Article 93 of the Constitution provides:

The House of the people shall, as soon as may be, choose two members of the House to be respectively Speaker, Deputy Speaker thereof and, of often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another members to be Speaker or Deputy Speaker, as the case may be.¹

Proviso to Article 92 stipulates that – whenever the House of the people is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the House of the people after the dissolution.²

Article 95 further provides:

1. While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the House of the people as the President may appoint for the purpose.³

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¹ Constitution of India, Art. 93
² Constitution of India, Art. 92
³ Constitution of India, Art. 95
During the absence of the Speaker from any sitting of the House of the people, the Deputy Speaker or, if he is also absent such person as may be determined the rules of procedure of the House or, if no such person is present, such other person as may be determined by the House, shall act as Speaker. 4

The person appointed by the President in accordance with Article 95(1) is known as Speaker proterm. The Rules of Procedure and conduct of Business in Lok Sabha which have been framed under Article 118 of the Constitution to regulate its procedure and conduct of its business, also provide for a panel of Chairmen to preside over the sittings of the House in the absence of the Speaker and the Deputy Speaker. 5

Article 98 of the Constitution provides for a separate Secretariat staff for each House of Parliament. The rules provide for the appointment of and designation of clearly assigned responsibilities and duties to an officer to be known as the Secretary-General to Lok Sabha including any person for the time being performing the duties of the Secretary-General. 6

4 Constitution of India, Art. 95
5 Constitution of India, Art. 118
6 Constitution of India, Art. 98
The Speaker

The all important conventional and ceremonial head of Lok Sabha is the Speaker. Within the walls of the House, his authority is supreme and is based on his absolute and unvarying impartiality, the main feature of his office. Article 100(1) ordains that the Speaker is entitled the vote only in the case of equality of votes. Moreover, his impartiality within the House is secured by the fact that he remains above all party or political consideration. This concept has been further sanctified by the Constitution (52nd Amendment) Act, 1985 popularly known as the anti-defection law. The Tenth Schedule added to the Constitution by the said Act, inter-alia provides:

5. Notwithstanding anything contained in this schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the people or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this schedule -

(a) If he by reason of his election to such office,

7 Constitution of India, Art. 100(1).
voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party; or

(b) If he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoins, such political party after he ceases to hold such office. 8

(i) **Election of the Speaker**

The election of the Speaker and the Deputy Speaker of Lok Sabha is governed by provisions of article 93 of the Constitution. 9 Rule 7 of the Rules of Procedure and conduct of Business in Lok Sabha provides for detailed procedure regarding election of the Speaker. The Rule inter alia provides that the date for election of the Speaker shall be fixed by the President and members of Lok Sabha will be informed of this date through the Bulletin. 10

At any time before noon on the day preceding the date

8 Indian Constitution 52nd Amendment 1988 (Anti-defection Law).
9 Indian Constitution, Art. 93.
10 Rule 7 of the Rules of Procedures and conduct of Business in Lok Sabha.
so fixed, any member may give notice in writing addressed to
the Secretary-General, of a motion that another member be
chosen as the Speaker of the House, and the notice shall be
seconded by a third member and shall be accompanied by a
statement by the member whose name is proposed in the notice
that he is willing to serve as Speaker, if elected; provided
that a member shall not propose his own name, or second a
motion proposing his own name, or propose or second more
than one motion.

All the notices of motions which are in order are entered
in the order in which they are received according to point of
time in the List of Business. Where notices of two identical
motions are given by the same member, only one motion which
is received first is included in the list of Business.

A member in whose name a motion stands on the list of
Business may, when called, move the motion and while doing so
he has to confine himself to a mere statement to that effect.
The motion, if moved, is then seconded by the member whose
name stands on the list of Business as seconder and he has
also to confine himself to a mere statement to that effect.

