

Speaker & Deputy Speaker

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In news

Since February 2021, Maharashtra has been without a Speaker, while the Lok Sabha and numerous state assemblies are without a Deputy Speaker.

Constitutional provision for Speaker & Deputy speaker

- Article 93 for Lok Sabha and Article 178 for state Assemblies state that these Houses “shall, as soon as may be”, choose two of its members to be Speaker and Deputy Speaker.
- The Constitution provides that the office of the Speaker should never be empty. So, he continues in office until the beginning of the next House, except in the event of death or resignation.

Election of Speaker & Deputy Speaker:

- Indian Constitution neither sets a time limit nor specifies the process for these elections.
- It leaves it to the legislatures to decide how to hold these elections.
- In Lok Sabha and state legislatures, the President/Governor sets a date for the election of the Speaker, and it is the Speaker who decides the date for the election of the Deputy Speaker.
- The legislators of the respective Houses vote to elect one among themselves to these offices.
- As such, no specific qualifications are prescribed for being elected the Speaker.
- The Constitution only requires that the Speaker should be a member of the House.
- Usually, a member belonging to the ruling party is elected the Speaker.

- The Speaker pro tem presides over the sitting in which the Speaker is elected, if it is a newly constituted House. If the election falls later in the life of a Lok Sabha, the Deputy Speaker presides.
- Until the fourth Lok Sabha, the ruling party held both the Speaker and Deputy Speakers positions
- The tradition for the post of the Deputy Speaker going to the Opposition party started during the term of Prime Minister Morarji Desai's government.

Term of speaker

The Speaker continues in office till immediately before the first meeting of Lok Sabha after dissolution of the one to which he/she was elected, unless he/she ceases to be a Member by any of the reasons specified in articles 94, 101 and 102 of the Constitution.

Removal of Speaker of Lok Sabha

- The Speaker can be removed by the Lok Sabha by a resolution passed by an effective majority (>50% of total strength excluding vacancies) of the house as per Articles 94 and 96.
- The Speaker is also removed on being disqualified for being Lok Sabha member under sections 7 and 8 of Representation of the People Act, 1951.

Powers and functions of Speaker of Lok sabha

- The Speaker has extensive functions to perform in matters administrative, judicial and regulatory, falling under his/her domain.
- He/She enjoys vast authority under the Constitution and the Rules, as well as inherently.
- As the conventional head of the Lok Sabha and as its principal spokesman, the Speaker represents its collective voice.
- He/she is the ultimate arbiter and interpreter of those

provisions which relate to the functioning of the House.

- His/Her decisions are final and binding and ordinarily cannot be questioned, challenged or criticised.

Roles of the speaker

- As per the book Practice and Procedure of Parliament, published by the Lok Sabha Secretariat, the Speaker is the principal spokesman of the House.
- Speaker represents its collective voice and is its sole representative to the outside world.
- The Speaker presides over the House proceedings and joint sittings of the two Houses of Parliament.
- It is the Speaker's decision that determines whether a Bill is a Money Bill and therefore outside of the purview of the other House.

Roles of Deputy speaker

- The Deputy Speaker is independent of the Speaker, not subordinate to him, as both are elected from among the members of the House.
- In addition to presiding over the House in the absence of the Speaker, the Deputy Speaker chairs committees both inside and outside of Parliament.
- He also chairs several committees formed under the aegis of the conference of presiding officers of legislative bodies in India.
- The Deputy Speaker ensures the continuity of the Speaker's office by acting as the Speaker when the office becomes vacant (by death, as in the case of the first Lok Sabha Speaker G V Mavalankar in 1956, and G M C Balayogi in 2002, or because of resignation by Speaker N Sanjiva Reddy in 1977 for fighting the Presidential election.).
- In addition, when a resolution for removal of the Speaker (as in 1987 against Lok Sabha Speaker Balram

Jakhar) is up for discussion, the Constitution specifies that the Deputy Speaker presides over the proceedings of the House.

Term & Removal of Deputy Speaker

- The Deputy Speaker is elected in the first meeting of the Lok Sabha after the General elections for a term of 5 years from amongst the members of the Lok Sabha.
- Deputy Speaker holds office until either they cease to be a member of the Lok Sabha or they resign.
- He/she can be removed from office by a resolution passed in the Lok Sabha by an effective majority of its members.
- In effective majority, the majority should be 50% or more than 50% of total strength of the house after removing the vacancies.
- Since the Deputy Speaker is accountable for the Lok Sabha, the elimination is done by the effective majority in Lok Sabha only.