



Role of the Speaker

For Prelims: [18th Lok Sabha](#), [coalition government](#), [Speaker and a Deputy Speaker](#), [simple majority](#), [adjournments](#), [no-confidence and censure motions](#), [Business Advisory Committee](#), [the General Purposes Committee and the Rules Committee](#), [rights and privileges](#)

For Mains: Key facts about the speaker in India, Role of Speaker in Coalition Government

[Source: IE](#)

Why in News?

The upcoming session of the [18th Lok Sabha](#) underscores the crucial role of the Speaker in the case of [coalition government](#) not only for the smooth functioning of the house but also for the balance of power between the ruling party and its allies, as well as the opposition.

What are the Key Facts About the Speaker in India?

▪ About:

- The Speaker is the **constitutional and ceremonial head** of the House.
- Each House of Parliament has its **own presiding officer**.
- There is a [Speaker and a Deputy Speaker](#) for the Lok Sabha and a **Chairman and a Deputy Chairman** for the Rajya Sabha.
- The Speaker is **assisted by the Secretary-General of the Lok Sabha** and senior officers of the Secretariat on parliamentary activities, practice and procedure.
- In the **absence of the Speaker**, the **Deputy Speaker** discharges the functions.
 - A member from the **panel of Chairmen** presides over the House in the absence of both the Speaker and the Deputy Speaker. However, member of the **panel of chairpersons cannot preside** over the house, when the **office of the Speaker or the deputy speaker is vacant**.

▪ Election:

- The House **elects** its presiding officer by a [simple majority](#) of members present, who vote in the House.
- Usually, a **member belonging to the ruling party** is elected as speaker whereas deputy speaker is elected from opposition party .
 - There are also **instances when members not belonging to the ruling party** were elected to the office of the Speaker.
 - **GMC Balayogi and Manohar Joshi belonging to the non-ruling party** served as the Speaker in the 12th and 13th Lok Sabha.
- When the [Lok Sabha is dissolved](#), the **Speaker remains in his office till the first meeting** of the new assembly when the new speaker is elected.

▪ Removal:

- The Constitution has given the Lower House authority to remove the Speaker if needed.
 - The House can remove the Speaker through a resolution with notice of 14 days, passed by an **effective majority** (more than 50% of the **effective strength** (total

strength-vacancies) of the house present and voting) as per **Articles 94** of the Indian Constitution.

- The Speaker can **also be removed** on getting disqualified from **being a Lok Sabha member** under **sections 7 and 8** of the Representation of the People Act, 1951.
- A speaker can also give his **resignation to a [Deputy Speaker](#)**.
- **Sources of Power and Duties:**
 - The Speaker of the Lok Sabha **derives his powers and duties** from three sources:
 - Constitution of India,
 - Rules of Procedure and Conduct of Business of Lok Sabha,
 - Parliamentary Conventions (residuary powers that are unwritten or unspecified in the rules)
- **Provisions to Ensure Independence and Impartiality of Speaker:**
 - He is provided with a **security of tenure**. He can be removed only by a resolution passed by the Lok Sabha by a effective majority.
 - His **salaries and allowances** are **charged on the Consolidated Fund of India** and thus are not subject to the annual vote of Parliament.
 - His **work and conduct cannot be discussed** and criticised in the Lok Sabha except on a substantive motion.
 - His **powers of regulating procedure** or conducting business or maintaining order in the House are **not subject to the jurisdiction of any Court**.
 - He cannot vote in the first instance. He can only exercise a **casting vote** in the event of a tie. This makes the position of speaker impartial.
 - He is placed at **sixth rank** in the **order of precedence** along with the **[Chief Justice of India](#)**.

Pro Tem Speaker

- When the **Speaker of the last Lok Sabha vacates** his office immediately before the first meeting of the newly-elected Lok Sabha, the **President appoints a member** of the Lok Sabha as the Speaker Pro Tem (usually, the **senior most member**).
- The **President himself administers oath** to the Speaker Pro Tem.
- He/She **presides over the first sitting of the newly-elected Lok Sabha** and has all the powers of the Speaker.
- The main responsibility is to **administer oaths to the new members** and to enable the House to elect the new Speaker.
- When the new Speaker is elected by the House, the office of the Speaker Pro Tem ceases to exist.

