

Bill No. 222 of 2019

THE HOUSE OF THE PEOPLE (ADMINISTRATION) BILL, 2019

By

SHRI N.K. PREMACHANDRAN, M.P.

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BILL

to provide for the appointment of a Commission for the recruitment, appointment and administration of secretarial staff of the House of the People and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. This Act may be called the House of the People (Administration) Act, 2019.

Short title.

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

Definitions.

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(a) “Commission” means the House of the People Commission constituted under section 3 of this Act;

(b) “House” means the House of the People;

(c) “Leader of the House” means the Prime Minister or a member of the House, as may be nominated by the Prime Minister for the purposes of this Act;

(d) “Leader of the Opposition” means a member of the House who is recognized by the Speaker as such or his nominee, who shall be a member of the House, and if there is no such leader, then the leader of the party in the Opposition having the largest number in the House;

(e) “Secretarial Staff” means the staff of the House of the People; 5

(f) “Secretariat” means the Secretariat of the House of the people; and

(g) “Speaker” means Speaker of the House of the People.

Constitution and composition of the Commission.

3. (1) There shall be constituted a Commission to be known as the House of the People Commission to perform the functions conferred on it by this Act.

(2) The Commission shall be appointed by the House on a motion to be moved by the Leader of the House and adopted by the House. 10

(3) The Commission shall consist of the following—

(a) the Speaker;

(b) the Deputy Speaker;

(c) the Leader of the House; 15

(d) the Leader of the Opposition; and

(e) three members of the House to be elected by the system of proportional representation by means of a single transferable vote.

Time up to which Speaker and Leader of the House continue as Members of Commission.

4. The Speaker and the Leader of the House shall continue to be the members of the Commission until immediately before the assumption of the office by their respective successors. 20

Cessation of membership of the Commission.

5. A member of the Commission other than the Speaker and the Leader of the House shall cease to be a member of the Commission if he ceases to be a member of the House.

Chairman of the Commission.

6. (1) The Speaker shall be the *ex-officio* Chairperson of the Commission.

(2) While the office of the Speaker is vacant, the Deputy Speaker shall function as the Chairperson of the Commission and, if for any reason, the Speaker is unable to act as the Chairperson of the Commission, the Deputy Speaker shall act as the Chairperson of the Commission. 25

Appointment of Secretary-General.

7. (1) There shall be a Secretary-General of the House who shall be appointed by the President of India on the recommendation of the Commission. 30

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

(3) The Secretary-General shall be the head of the Secretariat.

Vacation and resignation of the office of Secretary-General.

8. The office of the Secretary-General shall become vacant— 35

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

(b) on his resignation in writing addressed to the President of India.

9. Save as otherwise provided in this Act, the Commission shall,—

Functions of
the
Commission.

(a) frame rules for regulating the recruitment, appointment, promotion and other service conditions of the Secretary-General and officers and staff of the Secretariat;

(b) adopt such service rules of the Government of India as it may deem fit;

5 (c) recruit and appoint officers and staff of the Secretariat;

(d) appoint officers and staff on deputation to posts in the Secretariat from other services such as Judicial services or from office of the Comptroller and Auditor General or from State Legislatures;

10 (e) determine the strength of the secretarial staff at various levels and their pay scales and other allowances;

(f) ensure that the classification, grading, salaries, allowances and other conditions of service, including pension and other benefits, of the personnel in the Secretariat are kept generally in conformity with those of the personnel in other comparable services in the Government of India and also consistent with the service requirements of the House;

(g) consider and decide appeals against the orders of the Speaker or Secretary-General, as the case may be, submitted by the officers and staff of the Secretariat;

20 (h) 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;

(i) appoint a member of the secretarial staff as “Finance Officer” who will be responsible for accounting for the sums paid out of money provided by Parliament for the service of the House; and

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

10. (1) The Commission may delegate to the Speaker or Secretary-General any of its functions under this Act.

Delegation of
Functions of
Commission.

30 (2) Anything done by or in relation to a person, to whom functions are delegated under this section, in the discharge of functions of the Commission, shall have the same effect as if it were done by or in relation to the Commission.

(3) Any delegation of functions made by the Commission under this section or any amendment or revocation of such delegation shall be mentioned in the annual report of the Commission made under section 12.

35 11. The validity of any proceedings of the Commission shall not be affected by any vacancy among the members of the Commission, or by any defect in the appointment or nomination of any members of the Commission.

Validity of
the
proceedings
of the
Commission.

12. The Commission shall, as soon as possible, after the end of every financial year present to the House a report on its functions in that year.

Annual
Report of the
Commission.

40 13. (1) The Commission may make rules to regulate its procedure and conduct of its business.

Power to
make rules.

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

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, 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 the House agrees 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. 5

Transitional provisions.

14. All persons employed in the secretarial staff immediately before the coming into force of this Act, shall be treated, for all purposes, as if their appointment had been made by the Commission. 10

Saving.

15. All rules, Regulations and orders made and in force immediately before the coming into force 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, anything contained therein being inconsistent with any provisions of this Act, shall be of no effect and be void to the extent of such inconsistency. 15

STATEMENT OF OBJECTS AND REASONS

The concept of an independent Secretariat of Parliament is an essential adjunct of Parliamentary democracy. The significance of this conceptualization of a Secretariat independent of the Executive was fully realized in the 1920s when the then Central Legislative Assembly passed unanimously a resolution moved by Pandit Motilal Nehru and seconded by Lala Lajpat Rai. Later, Vithalbhai Patel ceaselessly endeavoured in this direction.

The independent position of the Secretariats of the Houses of Parliament was recognized by the makers of our Constitution when they considered it necessary to incorporate a separate and exclusive article (article 98) in the Constitution. This article envisages enactment by Parliament of a law to regulate the recruitment and conditions of service of persons appointed to the secretarial staff of the House. The enactment of such a legislation is long overdue.

The unique position of the Lok Sabha Secretariat demands, as it does, a special sense of dedication and impartiality from the secretarial staff in the discharge of their duties and requires a broad-based institutional arrangement representing the House to be statutorily made available to assist the Speaker in watching and safeguarding the interests of the secretarial staff in the service of the House and its members. This institutional arrangement is sought to be made by providing a House of the People Commission.

Hence this Bill.

NEW DELHI;

N.K. PREMACHANDRAN

July 8, 2019.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the constitution of a House of the People Commission. Its members shall be the members of the House of the People who would be discharging their duties in relation to the Commission as its members. The expenditure towards the payment of their TA/DA, if any, would be a part of the normal expenditure of the House. The increase in the expenditure, if any, as a result of constituting the Commission would be a marginal one and that would not be possible to be quantified in specific terms at this stage.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill seeks to confer on the Commission the power to make rules for carrying out the purposes of this Act. As 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.

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