

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 28TH JULY, 2006

**Bill No. LX of 2006**

THE RAJYA SABHA SECRETARIAT (ADMINISTRATION) BILL, 2006

A

BILL

*to provide for the administration of the Rajya Sabha Secretariat by constituting a Commission to look after recruitment and conditions of services of the officers and staff of the Rajya Sabha Secretariat and for matter connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Rajya Sabha Secretariat (Administration) Act, 2006.

Short title  
and  
commencement.

(2) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Chairman" means Chairman of the Rajya Sabha;

(b) "Commission" means the Rajya Sabha Secretariat commission constituted under section 3 of this act;

(c) "Deputy Chairman" means the Deputy Chairman of the Rajya Sabha;

(d) "House" means the Rajya Sabha;

(e) "Leader of the House" means the Leader of the Rajya Sabha or a member of the Council of Ministers, who, being a member of the House is nominated by the Leader of the House for purposes of this Act;

(f) “Leader of the Opposition” means a member of the House who is recognized so by the Chairman as such or if there is no such leader, the leader of the party in the Opposition having the largest number of members in the House;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “Secretary-General” means the Secretary-General of the Rajya Sabha.

Constitute of  
Rajya Sabha  
Commission.

**3. (1) There shall be constituted a Commission to be known as the Rajya Sabha Secretariat Commission by the House in such mannner as may be prescribed to perform the functions conferred on it under this Act.**

**(2) The Commission shall consist of the following members:—**

**(i) The Chairman;**

**(ii) The Deputy Chairman;**

**(iii) The Leader of the House or his nominee;**

**(iv) The Leader of the Opposition or his nominee;**

**(v) Five members of the House to be elected by the House by the system of proportional representation by means of a single transferable vote.**

**(vi) The Secretary-General as Member-Secretary.**

Chairman of  
the Commis-  
sion.

**4. (1)** The Chairman shall be the *ex-officio* Chairman of the Commission.

(2) While the office of the Chairman is vacant, the Deputy Chairman shall function as the Chairman of the Commission and, if for any reason, the Chairman is unable to act as the Chairman of the Commission, the Deputy Chairman shall act as the Chairman of the Commission.

Term of  
members of  
the  
Commission.

**5. (1)** The Chairman and the Leader of the House or his nominee shall continue to be the members of the Commission until immediately before the assumption of the office by the respective successors of the Chairman and the Leader of the House.

(2) A member of the Commission other than the Leader of the House or his nominee shall cease to be a member of the Commission if—

(i) he ceases to be a member of the House; or

(ii) another person is nominated or appointed in the post by virtue of which he becomes the member of the Commission.

Appointment  
of Secretary-  
General.

**6. (1)** There shall be a Secretary-General who shall be appointed by the President of the India on the recommendation of the Commission.

(2) The Secretary-General shall be appointed from amongst the persons who have distinguished themselves and made their contribution in the service of Parliament in various capacities in the secretariat for not less than twenty years.

(3) The Secretary-General shall be the head of the secretariat of the Rajya Sabha.

Vacation of  
office by  
Secretary-  
General.

(4) The office of the Secretary-General shall become vacant,

(i) on his resignation in writing addressed to the President;

(ii) on his attaining the age of superannuation as may be fixed by the Commission;

(iii) on his removal by the President upon an address by the Rajya Sabha in a like manner as the Judge of the Supreme Court.

Function of  
Commission.

**7.** Except as provided in section 6 with regard to the appointment of the Secretary-General, the Commission shall appoint all staff in the secretariat and over and above the functions provided elsewhere in this Act, the functions of the Commission shall be—

(i) to frame rules regulating the recruitment, appointment, promotion and other service conditions of the Secretary-General and other officers and staff of the secretariat;

(ii) to function as appellate authority against the orders of the Chairman of Secretary-General as the case may be, submitted by the officers and staff of the secretariat;

(iii) to determine the number of staff of the secretariat, their scales of pay, and remuneration;

(iv) to ensure that the classification, grading, salaries, allowances, and other conditions of service, including pension and other benefits of the personnel are kept in conformity with personnel in other comparable services in the Commonwealth countries having parliamentary or presidential form of Government and also consistent with the service requirements of the House;

(v) to prepare an estimate for each financial year of the expenses of the services of the House and of any other expenses incurred for the service of the House and lay them before the House;

(vi) to exercise all powers necessary to implement the provisions of clause (1) of article 98 of the Constitution towards the constitution of a separate, independent and autonomous Secretariat of the House.

(vii) to give recognition to various staff associations in such a manner as may be prescribed.