The motions which have been moved and duly seconded are
put to the vote of the House one by one in the order in which
they have been moved and decided. If any motion is carried, the person presiding, without putting later motions, declares that the member proposed in the motion which has been carried, has been chosen as the Speaker of the House. Even though there is only one candidate for the office, the motion regarding his election must formally be put to the House and carried. The election of the Speaker is notified in the Gazette by the Secretariat. 11

Following the general elections of 8th Lok Sabha that was constituted on 31st December, 1984 after dissolving the Seventh Lok Sabha on the same day. The House met on Jan 15, 1985 on the opening day. The late Sri Jagjivan Ram, the then senior most member of Lok Sabha who was appointed speaker 'pro tem' by the President administered the oath of affirmation to the new members. 12

On Jan 16, 1985 Dr. Balram Jakhar was unanimously elected as Speaker who thus became the first Speaker to be re-elected for the second successive term. 13

(ii) Term of Office

The Speaker holds office from the date of his election

11 Officers of Lok Sabha - Lok Sabha Secretariate Pub.
13 Ibid.
till immediately before the first meeting of the Lok Sabha after the dissolution of one to which he was elected. He can seek re-election. He vacates his office if he ceases to be a member of the House or becomes a Minister. He can resign his office by writing under his hand to the Deputy Speaker. It has been held that such resignation would be valid even though the office of the Deputy Speaker might be vacant at that time. He is also removable from his office by a resolution of Lok Sabha passed by a majority of all the then members of the House. The term 'all the then Members' provided in article 94(c) means the actual membership of the House, no account being taken of the seats which are vacant. At least fourteen days' notice has to be given of the intention to move such a resolution.

(iii) Oath by Speaker

The Speaker on assuming his office is not required to make and subscribe any oath or affirmation. The only oath or affirmation he makes or subscribes is by a Member of Lok Sabha which he does before his election as Speaker. Likewise,

14 Constitution of India, Art. 94(c).
15 Officers of 8th Lok Sabha, Lok Sabha Secretariat Pub.
Deputy Speaker is also not required to make and subscribe any fresh oath on assuming his office of Deputy Speaker. 16

(iv) Duties of Speaker

The duties and powers of the Speaker are laid down in the Rules of Procedure and Conduct of Business in Lok Sabha and to some extent in the Constitution. But the rules which he has to administer are of an elastic character and in some matter has to exercise his discretion. 17 His duties are very arduous and in their discharge he must be actuated by a sense of justice and fairness, uninfluenced by passion or prejudice. He has to impress the House generally with confidence in the soundness and impartiality of his judgement, with the conviction that he considers himself the conscience keeper and guardian of the House. 18

The duties of the Speaker broadly fall into five categories. First, he acts as the Spokesman of the House, Secondly, he presides over the sittings of the House and enforces the observance of all rules for maintenance of order and conduct of business in the House. Thirdly, he has extensive

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16 Officers of 8th Lok Sabha, Lok Sabha Secretariat Pub.
17 Officers of Eighth Lok Sabha, Lok Sabha Secretariat, New Delhi, 1990.
18 Ibid.
powers relating to executive matters of the House.Fourthly, he has also responsibilities outside the Parliamentary Chamber. Lastly, he is the final authority to decide whether a member has incurred disqualification for violating the provisions of the Tenth Schedule to the Constitution.\(^{19}\)

(v) **Speaker as Spokesman of the House**

Speaker is the principal spokesman of the House; as such, he represents its collective voice and is its sole representative to the outside world.

Communications from the President to the House and vice-versa are made through the Speaker. When a message from the President whether with respect to a Bill pending in Parliament or otherwise, is received by the Speaker, he reads it to the House and gives necessary directions in regard to the procedure that is to be followed for the consideration of matters referred to in the message and in giving those directions he can suspend or vary the rules to such extent as may be necessary. Similarly, communications to the President are made through the Speaker in the form of a formal address after a motion has been made and carried by the House. In the same way, the speaker is the representative of the House in its relations with the

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upper House i.e. the Rajya Sabha. 20

As the representative of the House to the outside world, the Speaker communicates the decisions of the House to the authorities concerned, requiring them to comply with the terms of such decisions. Similarly, he communicates to the House letters and documents addressed to him, as Speaker, such as those relating to the rights and privileges of the House and its members and messages receiving by him from foreign countries and legislatures. He also issues warrants to execute the orders of the House, where necessary. 21

The importance of the prestige and authority of the Speaker has been recognised from the very onset of the country's independence. Speaking on March 8, 1958, on the occasion of the unveiling of the portrait of Speaker Patel, the then Prime Minister, Shri Jawaharlal Nehru observed:

"The Speaker represents the House. He represents the dignity of the House, the freedom of the House and because the House represents the Nation, in a particular way, the Speaker becomes the symbol of the Nation's freedom and liberty."