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LOK SABHA SPEAKER



The **Constitutional/Ceremonial Head** of LS who presides over its day-to-day functioning

What **Speaker/Deputy Speaker** is for LS, the **Chairman/Dy Chairman** is for RS

ORIGIN IN INDIA

- 1921 (Gol Act of 1919) under the name **President** and **Dy President**

*Gol Act of 1935 changed this nomenclature to **Speaker** and **Deputy Speaker***

ELECTION (BOTH SPEAKER & DY SPEAKER)

- Article **93**, Part V
- By a **simple majority**
- Re-election - Eligible

ELECTION CRITERIA

- Should be a member of LS
- No specific qualifications
- Generally, belongs to the ruling party

TENURE

- 5 years** (till immediately before first meeting of the next LS)

Speaker does not vacate his/her office upon dissolution of LS

POWERS

- Final interpreter of Constitutional provisions in LS; his/her **rulings** are **binding** in nature
- Presides over a **joint sitting** of the two Houses of Parliament
- Can adjourn the House/suspend the meeting in absence of **Quorum**
- Power of **Casting vote** to resolve a deadlock
- Decides:
 - if a bill is (not) a **money bill**
 - Disqualification** of LS members (under 10th Schedule) (granted via **52nd Amendment 1985**)

REMOVAL (CONDITIONS)

- If s/he **ceases to be a member** of LS
- Written Resignation** to Dy Speaker
- Removed by **Effective Majority**

What are the Roles and Responsibilities of the Speaker?

▪ Presiding Over House Proceedings:

- The Speaker **oversees the sessions** of the Lower House, **ensuring discipline and decorum** among members.
- The Speaker decides the **agenda for parliamentary meetings** and interprets procedural rules. He/she permits motions such as **adjournments, no-confidence and censure motions**, ensuring orderly conduct.
- The Speaker is the **final interpreter of the provisions** of (a) the Constitution of India, (b) the Rules of Procedure and Conduct of Business of Lok Sabha, and (c) the parliamentary

precedents, within the House.

▪ **Enforcing Quorum and Disciplinary Action:**

- In the absence of a **quorum**, the Speaker adjourns or suspends meetings until the required attendance is met.
- The speaker has the **power to punish unruly behaviour** and even disqualify members on grounds of defection under **10th schedule** of the constitution.

▪ **Constitution of Committees:**

- The Committees of the House are constituted by the speaker and function under the speaker's overall direction.
- The Chairmen of all Parliamentary Committees are **nominated by Speaker**.
- Committees like the **Business Advisory Committee, the General Purposes Committee and the Rules Committee**, work directly under his Chairmanship.

▪ **Privileges of the House:**

- The Speaker is the guardian of the **rights and privileges** of the House, its Committees and members.
- It depends solely on the speaker to refer any question of privilege to the Committee of Privileges for examination, investigation and report.
- He can allow a **'secret' sitting of the House** at the request of the **Leader of the House**. When the House sits in secret, no stranger can be present in the chamber, lobby or galleries except with the permission of the Speaker.

▪ **Administrative Authority:**

- As **head of the Lok Sabha Secretariat**, the Speaker manages administrative affairs and security arrangements within the Parliament Estate. They control alterations and additions to parliamentary infrastructure.

▪ **Inter-Parliamentary Relations:**

- The Speaker serves as the **ex-officio President** of the **Indian Parliamentary Group**, facilitating inter-parliamentary relations. He/she leads delegations abroad and chairs the Conference of Presiding Officers of Legislative Bodies in India.

Constitutional Provisions Related to Speaker/Deputy Speaker

- **Article 93/178:** Appointment of the Speaker and Deputy Speaker of the Lok Sabha/ Legislative Assembly.
- **Article 94/179:** Vacation/resignation/removal from the offices of Speaker and Deputy Speaker of the Lok Sabha/**Legislative Assembly**.
- **Article 95/180:** Power of the Deputy Speaker or other person(s) to perform the duties of the office of or to act as the Speaker of the **Lok Sabha**/Legislative Assembly.
- **Article 96/181:** The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.
- **Article 97/186:** Salaries and allowances of the Speaker and Deputy Speaker.

Judicial Provisions Related to Speaker/Deputy Speaker

- In **Kihoto Hollohan versus Zachilhu case, 1993**, the **Supreme Court** declared that the **decision of the presiding officer** is **not final** and can be questioned in any court. It is **subject to judicial review** on the grounds of malafide, perversity, etc
- Supreme Court in **Keisham Meghachandra Singh vs The Hon'ble Speaker Manipur Legislative Assembly & Ors Case, 2020**, ruled that **Speakers** of assemblies and the Parliament **must decide disqualification pleas within a period of three months** except in extraordinary circumstances.
- In **Nabam Rebia vs Deputy Speaker Case, 2016**, the SC held that a **speaker will be disabled** from deciding disqualification petitions under the **anti-defection law (10th schedule**

[of the constitution](#)) if a notice for their removal is pending.

