



Mains Practice Question

Q. Speakers are not apolitical entities and are embedded in party politics. Critically examine. (250 words)

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Approach

- Introduce with the Speaker's power and role in Indian polity. Highlight with articles from the constitution.
- Highlight how speaker could become partisan under current structure with examples and SC cases.
- Highlight measures already taken for bringing in impartiality.
- In conclusion, list out measures, steps that could be taken to make the post apolitical.

Introduction

Speakers in Lok Sabha and Legislative Assemblies perform important constitutional roles like guardian of powers and privileges of the House, members, committees etc. They approve Money Bill, and are the final interpreters of Constitution and other rules in the House. Such wide powers accrue to the post from Constitution (Articles 94 to 97 in case of Lok Sabha and 178 to 181 and 186 in case of Legislative Assemblies).

Body

Case of Speaker being not an apolitical entity

- Speaker is appointed from the party/coalition enjoying the majority in the lower house. Thus, one continues to hold the party affiliation even after appointment to the post.
- In deciding the question of disqualification under the tenth schedule, the speaker's decision is final and can act on discretion without regards to views of other party.
- While deciding Money Bill, a party holding majority has sway over the speaker's decision minimizing debate and point of view from other party members and also from Rajya Sabha, even if the bill is adjudged legally correct, for example in case of passage of Aadhar Bill.
- Maintaining order, decorum, regulation of business, interpretation of rules, casting vote in case of tie, adjournment/suspension of meeting are primary responsibilities of the Speaker. In doing so, he acts in his discretion and can decide what is right or wrong based on his party affiliations.
- Such apolitical nature and partisan role of the office has been highlighted in cases like Kihoto Hollohan vs. Zachillhu and Others (1992), Jagjit Singh vs. State of Haryana (2006), Keisham Meghachandra Singh vs. the Speaker Manipur Legislative Assembly & Ors. (2020).

Case of Speaker being an impartial entity

To overcome such issues following steps have been taken:

- **Constitutional Impartiality:** Speaker can be removed only by an absolute majority (security of tenure), his salary is fixed and charged on Consolidated Fund of India/State, his works, conduct cannot be discussed except for Substantive Motion, Powers within house are not Judicially Reviewable.

- In *Kihoto Hollohan vs Zachillhu and Others*, 1992 case, Supreme Court allowed for Judicial Review in case of questions regarding disqualification of members under tenth schedule.

Conclusion

Further impartiality can be imbibed in the office with following measures:

- Establishment of Independent Tribunal in deciding case of disqualification under tenth schedule as recommended in *Keisham Meghachandra Singh vs. the Hon'ble Speaker Manipur Legislative Assembly & Ors.* (2020).
- In British parliamentary system, the speaker has to resign from the party so that the post remains politically neutral. This can be followed in India as well.

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