21 Ibid, p. 22.
Therefore, it is right that should be an honoured position, a free position and should be occupied always by men of outstanding ability and impartiality."22

(vi) Speaker as Presiding Officer

The main duties of the Speaker are to preside over the sittings of Lok Sabha and to conduct and regulate its proceedings according to the provisions of the constitution and Rules of Procedure and Conduct of Business in Lok Sabha. The House commences its sitting when the Speaker, or any other member competent to preside over the sitting under the Constitution or the Rules takes the Chair. Having regard to the State of business, the Speaker fixes the hour of commencement and termination of a sitting and determines the days on which the House may sit. He determines the order of Government Business in consultation with the leader of the House.23

The Constitution has placed him in a rather unique situation in so far as relations between the two House of Parliament are concerned. It is the Speaker who determines what matters are money matters and certifies whether a bill is a 'Money Bill' and his decision is final. He also presides

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22 Officers of 8th Lok Sabha, Lok Sabha Secretariat, 1990, p. 6.
23 Ibid, p.7.
over the joint sittings of the Houses and all rules relating to the joint sittings operate under his directions and orders. In order to conduct an orderly debate, the Speaker ensures that as far as possible, time is divided between the party in power and other groups in proportion to their strength in the House. The Speaker determines the order in which he would call members to speak. 24

(vii) **Maintenance of Order**

Maintenance of order in the House is the fundamental duty of the Speaker. The Speaker may direct a member to discontinue his speech if the member persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate. He may also direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the House and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day’s sitting. The Speaker may, if he deemed it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and willfully obstructing the business therefore. 25

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25 Officers of Lok Sabha, Lok Sabha Secretariat, p.7.
The Speaker is in supreme control of all parliamentary committees, whether set up by him or by the House. He appoints their Chairman and issues such directions to them as he may consider necessary pertaining to the organisation of work and the procedure to the followed by them. He guides them by holding periodic consultations with them and if any doubt arises on any point of procedure or otherwise the matter is referred to the Speaker whose decision is final. Certain powers relating to Committees are reserved for the Speaker: a committee cannot hold a meeting outside the Parliament House without his previous permission, nor can it call officials of State Governments to give evidence before it without his prior approval. Appeals from members of a committee against the decisions of Chairman in the matter of expunctions, disorderly behaviour, etc. are decided by the Speaker and where a question arises whether the production of a document or the evidence of a person is relevant to its deliberations, the question is referred to the Speaker and his decision is final. Similarly, if the Government claims that a particular paper, record or document is secret and the contents thereof should not be divulged in the public interest by the Committee insist on its production before them, the

26 Officers of 8th Lok Sabha, Sok Sabha Secretariate, p.7.
matter is placed before the Speaker for guidance and his directions are carried out. There are some Parliamentary Committees such as the Business Advisory Committee, Rules Committee and General Purpose Committee which work directly under his Chairmanship. 27

The Speaker is responsible for the protection of the rights and privileges of members and for ensuring that all reasonable amenities are provided to them. Should a member be arrested on a criminal charge or sentenced to imprisonment or detained under an executive order, in fact must immediately be reported to the Speaker by the magistrate or the executive authority, such intimation is also essential in the event of his release. No member can be arrested, nor can a legal process, civil or criminal, be served on him, within the precincts of the House without obtaining the Speaker's permission. Such permission is necessary whether the House is in session or not. Speaker has the sole authority and control over the precincts of the House and the Parliament Estate. 28

(ix) Rulings of the Speaker

It is the right of the Speaker to interpret the

27 Officers of 8th Lok Sabha, Lok Sabha Secretariate, p.9.
Constitution and rules, so far as matters relating to the House are concerned and no one including the Government, can enter into any argument or controversy with the Speaker over such interpretation. A member who protests against the ruling of the Speaker commits contempt of the House. The Speaker's decision is equally binding whether given in the House or on a departmental file. He is not bound to give reasons for his decisions. Rulings of the Speaker cannot be questioned except on a substantive motion. His rulings constitute precedents by which subsequent Speakers, members and officers are guided. He does not enter into public or press controversies regarding his rulings. 29

(x) Responsibility outside Parliamentary Chamber

The Speaker is the ex-officio President of the Indian Parliamentary Group which in India functions as the National Group of the Inter-Parliamentary Union and the main branch of the Commonwealth Parliamentary Association. He nominates, in consultation with the Chairman of Rajya Sabha, Personnel for various Parliamentary Delegations to foreign countries. He occasionally leads these delegations himself. He is also