- In other words, this judgement **stopped a Speaker facing removal notice from deciding disqualification pleas** against members of legislatures under anti-defection law.
- Also, in 2023, the [Supreme Court](#) in ***Subhash Desai v Principal Secretary, Governor of Maharashtra Case, 2023***, directed the **Maharashtra Assembly Speaker**, to set a timeline for deciding pleas for the disqualification of MLAs.

What are the Issues Associated With the Office of the Speaker?

- **Partisanship Issue: The Speaker, often belonging to the ruling party, are accused of bias. Supreme Court in *Kihoto Hollohan versus Zachilhu case* highlighted the instances where speakers have allegedly acted in favour of their party.**
 - For example, **discretionary powers** of speakers with political affiliations in **deciding money bill and political defection cases** is one such example.
 - In 2017, **the Manipur legislative assembly anti-defection case**, the court gave a reasonable period of four weeks but the **defection complaint was pending for years**.
- **Prioritising Party Interests over National Interest: Speakers have the power to restrict debates or discussions that could potentially affect the agenda of the political parties, if those discussions are crucial for the nation's well-being.**
- **Increased Disruptions and Stalling of Proceedings: A Speaker perceived as biased** can lead to **frustration and disruptions from the opposition**, ultimately hindering the functioning of Parliament.
- **Bypassing Committees and Scrutiny: Rushing through bills without proper committee review** can lead to **poorly crafted legislation** that hasn't received sufficient deliberation.
 - **Example:** The instance of the **passing of 3 farm laws in 2020** without referring it to parliamentary committee has been **cited as the reason by opposition for widespread protest and later their withdrawal**.

Way Forward

- **Maintaining Stability: The Speaker's impartiality and fairness are critical, as they have to balance the complex dynamics of diverse political interests**
 - Their decisions on issues such as the **admission of no-confidence motions, the allocation of time for debates, and the recognition of members** can have a significant impact on the government's stability.
- **Role in Resolving Disputes:**
 - In the case of a coalition government, where multiple parties with **different ideologies and agendas** come together, conflicts and disputes are inevitable.
 - The Speaker should uphold impartiality in **mediating these disputes** and finding solutions that are acceptable to all stakeholders.
- **Impact on Legislative Outcomes: By controlling the legislative agenda, the Speaker can influence the passage of bills and the overall policy direction of the government.**
 - **Pranab Mukherjee, former President of India**, noted, "*The Speaker's role is not just about running the House; it's about being a bridge between the government and the opposition, and ensuring that the democratic process is upheld.*"
- **Ensuring Non-Partisanship: The practice of the Speaker who resigns from their political party to ensure complete non-partisanship can be explored further to uphold the Constitution's [principle of separation of powers](#).**
 - The example of **N. Sanjiva Reddy resigning from his party upon becoming Speaker in 1967** sets a positive precedent of non-partisanship.
 - In Britain, the speaker is strictly a **nonparty member**. There is a convention that the **speaker has to resign from his party and remain politically neutral**.

Conclusion

The Speaker of Lok Sabha is not just a presiding officer, they **wield significant power in shaping the functioning of the House** and influencing the balance between the ruling party and the opposition, especially in the case of coalition government. The Speaker's decisions and actions can have **far-reaching consequences for the functioning and stability** of the government.

Drishti Mains Question:

Q. Highlighting the powers and responsibilities of the speaker in Indian parliamentary system, discuss about its crucial role in ensuring parliamentary democracy.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. With reference to Deputy Speaker of Lok Sabha, consider the following statements: (2022)

1. As per the Rules of Procedure and Conduct of Business in Lok Sabha, the election of Deputy Speaker shall be held on such date as the Speaker may fix.
2. There is a mandatory provision that the election of a candidate as Deputy Speaker of Lok Sabha shall be from either the principal opposition party or the ruling party.
3. The Deputy Speaker has the same power as of the Speaker when presiding over the sitting of the House and no appeal lies against his rulings.
4. The well-established parliamentary practice regarding the appointment of Deputy Speaker is that the motion is moved by the Speaker and duly seconded by the Prime Minister.

Which of the statements given above are correct?

- (a) 1 and 3 only
- (b) 1, 2 and 3
- (c) 3 and 4 only
- (d) 2 and 4 only

Ans: (b)

Mains:

Q. To what extent, in your view, the Parliament is able to ensure accountability of the executive in India? (2021)

Q. How far do you think cooperation, competition and confrontation have shaped the nature of federation in India? Cite some recent examples to validate your answer. (2020)