**8. The financial matter of the Secretariat shall be dealt with by a Finance Committee which shall consist of the Chairman, four members of the Rajya Sabha to be elected by the House in such manner as may be prescribed and two officers of the Secretariat to be nominated by the Chairman.**

Constitution of Finance Committee.

**9. (1)** The Commission may delegate any of its functions to the Chairman or the Secretary-General.

Delegation of functions by the Commission.

(2) Anything done by or in relation to a person to whom functions are delegated under sub-section (1) shall have the same effect as if it has been done by or in relation to the Commission.

(3) Any delegation made under this section or any amendment or revocation of such a delegation shall be mentioned in the annual report of the Commission.

(4) Notwithstanding any delegation made under this section, the Commission shall retain the ultimate responsibility for considering any representation made in relation to matters affecting the interests in connection with the employment of staff in the service of the House by staff associations which are recognized by the Commission in respect of such staff and for the conduct of consultations and negotiations about such matters with those staff associations.

**10.** No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy.

Act or proceeding not to be invalidate by vacancies.

**11.** The Commission shall, as soon as possible, after the end of each financial year prepare and present to the House its annual report giving a full account of its activities during the preceding financial year.

Annual reports of Commission.

**12.** All persons employed in the service of the House immediately before the commencement of this Act, shall be treated for all purposes as if their appointment had been made by the Commission unless the Commission decides otherwise.

Effect of constitute of Commission on present employees.

Power of  
Commission  
to make rules.

**13. (1)** The Commission may make rules to regulate its procedure and conduct of its business.

(2) The Commission may, by notification in the Official Gazette, make rules to regulate recruitment and conditions of service of the officers and staff of the secretariat.

(3) Every rule made under this Act shall, as soon as may be, after it is made, be laid before the House while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session, immediately following the session or the successive sessions aforesaid the House agrees in making any modification in the rule or that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

Transitional  
provisions.

**14.** All rules, regulations and orders made or deemed to have been made under article 98 of the Constitution being in force immediately before the commencement of this Act, shall be deemed to have been made by the Commission and shall continue to be valid and operative unless modified or revoked by the Commission, so however that anything contained therein being inconsistent with any provision of this Act, shall be of no effect and be void to the extent of such inconsistency.

Power to  
remove  
difficulty.

**15.** If any difficulty arises in giving effect to the provisions of this Act, the Commission may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

## STATEMENT OF OBJECTS AND REASONS

Article 98 of the Constitution provides for a separate Secretariat for each House of Parliament. It further provides that the Parliament may, by law, regulate the recruitment and the conditions of service of persons appointed to these separate secretariats. Till such time, Parliament regulates these issues, these powers have been given to President to make rules on them. Even after 56 years of the enactment of the Constitution, no law has been framed by Parliament to regulate recruitment and conditions of service of persons appointed to these two secretariats. Therefore, the enactment of such a law is long overdue.

The concept of an independent secretariat for legislature is an essence of Parliament democracy. Under the democratic set up adopted in our country, the three wings, i.e., executive, legislature and judiciary have been envisaged to be separate and independent of each other. This can be realized if the secretariats serving these wings are made independent so that they can discharge their duties in all fairness without any fear or favour. The significance of this conceptualization of a secretariat independent of the executive was fully realized in the 1920s under the leadership and guidance of Pandit Motilal Nehru, Lala Lajpat Rai and the President of the Constituent Assembly, Shri Vithalbhai Patel.

Therefore, the unique position of the Rajya Sabha Secretariat demands a special sense of dedication and impartiality in discharge of duties from its officers and staff. It also requires a broad-based institutional arrangement for running the House in an effective manner. It is necessary to empower the Chairman for watching and safeguarding the interests of the secretariat staff in the service of the House and its members. Envisaging this, the Bill provides for the establishment of a House Commission to look after the whole gamut of administration of the Rajya Sabha and matters connected therewith.

VIJAY J. DARDA

#### FINANCIAL MEMORANDUM

Clause **3** of the Bill seeks to set up a Rajya Sabha Commission. Its members, other than the ex-officio Chairman of the Rajya Sabha, who is the Vice-President of India, are the members of the House who would be discharging their duties in relation of the Commission as members. Clause **8** seeks to set up a Financial Committee to look after the financial affairs of the Secretariat. The expenditure to be incurred on the payment of members TA/DA as a result of setting up of the Rajya Sabha Commission would be a marginal one and it is estimated that an expenditure of Rupees ten crore may be involved. There will not be any non-recurring expenditure.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **13** of the Bill provides for rule-making power to the Commission. The matters in respect of which such rules may be made are matters of procedure and administrative details only. The delegation of legislative power is, therefore, of a normal character.

RAJYASABHA

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*(Shri Vijay J. Darda, M.P.)*