



## The Missing Deputy Speaker

**Prelims:** Position of speaker and Deputy speaker, Provisions for Presiding Officers Of the parliament.

**Mains:** Significance of Deputy Speaker.

### Why in News?

**Supreme Court** sought response from Centre on a **Public Interest Litigation (PIL)** that contends that not electing a **Deputy Speaker** to the 17<sup>th</sup> (present) Lok Sabha, since 2019, is **“against the letter and spirit of the Constitution”**.

- The post has also been lying vacant in the five state Assemblies including Rajasthan, Uttarakhand, Madhya Pradesh, Uttar Pradesh, and Jharkhand.

### What are the Constitutional Provisions?

- **Article 93** says that the **House of the People (Lok Sabha)** shall, as soon as may be, choose two members to be **Speaker** and **Deputy Speaker** so often as the offices become vacant. However, it **does not provide a specific time frame**.
- **Article 178** contains the corresponding position for Speaker and Deputy Speaker of the **Legislative Assembly of a state**.

### What are the Different Viewpoints on the Matter?

- **Experts:**
  - Experts point out that both Articles 93 and 178 use the word “shall”, indicating that the **election of Speaker and Deputy Speaker is mandatory** under the Constitution.
- **Union Government:**
  - Government argues that there is **no “immediate requirement”** for a Deputy Speaker as “bills are being passed and discussions are being held” as normal in the House.
  - Further, **there is a panel of nine members selected from different parties** who can act as chairpersons to assist the Speaker to run the House.

### Can the Judiciary Intervene in the Matter?

- **Article 122** says, “The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.”
- **Courts usually don’t intervene in the procedural conduct of Parliament.** However, Experts argue that the courts do have jurisdiction to at least inquire into why there has been no election to the post of Deputy Speaker since the Constitution does envisage an election “as soon as may be”.

### What are the Provisions Regarding Deputy Speaker?

- **Election:**

- In Lok Sabha, the election of Deputy Speaker is **governed by Rule 8 of The Rules of Procedure and Conduct of Business in Lok Sabha.**
- The Deputy Speaker is **elected by the Lok Sabha** from amongst its members **right after the election of the Speaker.** The **date of election** of the Deputy Speaker is **fixed by the Speaker.**
- **Time Frame:**
  - The election of the Deputy Speaker **usually takes place in the second session** and is **generally not delayed** further in the absence of genuine and unavoidable constraints.
- **Term of Office and Removal:**
  - Like the Speaker, the Deputy Speaker remains in office usually for the **entire duration of the House (5 years).**
  - The Deputy Speaker may vacate his/her office earlier in any of the following three cases:
    - If he **ceases to be a member of the Lok Sabha.**
    - If he **resigns** by writing to the Speaker.
    - If he is **removed by a resolution** passed by a **majority of all the then members** of the Lok Sabha. Such a resolution can be moved only after giving **14 days' advance notice.**
- **Position of the Deputy Speaker:**
  - **Under article 95** The Deputy Speaker **performs the duties of the Speaker's office when it is vacant** and **acts as the Speaker when the latter is absent** from the sitting of the House. In both the cases, he assumes all the powers of the Speaker.
  - Deputy Speaker is **not subordinate to the Speaker.** He is directly responsible to the House. Consequently, if either of them wishes to resign, they must submit their **resignation to the House which implies that Speaker gives resignation to deputy Speaker.**

### What is the Need of Deputy Speaker?

- **Maintains Continuity:** Deputy Speaker maintains continuity of the office whenever speaker is absent or the office becomes vacant.
- **Represents The House:** If Speaker resigns, he/she tenders resignation to Deputy Speaker.
  - **If the post of Deputy Speaker is vacant** the Secretary-General receives the letter of resignation and informs the House about it. The resignation is **notified in the Gazette and the Bulletin, as per the Rules for Presiding Officers of Lok Sabha.**
- **Strengthens the Opposition:** Since 2011, **convention has been to offer the position of deputy Speaker to Opposition party.**
  - Though **Constitutionally, Deputy speaker can be from Opposition or Majority party.**

### UPSC Civil Services Examination, Previous Year Question (PYQ)

#### Q1. Consider the following statements: (2017)

1. In the election for Lok Sabha or State Assembly, the winning candidate must get at least 50 percent of the votes polled, to be declared elected.
2. According to the provisions laid down in the Constitution of India, in Lok Sabha, the Speaker's post goes to the majority party and the Deputy Speaker's to the Opposition.

#### Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

#### Ans: (d)

- The system of first-past-the-post (FPTP) is used in India for direct elections to the Lok Sabha and State Legislative Assemblies. In this voting method, the candidate with the highest number of

votes (not necessarily more than 50%) in a constituency is declared the winner. **Hence, statement 1 is not correct.**

- According to the Constitution, the Speaker and the Deputy Speaker in the Lok Sabha are elected from amongst its members. They can be from either the majority party or the opposition party. **Hence, statement 2 is not correct.** Therefore, option (d) is the correct answer.

**Q2. Regarding the office of the Lok Sabha speaker, consider the following statements: (2012)**

1. He/She holds the office during the pleasure of the President.
2. He/She need not be a member of the House at the time of his/her election but has to become a member of the House within six months from the date of his/her election.
3. If he/she intends to resign, the letter of his/her resignation has to be addressed to the Deputy Speaker.

**Which of the statements given above is/are correct?**

- (a) 1 and 2 only
- (b) 3 only
- (c) 1, 2 and 3
- (d) None

**Ans: (b)**

- The Speaker is elected by the members of Lok Sabha from amongst its members (as soon as may be, after its first sitting). **Hence, statement 2 is not correct.**
- Whenever the office of the Speaker falls vacant, the Lok Sabha elects another member to fill the vacancy. The date of election of the Speaker is fixed by the President. Usually, the Speaker remains in office during the life of the Lok Sabha. However, he has to vacate his office earlier in any of the following three cases:
  - if he ceases to be a member of the Lok Sabha.
  - if he resigns by writing to the Deputy Speaker; **Hence, statement 3 is correct.**
  - if he is removed by a resolution passed by a majority of all the members of the Lok Sabha. Such a resolution can be moved only after giving 14 days advance notice. **Hence, statement 1 is not correct.**
- **Therefore, option (b) is the correct answer.**

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