29 Officers of 8th Lok Sabha, Lok Sabha Secretariat, 1990, p. 10.
The Chairman of the Conference of Presiding Officers of Legislative bodies in India. 30

(xi) **Powers under the Constitution (Fifty-second Amendment) Act, 1985.**

The Constitution (Fifty-second Amendment) Act, 1985 empowers the Speaker to disqualify a member from membership of the House if the member in the opinion of the Speaker, violates the provisions of the Tenth Schedule to the Constitution. The decision of the Speaker as to whether a member of the House has become subject to disqualification under the said Schedule is final. No court of law shall have any jurisdiction in respect of any matter connected with the disqualification of a member of the House under this schedule. This Act also empowers the Speaker to make rules for giving effect to the provisions of the above schedule. 31

In the final analysis, the Speaker's supreme authority inside the House is based on his capacity to inspire members with a confidence about his sincere efforts to give rulings to the best of his ability and judgement, uninfluenced by passion or prejudice, unswayed by their impact on his personal position.


31 Directions by the Speaker Lok Sabha, p. 10, Lok Sabha Secretariat Publications, 1990.
All the powers vested in him are intended to enable him to ensure the smooth functioning of the House. In no case would it be justified for the Speaker to use his powers arbitrarily or in such manner as to prevent the House from functioning.  

The fundamental principle is that the House, subject to the provisions of the Constitution, is sovereign in the matter of its own rules of procedure and conduct of business. Hence, whatever powers have been conferred by the rules on the Speaker are intended to serve one purpose i.e. the House should be enabled to function at all times in the interest of the country and the powers conferred on the Speaker should be used by him in the interest of the House.  

The principal duty of the Speaker is to enable the House to deliberate on and decide the various matters comming before it. Thus, in considering the various notices or points raised before him, the Speaker always bears this in mind and where in doubt, he acts in favour of giving an opportunity to the House to express itself. The Speaker does not so conceive

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32 Directions by the Speaker Lok Sabha, p. 10. Lok Sabha Secretariiate Publications, 1990.

his duties or interpret his powers as to act independently of the House, or to override its authority, or to nullify its decisions. The Speaker is a part of the House, drawing his powers from the House for the better functioning of the House and in the ultimate analysis, a servant of the House, not its master. 34

Further, the Speaker does not normally on his own raise a matter and then gives his decision thereon. He gives his ruling when a point of order is raised and after he has heard the member, if necessary. And, on a point of order he does not give a ruling which has the effect of reversing a decision already taken by the House on any matter. 35

The Speaker has to be sensitive to the atmosphere in the House. Sometimes when there is excitement, uproar, incriminatory observations, or continuous interruption in the House, he has to employ subtle wit and healthy humour to control the situation, to relieve tension and to create conditions in which orderly and relaxed debate can proceed. This is a gift which may be either natural or cultivated, but it is certainly a weapon of great potency in the hands of the Speaker.

35 Officers of 8th Lok Sabha, Lok Sabha Secretariat, 1990, p. 12.
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35 Officers of 8th Lok Sabha, Lok Sabha Secretariate, 1990, p. 12.
Before the dissolution of 8th Parliament on 27 Nov 1989 the Speaker and Deputy Speaker presided over the sessions of the Lok Sabha.  

The Speaker Dr. Bal Ram Jakhar placed Presidential address 5 times on the table of the House.  

Speaker of 8th Lok Sabha received 194 points of order and out of which 34 were upheld by the Speaker.  

During the first session in Jan 17, 1985, a resolution was moved by the Speaker mourning the loss of one of the greatest Indians of the 20th century was unanimously adopted by the house.  

**Speaker Pro Tem**

"In accordance with the provisions of article 95(1) of the Constitution when the offices of both the Speaker and the Deputy Speaker fall vacant, the duties of the office of the Speaker are performed by such member of Lok Sabha as the President may appoint for the purpose. The person so appointed

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37 Ibid.  
38 Monograph series No. 24, S.C. Kashyap, p.4.  
39 Ibid, p.5.
is known as Speaker pro tem and this nomenclature distinguishes him from the Speaker elected by the House."

