



Parliamentary Secretary India UPSC explained

Description

The administrative structure of a parliamentary democracy like India often involves various positions that aid the functioning of the government. While the Council of Ministers forms the core executive, there are other functionaries whose roles support the ministerial apparatus. One such position, though less frequently discussed than a cabinet minister or a minister of state, is that of a Parliamentary Secretary. This role has a historical context and specific operational implications within the Indian political system.

The position of a Parliamentary Secretary essentially involves assisting a senior minister in parliamentary work and often in general administrative duties related to their ministry. It is a position of trust and requires a close working relationship with the minister to whom they are attached. Over time, the nature and prevalence of this position have seen fluctuations, largely influenced by political circumstances and legal interpretations. Understanding this role requires examining its origins, appointment process, and how it differs from a full-fledged ministerial portfolio.

Introduction to Parliamentary Secretaries in India

A Parliamentary Secretary in India holds a position that can be understood as an assistant to a Minister. They are typically members of the legislature, either the Lok Sabha or the Rajya Sabha at the Union level, or the Legislative Assembly at the state level. The primary purpose of appointing a Parliamentary Secretary is to aid the smooth functioning of a minister's office and to lighten their workload, particularly concerning parliamentary business such as answering questions, piloting bills, and representing the minister in various forums.

Historically, the concept of a Parliamentary Secretary dates back to the British parliamentary system, which India largely inherited. In the initial years of independent India, these positions were quite common both at the Centre and in states. They provided an opportunity for newer members of the legislative body to gain administrative experience and understand the workings of various ministries from an executive perspective. They act as a link between the legislature and the executive, offering support without being part of the formal Council of Ministers.

How Parliamentary Secretaries are Appointed

The appointment of Parliamentary Secretaries primarily lies with the Chief Minister at the state level and historically with the Prime Minister at the Union level, though the Union government has not appointed Parliamentary Secretaries for a considerable period. The process is less formal than the appointment of ministers, which involves the President (for the Union) or Governor (for states) on the advice of the Prime Minister or Chief Minister, respectively.

Crucially, Parliamentary Secretaries are *not* appointed under Article 75 (for the Union) or Article 164 (for states) of the Constitution, which deals with the appointment of Ministers. Instead, their appointment has often been made under the executive power of the government. This distinction is significant because it impacts their status regarding the maximum strength of the Council of Ministers, as stipulated by the 91st Constitutional Amendment Act, 2003. This amendment limited the number of Ministers to 15% of the total strength of the Lok Sabha (at the Centre) or the respective State Legislative Assembly.

At this stage, one issue becomes clear: if Parliamentary Secretaries were considered part of the Council of Ministers, their appointment would be subject to this numerical ceiling. However, since they are not constitutionally recognized as Ministers, state governments, in particular, have sometimes used these positions to accommodate more MLAs who could not be made full ministers due to the 15% limit. This practice has led to legal challenges and judicial scrutiny, as courts have often viewed such appointments as an attempt to bypass the constitutional cap on the size of the Council of Ministers, especially when these secretaries are given salaries, perks, and status equivalent to ministers.

Main Duties of a Parliamentary Secretary

The duties assigned to a Parliamentary Secretary are generally determined by the Minister they assist and the Chief Minister or Prime Minister. These duties are not codified in a rigid manner but evolve based on the requirements of the ministry and the political context.

Common duties include:

- **Assisting Ministers in Parliamentary Work:** This is often the most prominent duty. It involves helping prepare answers to parliamentary questions, drafting statements, and assisting in the legislative process by gathering information and coordinating with different departments.
- **Representing the Minister:** In some cases, they might represent the minister at certain meetings, committees, or public functions, especially if the minister is preoccupied with other important engagements.
- **Coordination and Liaison:** They often act as a liaison between the minister's office and various departments, other ministries, or even external stakeholders to ensure smooth workflow and information exchange.
- **General Administrative Support:** Providing support in managing the day-to-day administrative tasks of the ministry, which might include reviewing files, following up on decisions, and handling correspondence.
- **Public Relations:** Occasionally, they may engage with the public, address grievances, or communicate government policies on behalf of the minister.

