

Deputy Speaker of Lok Sabha

September 4, 2021

With the Delhi High Court asking the Central government to explain its stand on a petition that claimed keeping the post of Deputy Speaker of the Lok Sabha vacant is a violation of Article 93 of the Constitution, the issue is once again in the spotlight. Petitioner Pawan Reley pointed out that the position had been vacant for the last 830 days.

In news: Long wait for a Deputy Speaker for Lok Sabha

Placing it in syllabus: Law & Policy

Dimensions

- Election of Lok Sabha Deputy Speaker and the Convention followed
- Constitutional validity of the post of deputy speaker
- Effect of keeping the post of deputy Speaker vacant on the functioning of parliament
- Article 93 and its violation in the situation
- Suggestions

Content:

Election of Lok Sabha Deputy Speaker and the Convention followed:

- Usually, the Deputy Speaker is **elected in the first meeting of the Lok Sabha after the General elections** from amongst the members of the Lok Sabha.
- He is chosen from the Lok Sabha members for a time **span of five years.**
- It is a norm in the Lok Sabha that the **Deputy Speaker must be impartial.** There is **no need to resign from their original party** though as a Deputy Speaker.
- It is by **convention** that the position of **Deputy Speaker is offered to opposition parties** in India.

Tenure and removal:

- He holds office until either ceasing to be a member of the Lok Sabha or by resigning.
- He can be removed from office by a resolution passed in the Lok Sabha by an effective majority of its members.

There is a constitution-mandated panel of 10 members (called **Panel of Chairpersons**) to preside over the proceedings of the Lok Sabha in the absence of the Speaker.

Constitutional validity of the post of deputy speaker:

The Deputy Speaker of the Lok Sabha is **not subordinate to the speaker** of Lok Sabha; is responsible for the Lok Sabha and is the **second-highest-ranking legislative officer** of the Lok Sabha.

Constitutional position of Deputy Speaker is evident from:

- **Article 93:** provides for the election of both the Speaker and the Deputy Speaker.
- **Article 94:** Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker.
- **Article 95:** Power of the Deputy Speaker or other person to perform the duties of the office of, or to act as, Speaker.
- **Article 96:** The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration
- **Article 97:** Salaries and allowances of the Chairman and Deputy Chairman and the Speaker and Deputy Speaker.

Effect of keeping the post of deputy Speaker vacant on the functioning of parliament

- The constitutional office of the Deputy Speaker of the Lok Sabha is **mostly symbolic of parliamentary democracy than some real authority**. The **exception being in the**

absence of the Speaker.

- Deputy Speaker acts as the presiding officer in case of leave or in absence caused by death or illness of the Speaker of the Lok Sabha.
- And in absence of the Speaker because of death, illness or any other reason, the Deputy Speaker also assumes the administrative powers.
- During this time, a Deputy Speaker enjoys the same legislative powers as the Speaker.

During the Budget Session of Parliament in 2021, Lok Sabha Speaker Om Birla contracted COVID-19. It was alleged that the panel of chairpersons were not equipped to handle the job in this instance.

- It is Deputy Speaker's responsibility to carry on the role of Presiding Officer of the lower house of Parliament in the absence of the Speaker of Lok Sabha.
- The members of the Parliament raise various issues in the lower house before the Deputy Speaker of Lok Sabha.
- He is supposed to listen to every member and come out with a solution for it.
- He/She also headed various committees such as the Committee on Private Member Bills and Resolution (by M. Thambidurai in the previous Lok Sabha), which further provided a platform for inclusive policymaking.

Article 93 and its violation in the situation

Article 93: The Speaker and Deputy Speaker of the House of the People – states that:

- The House of the People shall, **as soon as may be**, choose two members of the House to be respectively Speaker and Deputy Speaker thereof
- and, so **often as the office of Speaker or Deputy Speaker becomes vacant**, the House shall **choose another member** to be Speaker or Deputy Speaker, as the case may be

Therefore, the office of Deputy Speaker is a constitutional mandated position and not a ceremonial one.

- The petitioner to the Delhi HC, Pawan Reley, said the post of Deputy Speaker has been vacant for more than two years in violation under Article 93 of the Constitution.
- Plea alleged inaction of the Constitutional functionaries and in evading their Constitutional duties in not holding the election of the Deputy Speaker of Lok Sabha.

The petition before the Delhi High Court argues that:

- **Article 93 of the Constitution casts a mandatory constitutional obligation** on the Speaker to fix a date for election of the Deputy Speaker and thereafter, a notice is issued by the Secretary-General to all members of the House for election.
- the expression use therein is **“as soon as may be”**, which **cannot by any stretch of imagination be extended a period of 2 years**, as been done in this case
- **No discretion has been conferred on anybody not to elect the Deputy Speaker**
- **Rule 8 of the Rules of Procedure and Conduct of Business in Lok Sabha** casts a **primary duty on the Speaker to fix the date** for holding the election of the Deputy Speaker.

Differing Views on Deputy Speaker's Election

- **Lok Sabha Speaker Om Birla** had said that **it is for the House to elect a Deputy Speaker** and it's not the Speaker's job.
- BJD MP Bhartruhari Mahtab, who is a **member of the Panel of Chairpersons**, said the **Lok Sabha functioning was not affected by lack of a Deputy Speaker**. “Currently, the

Maharashtra Assembly is functioning without an elected Speaker after the resignation of Nana Patole”

- As the combined Opposition did not have the strength to elect a member of their choice, the choice fell on the government. The fact that there was no recognised leader of the Opposition also hampered the process of Deputy Speaker’s Election

Suggestions:

- The entire democratic structure in the House of the People rests on the shoulders of the Deputy Speaker in absence of the Speaker, and members of the House of the People.
- Any further delay in electing the Constitutional office of the Deputy Speaker will breach the collective trust in the Lok Sabha which is founded on the bedrock of the Constitutional trust.
- Therefore, Lok Sabha should “fix any short date” to hold an election to the post without delay.

Mould your thought: “Keeping the post of Deputy Speaker of the Lok Sabha vacant is a violation of provisions of Indian Constitution.” Evaluate.

Approach to the answer:

- Introduction
- Discuss the office of Deputy Speaker and its role
- Mention Provisions of Article 93
- Mention recent controversy over long delay in filling vacancy and the petition in Delhi HC
- Discuss how the vacancy is a breach of provisions Article 93
- Conclusion