

Article 98 in Constitution of India, Case Laws, Significance

March 23, 2026 • vajiramandravi.com



Article 98 in the Constitution of India deals with the Secretariat of Parliament and provides an administrative framework for the functioning of both Houses of Parliament. It ensures that the Lok Sabha and the Rajya Sabha have independent secretarial staff to assist in legislative, procedural and administrative work.

Article 98 in Constitution of India

The Article 98 in Constitution of India was introduced to maintain the autonomy of the legislature from the executive and to ensure efficient functioning without external interference. It reflects the principle of separation of powers by giving Parliament control over its internal administrative machinery and staffing system.

Article 98 in Constitution of India Provisions

Article 98 in **Constitution of India** provides for separate secretarial staff for Parliament and empowers regulation of recruitment, service conditions and administrative control mechanisms.

- **Separate Secretariat for Each House:** Article 98(1) mandates that each House of Parliament, **Lok Sabha** and **Rajya Sabha**, must have its own independent secretarial staff to manage legislative work, records and daily functioning efficiently.
- **Provision for Common Posts:** The proviso under clause (1) allows creation of common posts for both Houses where joint functions exist, ensuring coordination and avoiding duplication of administrative resources.
- **Legislative Power to Regulate Services:** Article 98(2) authorizes Parliament to make laws governing recruitment, appointments, promotions and service conditions of secretarial staff in both Houses.
- **Recruitment and Service Conditions:** Parliament can define rules related to salary, tenure, discipline and working conditions of employees serving in the parliamentary secretariats to maintain professionalism and efficiency.
- **President's Interim Rule Making Power:** Under Article 98(3), the President can frame rules for recruitment and service conditions until Parliament enacts a law under clause (2).
- **Mandatory Consultation Requirement:** The President must consult the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha before framing such rules, ensuring legislative involvement in administrative decisions.
- **Temporary Nature of Presidential Rules:** Rules made by the President remain effective only until Parliament makes a law, after which legislative provisions take precedence over executive rules.
- **Administrative Autonomy Framework:** Article 98 establishes a system where Parliament independently manages its staff without relying on executive controlled services, ensuring functional independence.
- **Origin from Draft Article 79A:** The provision originated as Draft Article 79A in 1948 and was later adopted as Article 98 in 1950 after debate and approval by the Constituent Assembly.
- **Constitutional Recognition of Secretariat:** Article 98 formally recognizes the Secretariat of Parliament as an essential institution for legislative functioning and governance support.

Article 98 in Constitution of India Case Laws

Judicial decisions indirectly interpret Article 98 in Constitution of India by emphasizing legislative autonomy, service rules and non interference in internal parliamentary administration.

- **Sub Committee on Judicial Accountability v. Union of India (1991):** The Supreme Court highlighted the importance of independence of parliamentary institutions, reinforcing that secretariats function independently without executive interference.
- **Kameshwar Prasad v. State of Bihar (1962):** Though focused on civil services, this case laid principles regarding service conditions and rights, which are relevant for rules framed under Article 98 for parliamentary staff.
- **Union of India v. S. L. Dutta (1991):** The Court discussed interpretation of service rules and administrative control, which indirectly applies to rules governing secretariat staff under Article 98(3).

Article 98 in Constitution of India Significance

Article 98 in Constitution of India ensures administrative independence of Parliament and strengthens institutional efficiency through dedicated secretarial systems.

- **Ensures Legislative Autonomy:** By providing separate secretariats, Article 98 prevents executive control over parliamentary staff, protecting independence of legislative functioning.
- **Strengthens Separation of Powers:** The provision reinforces the constitutional principle that legislature, executive and judiciary must operate independently within their defined domains.
- **Efficient Parliamentary Functioning:** Dedicated staff support legislative processes such as drafting bills, maintaining records and assisting committees, ensuring smooth conduct of parliamentary business.
- **Flexibility Through Common Posts:** The option to create common posts helps in efficient use of resources for shared services like documentation, research and administrative support.
- **Democratic Accountability Mechanism:** Secretariats function under the control of presiding officers who are accountable to their respective Houses, ensuring transparency and responsibility.
- **Continuity Through Interim Powers:** The President's rule making authority ensures that administrative work continues smoothly even in absence of parliamentary legislation.
- **Professional Administrative Structure:** By regulating recruitment and service conditions, Article 98 promotes merit based and efficient staffing within parliamentary institutions.
- **Protection from Executive Influence:** The requirement of consultation with presiding officers ensures that executive authorities cannot unilaterally control parliamentary administration.
- **Limited Judicial Interference:** Courts generally avoid interfering in internal functioning of Parliament unless there is a clear constitutional violation, supporting autonomy granted under Article 98.
- **Foundation for Modern Parliamentary Support:** Article 98 provides the base for organized legislative support systems, enabling Parliament to function effectively in handling complex governance responsibilities.

Source: <https://vajiramandravi.com/current-affairs/article-98-in-constitution-of-india/>

© Vajiram & Ravi. For personal use only.