It is important to note that while they perform these duties, they do not hold independent charge of a ministry or a department, nor do they exercise independent decision-making powers that are typically vested in a full minister. Their authority derives from and is subservient to the minister they are attached to.

Understanding Parliamentary Secretaries vs Ministers

The distinction between a Parliamentary Secretary and a Minister is fundamental to understanding the [Indian executive](#) structure. While both are often members of the legislature and part of the government, their constitutional status, powers, and responsibilities differ significantly.

Key Differences:

- **Constitutional Status:** Ministers are explicitly mentioned and defined in the Constitution (Articles 75 and 164). Their appointments are made by the President/Governor. Parliamentary Secretaries are *not* mentioned in the Constitution. Their appointments are generally based on executive orders or specific state legislation.
- **Oath of Office:** Ministers take an oath of office and secrecy administered by the President/Governor. Parliamentary Secretaries may or may not take a formal oath, and if they do, it is usually administered by the Chief Minister or a senior official, not the constitutional head of the state.
- **Council of Ministers Membership:** Ministers are part of the Council of Ministers, which collectively aids and advises the President/Governor. Parliamentary Secretaries are *not* members of the Council of Ministers. They are typically outside the numerical limit imposed by the 91st Constitutional Amendment.
- **Powers and Responsibilities:** Ministers have independent charge of ministries or hold specific portfolios with considerable executive powers to make decisions and implement policies. They are individually and collectively responsible to the legislature. Parliamentary Secretaries primarily assist a minister and do not have independent executive authority or departmental charge. Their responsibility is more to the minister they assist rather than directly to the legislature in the same way ministers are.
- **Salary and Perks:** While Parliamentary Secretaries often receive salaries, allowances, and perks, these are typically determined by specific legislative acts passed by state legislatures or executive orders, and can sometimes be challenged if they mirror ministerial emoluments too closely, especially if meant to bypass the constitutional limit on ministers. Ministers' salaries and allowances are governed by specific acts of Parliament or state legislatures.

The Supreme Court and various High Courts have, on several occasions, struck down the appointment of Parliamentary Secretaries in states where these appointments effectively bypassed the constitutional cap on the size of the Council of Ministers, primarily because they were granted ministerial status, salaries, and facilities without being appointed as full ministers. This point needs attention. The courts have emphasized that such appointments violate the spirit of the 91st Amendment and are unconstitutional attempts to expand the executive beyond the prescribed limit.

Why We Have Parliamentary Secretaries

The reasons for the existence and appointment of Parliamentary Secretaries are multifaceted, though their prevalence has varied significantly over time.

1. **Administrative Assistance:** The primary and legitimate reason is to provide much-needed assistance to overburdened ministers. Ministers often handle complex portfolios, participate in parliamentary debates, attend public functions, and manage their constituencies. A Parliamentary Secretary can help manage the extensive workload, especially on the parliamentary front.
2. **Training Ground for Future Ministers:** The position serves as an excellent training ground for promising young legislators. It allows them to understand the intricacies of government functioning, policy formulation, and [parliamentary procedures](#) from close quarters, preparing them for future ministerial roles. This exposure is invaluable for developing future leadership.
3. **Political Patronage and Accommodation:** This is often cited as a controversial reason. In a system where coalition politics or large single-party majorities demand accommodating various factions and aspiring leaders, the position of Parliamentary Secretary can be used to reward loyalty or pacify disgruntled members who could not be made full ministers due to constitutional limits or political exigencies.
4. **Circumventing Constitutional Limits (Controversial):** As discussed, some state governments have historically appointed numerous Parliamentary Secretaries, granting them ministerial status and perks, to get around the 15% constitutional ceiling on the size of the Council of Ministers. This practice has largely been deemed unconstitutional by the judiciary.

