the Secretary-General of the Upper House. A precedent — appointing the Secretary-General from 'outside' or bureaucracy, often retired — very hard to unfollow was made possible by the Chairman. It was both a well-deserving signal for long-serving staff of the Parliament secretariat and course correction to restore the legitimacy of their long-time demand. However, it was a fleeting gesture — Ramacharyulu was replaced, bizarrely, by a former bureaucrat, P.C. Mody, in less than three months. It is said that the Chairman had given in to political pressures.

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 parachuted from the civil services or other services from time to time.

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 and chief draftsman of the Constitution. S.S. Bahlerao joined the Rajya Sabha Secretariat as Deputy Secretary in 1958 and rose to become the third Secretary (General) in 1976. Before his Rajya Sabha stint, he had served as Assistant Secretary in the erstwhile Hyderabad Legislative Assembly and 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. 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.

Article 98 of the Constitution provides the scope of separate secretariats for the two Houses of Parliament. The principle, hence, laid in the Article 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. He cited an illustration: "When the Speaker's secretariat wanted pencils for the members, the executive refused to give them." It figuratively marked the significance of an independent secretariat. A separate secretariat marks a feature of a functioning parliamentary democracy.

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. 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 and administrative responsibilities. One of the prerequisites that demand the post of the Secretary-General is unfailing knowledge and vast experience of parliamentary procedures, practices and precedents. Most of the civil servants lack precisely this aspect of expertise.

Unlike the Rajya Sabha, the Lok Sabha had nine of its staff (including the lateral-entry officers) raised to become Secretaries-General to date. The first Secretary (General) of the Lok Sabha, M.N. Kaul (1952-64), was Secretary to the Constituent Assembly Secretariat (1947-50) and the Provisional Parliament (1950-52). S.L. Shakdhar (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, and 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. The precedent of promoting the senior-most secretary to the post of Secretary-General of the Lok Sabha has met with pause and resume. Also, some of them got the Secretary-General position after their retirement.

Serving civil servants or those who are retired come with long-held baggage and the clout of their past career. When civil servants are hired to the post of Secretary-General, this not only 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.

In a parliamentary polity, one of the roles of Parliament is to watch over the executive's administrative behaviour. In other words, Parliament has all the reasons for its surveillance of administration. Parliament must have the technical and human resource competency that is on a par with the executive to be an effective body for providing meaningful scrutiny and 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 and training agency at the national level. Parliament and State legislative secretariats recruit their pool of bureaucrats separately. Ensuring competent and robust legislative institutions demands having qualified and well-trained staff in place. The growth of modern government and expansion of governmental activities require a matching development and laborious legislative exercise. 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. 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, and enables Parliament to create such a service by law.

In the United Kingdom, the Clerk of the House of Commons has always been appointed from the legislative staff pool created to serve Parliament. It is high time that India adapts and adopts such democratic institutional practices.

Vinod Bhanu is Director, Centre for Legislative Research and Advocacy, New Delhi. The views expressed are personal

[Our code of editorial values](#)

END

Downloaded from crackIAS.com

© **Zuccess App** by crackIAS.com