"The name of a member to be appointed as Speaker pro tem is suggested by the Prime Minister, who in his discretion may place the matter before the Cabinet. Generally, the senior most member of Lok Sabha is chosen for appointment as the Speaker pro tem, although there are instances when this convention was not followed."\textsuperscript{40}

Normally, the Speaker \textit{pro tem} is appointed after each general election to the Lok Sabha and before its first sitting since the Speaker of the outgoing House continues to hold the office of Speaker till the first meeting of the new House. The Speaker \textit{pro tem} presides over the proceedings of the newly elected House and continues to hold that office till the Speaker is elected. He enjoys all the powers of the Speaker under the Constitution and Rules of Procedure.

\textbf{Deputy Speaker}

The office of the Deputy Speaker has grown in importance and has come to acquire a more prominent position after the enforcement of the Constitution in 1950.

\textsuperscript{40} Officers of 8th Lok Sabha, Lok Sabha Secretariat, 1990, p. 12.
(i) **Election of the Deputy Speaker**

"The election of the Deputy Speaker is governed by provisions of article 93 of the Constitution and Rule 8 of the Rules of Procedure and Conduct of Business in Lok Sabha. The procedure for choosing the Deputy Speaker is the same as for the Speaker, except that the date for the election of the Deputy Speaker is fixed by the Speaker, Members are informed of the date of election through the Bulletin. The form of motion for choosing the Deputy Speaker is the same as for choosing the Speaker. The election of the Deputy Speaker is notified in the Gazette by the Secretariat." ⁴¹

As in the case of the Speaker, the salary of the Deputy Speaker is also charged on the consolidated fund of India and is not subject to the vote of the House. He is not subordinate to the Speaker, but holds an independent position and is answerable to the House. By convention, the Deputy Speaker is generally elected from amongst the Opposition members.

(ii) **Term of Office**

"The Deputy Speaker holds office till the dissolution of Lok Sabha unless he ceases to be a member by any of the reasons specified in articles 94, 101 and 102 of the Constitution." ⁴²

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⁴¹ Speaker and Deputy Speaker election and removal, p.21.
(iii) **Powers**

"The Deputy Speaker has the same powers as the Speaker when presiding over a sitting of the House and reference to the Speaker in the Rules are deemed to be references to the Deputy Speaker when he so presides. It has been consistently held that no appeal lies to the Speaker against a ruling given by the Deputy Speaker or any other persons presiding over a sitting of the House in the absence of the Speaker. The ruling given from the Chair settles the matter then before the House and cannot be reopened by anyone." 43

"However, whenever a point raised in the House needs some consideration or involves application of precedents or study, it is open to the Deputy Speaker or Chairman to leave the matter for the decision of the Speaker." 44

If the Deputy Speaker is a member of a parliamentary committee, he is appointed as the Chairman of that committee.

During the absence of the Speaker from any joint sitting of the House of Parliament, the Deputy Speaker presides and exercises the powers of the Speaker of such a sitting as is the case when he is presiding over the deliberations of the House.

44 Ibid.
"Unlike the Speaker, the Deputy Speaker can speak in the House and vote as a member on any question before the House, but this he can do only when the Speaker is presiding. When he is himself in the Chair, the Deputy Speaker cannot vote except in the event of equality of votes."\textsuperscript{45}

"The Deputy Speaker has a right to take part in the politics of the party to which he belongs, although in practice, as far as possible, he keeps aloof from active participation and controversial issues in order to maintain his position of impartiality in the House. A convention has been established in Lok Sabha that the Deputy Speaker does not sponsor bills, resolutions, etc. nor does he table questions. He is a whole-time officer of the House. He does not engage himself in any profession or private practice."\textsuperscript{46}

\textbf{Secretary-General}

In position of Secretary-General of Lok Sabha is a most unusual one; one might almost say that it is unique. He is expected to know everything that has any reference to Lok Sabha and its business, whether it relates to some rather abstruse constitutional point or the proper precedents that

\textsuperscript{45} Officers of Lok Sabha, Lok Sabha Secretariat, 1990, p.14.
\textsuperscript{46} Ibid, p.15-
should be followed in certain given circumstances; whatever the problem, the Chair and the members expect immediate, authoritative and objective advice from him rendered according to his best rights and abilities and without fear or favour. Whether the advice is accepted or not, is entirely for the Speaker or the members concerned as the case may be.