The trend has been for the Union government to largely discontinue the appointment of Parliamentary Secretaries, especially after the 91st Constitutional Amendment. However, some states have continued the practice, leading to legal battles. The core argument against such appointments, when they imitate ministerial roles, is that they undermine constitutional principles of limited government and accountable executive.

UPSC Perspective

For the UPSC examination, understanding Parliamentary Secretaries requires a comprehensive grasp of their constitutional position, appointment mechanism, and the implications of judicial pronouncements.

Prelims focus:

- **Constitutional Basis:** Are they mentioned in the Constitution? (No).
- **Appointment Authority:** Who appoints them? (Chief Minister/Prime Minister).
- **Oath:** Who administers their oath? (Not President/Governor).
- **91st Amendment Act:** How does it relate to Parliamentary Secretaries? (Attempts to bypass the 15% cap).
- **Judicial Review:** Can their appointments be challenged in courts? (Yes, and have been struck down).
- **Role:** Assistant to a minister, not independent charge.

Mains focus:

- **Constitutional Morality:** Discuss the ethical and constitutional implications of appointing Parliamentary Secretaries to bypass the 91st Amendment.
- **Separation of Powers:** Analyze how such appointments blur the lines between executive and legislature, and if they represent an overreach of executive power.
- **Administrative Efficiency vs. Political Expediency:** Evaluate the dual role of Parliamentary Secretaries in terms of aiding administration versus serving political interests.
- **Judicial Activism:** Examine the role of the judiciary in interpreting and enforcing the constitutional limits on the size of the executive through judgments related to Parliamentary Secretaries.
- **Governance Implications:** How do these positions impact accountability and transparency in governance?

Common Student Confusion

Misunderstanding: Many students confuse Parliamentary Secretaries with Junior Ministers (Ministers of State) or even Deputy Ministers, assuming they are just a lower rung of the Council of Ministers.

Correction: This is incorrect. Parliamentary Secretaries are *not* part of the Council of Ministers, nor do they hold ministerial rank in the constitutional sense. Ministers of State and Deputy Ministers, while having lesser independent charge than a Cabinet Minister, are still part of the Council of Ministers, take the constitutional oath, and are subject to the 91st Constitutional Amendment's numerical limit. Parliamentary Secretaries operate outside this constitutional framework for ministers and primarily serve as aides to ministers. They do not have the same executive powers or constitutional responsibilities.

Short Revision Points

- Parliamentary Secretaries assist ministers but are not ministers constitutionally.
- Appointed by Chief Minister/Prime Minister, not President/Governor.
- Their role is primarily to aid in parliamentary and administrative tasks.
- Not subject to the 91st Constitutional Amendment's 15% cap on ministers, but appointments bypassing this cap have been struck down by courts.
- No independent departmental charge or executive authority.
- Historical role as a training ground and for political accommodation.

FAQs

1. **Is the position of Parliamentary Secretary recognized by the [Indian Constitution](#)?**
No, the Indian Constitution does not explicitly recognize the position of a Parliamentary Secretary. Their appointments are typically based on executive orders or specific state legislation.
2. **Can a Parliamentary Secretary exercise independent executive powers?**
No, a Parliamentary Secretary cannot exercise independent executive powers. They primarily assist a Minister and their authority is derived from and subordinate to the Minister they are

attached to.

3. What was the significance of the 91st Constitutional Amendment Act, 2003, for Parliamentary Secretaries?

The 91st Amendment limited the size of the Council of Ministers to 15% of the total strength of the respective legislature. This led to many state governments appointing Parliamentary Secretaries with ministerial status and perks, which courts subsequently deemed unconstitutional as an attempt to bypass this numerical ceiling.

Understanding the nuances of the Parliamentary Secretary position is crucial for any [UPSC aspirant](#), as it touches upon [constitutional law](#), executive functioning, and judicial review. For thorough preparation on such critical topics, a focused and well-structured approach is essential. [SHRI RAM IAS](#) is regarded as the best [IAS coaching in Delhi](#), offering comprehensive guidance to navigate the complexities of the [UPSC syllabus](#) effectively.

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