(i) Secretary-General as Adviser to Speaker

"Secretary-General is the adviser to the Speaker in the matter of exercise of all the powers and functions that belong to the Speaker, and to the House through the Speaker. He acts under the authority and in the name of the Speaker but does not work under delegated authority. The orders passed by the Secretary-General are the orders in the name of the Speaker and the Speaker accepts full responsibility for those orders. No two persons are more closely associated than the Speaker and the Secretary-General. A relationship of utmost confidence in each other exists between them."47

(ii) Duties

The duties of Secretary-General may be broadly classified into two categories: Parliamentary and Administrative.

47 Officers of Lok Sabha, Lok Sabha Secretariat, 1990, p. 15.
"Secretary-General remains present during the sittings of Lok Sabha. He occupies a seat just below the desk of the Speaker in the pit of the Chamber and is constantly available for consultation. In the course of discussions, the Speaker on many occasions has to give ruling in cases involving interpretation of the rules and Secretary-General with his experience and knowledge of Parliamentary precedents, etc. should be able to suggest to the Speaker the most appropriate solution. In fact Secretary-General has to anticipate as to what is going to happen during the day and for that he must be ready with a solution; and he has to be prompt with the solution because there is no time to consult anybody." 48

(iii) Issuing Summons and other Parliamentary Papers to Members

"Some of his Parliamentary duties are laid down in the Rules but many others are performed by practice and convention. Secretary-General issues, on behalf of the President, a summons to each member to attend the session of the House. It is he who sends to every member notice of date for election of the Speaker and the Deputy Speaker. He is responsible for arrangement of business of the House in such order as the Speaker may, after consultation with the Leader of the House, determine and for the preparation of a list of business for

48 Officers of Lok Sabha, Lok Sabha Secretariat, 1990, p. 16."
each sitting of the House. Every notice required by the Rules has to be given by members to Secretary-General. He is responsible for circulation to each member a copy of the Parliamentary papers."

(iv) Laying of President's address and Bills on the Table of the House

"Secretary General lays on the Table a copy of each Hindi and English versions of the President's address, duly authenticated by the President, when Lok Sabha meets half-an-hour after conclusion of the address by the President to two Houses in the Central Hall of Parliament. He also lays on the Table each bill passed by the House of Parliament and assented to, by the President. At the first sitting of the newly constituted House after each general election, Secretary-General lays on the Table a boom containing the list of members elected to the new Lok Sabha, duly authenticated by the Chief Election Commissioner."

(v) Reporting messages to the House

"Any message from Lok Sabha to be communicated to Rajya Sabha is signed by the Secretary-General and on receipt of

49 Officers of Lok Sabha, Lok Sabha Secretariat, 1990, p.16.
50 Ibid.
any message from Rajya Sabha, he reports it to the House if it is in session, otherwise he gets it published in the Bulletin and forwards it to each member. All Bills to be transmitted or returned to Rajya Sabha are certified by him. In case of urgency and in the absence of the Speaker, he also authenticates Bills before these are presented to the President for assent."51

"Secretary-General is empowered to fix the date and time of a sitting of a Parliamentary Committee if the Chairman of that Committee is not readily available. When it is considered necessary to take evidence of a witness, the Secretary-General issues summons under his signatures to the witness to appear before the House or any Committees thereof. By virtue of his being Secretary-General of Lok Sabha he functions as Secretary of all Parliamentary Committees. He either attends the meetings of such committees himself or causes his officers to attend to them. He generally supervises all the Secretarial work of these Committees and gives direction to the staff where necessary. In short, he sees that the Secretarial work of the House and its committees, is manned by competent and qualified officials, and organised properly and conducted smoothly so that the efficiency of

51 Officers of Lok Sabha, Lok Sabha Secretariat Pub. 1990, p. 16, 17.
Parliamentary life is kept and maintained at a high pitch.\textsuperscript{52}

(vi) \textbf{Presidential and Vice-Presidential Elections}

"For each Presidential and Vice-Presidential election, the Election Commission, in consultation with the Government of India, appoints a Returning Officer having his office in New Delhi. By a well established convention the Secretary-General, Lok Sabha or the Secretary-General, Rajya Sabha with the approval of the Speaker, Lok Sabha or the Chairman, Rajya Sabha, as the case may be, is appointed in rotation as the Returning Officer to conduct every such election."\textsuperscript{53}

(vii) \textbf{Head of the Secretariat}

Secretary-General heads of completely separate Secretariat which is under the overall control of the Speaker so that the House is assured of independent advice and its directions are executed and implemented without any interference from outside.

"In his capacity as the administrative head of the Secretariat, Secretary-General exercises the powers vested in the Speaker; including the determination of strength, method of

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\textsuperscript{52} Officers of Lok Sabha, Lok Sabha Secretariate Pub., 1990, p. 17. \\
\textsuperscript{53} Ibid, p.19.
\end{flushleft}
recruitment and prescription of qualifications, etc. for the various categories of posts. He is the appointing, punishing and appellate authority of certain classes of Officers. Rules of conduct of discipline and control over the officers and staff of the Secretariiate are enforced by Secretary-General. He also exercises financial powers and initiates budget proposals relating to Lok Sabha and the Secretariat. He is the accounting officers for the money sanctioned by the House for expenditure under the Demands for Grants of Lok Sabha and the Lok Sabha Secretariat."

In his capacity as the Secretary-General of the House, he enjoys the privilege of freedom from arrest save on a criminal charges. He cannot be obstructed in the execution of his duty as it would amount to contempt of the House.

"Secretary-General is a permanent official of the Secretariat of the House and is appointed by the Speaker. He is unconnected with politics and is therefore impervious to any kind of external pressure or political influence. He is answerable only to the Speaker and his action cannot be discussed either inside or outside the House. He also functions as the ex-officio Secretary of the Indian Parliamentary Group

54 Lok Sabha Secretariate Pub., 1990 - Officers of Lok Sabha, p. 19.
and its Executive Committee."  

"The duties of Secretary-General are of a difficult and delicate nature. In the discharge of his duties he has not only to hold a balance between the Government and the Opposition, but he must also enjoy the confidence of both. Secretary-General's advice is available to all members, irrespective of their party affiliations. The advice is full and frank and completely impartial. He, however, never volunteers advice unless asked for. By his ability, devoted service and unfailing courtesy, Secretary-General makes his own place in the estimation of the House so much so that it is said that the retirement of a Secretary-General inevitably marks the end of a Parliamentary Chapter."  

Over the years, the Parliament of India has come to acquire the status of a multi-functional institution performing diverse roles, more often inter-related and enmeshing. The concept of an independent Secretariat of Parliament is an essential adjunct of Parliamentary democracy. It was on 10 Jan., 1929 that a Legislative Assembly Department was created under the de facto control of the President. With the Republican Constitution in 1950, a further impetus was

56 Ibid.
given to the need for having separate Secretariate for the two Houses of Parliament. All these efforts culminated in the creation of a separate Secretariate each for the Lok Sabha and Rajya Sabha. The Constitution of India, vide article 98(1), provides for separate staff for each House and creation of posts common to the two Houses. Clause (2) of this article authorises Parliament to make laws regulating recruitment and conditions of service of the staff while clause (3) provides that until such laws are made by Parliament, the President may, after consultation with the respective Presiding Officers, make rules regulating their recruitment and conditions of service.

From the Legislative Assembly Department of 1929 to the Lok Sabha Secretariate of today, the servicing of Parliament of the largest democracy in the world has come to acquire new dimensions. The Officers and Staff of the present-day Lok Sabha Secretariate are expected to cater to the multifarious requirements of the members of Parliament with a view to rendering them timely assistance in the discharge of their Parliamentary functions. They are entrusted with duties of an exacting nature in so far as they are expected to serve the House, the Speaker and Members objectively, impartially and efficiently. Needless to say, all these call for instilling a
distinctive parliamentary culture in the Secretariate staff. Beginning from a strength of 118 (10 Gazetted and 108 other staff) in 1948, the Secretariate as on 31 July, 1989 had a total strength of 1,380 (305 Gazetted and 1075 other staff).

The Lok Sabha Secretariate organised several functions to mark the Diamond Jubilee of the establishment of an independent Secretariate for the Central Legislature. Prime Minister Shri Rajiv Gandhi released a special postage stamp in the Central Hall on 10 January, 1989. Speaking on the occasion, he complimented the Lok Sabha Secretariate for adapting itself well from running a unicameral colonial body to an independent bicameral House over the years. Two monographs - "Working in the Lok Sabha Secretariate" and "Sixty Years of Servicing the Central Legislature" - were brought out to mark the occasion. A Seminar on the "Working of the Lok Sabha Secretariate" was attended by a galaxy of eminent personalities including the Speaker, former Speakers, Ministers and Members of Parliament belonging to various political parties. All of them had words of appreciation for the staff of the Secretariate. In the House also, members had very kind words to say about the Secretariate staff.