



The Office of Speaker of Lok Sabha

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Introduction

- **About:**

- The Office of the Speaker in India is a living and dynamic institution which deals with the actual needs and problems of Parliament in the performance of its functions.
- **Article 93 of the Constitution** provides for the election of both the Speaker and the Deputy Speaker.
- 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**.

- **History:**

- The institutions of Speaker and Deputy Speaker **originated in India in 1921** under the provisions of the **Government of India Act of 1919 (Montague-Chelmsford Reforms)**.
- At that time, the Speaker and the Deputy Speaker were called the President and Deputy President respectively and the same nomenclature continued till 1947.
- The **Government of India Act of 1935 changed the nomenclatures** of President and Deputy President to the Speaker and Deputy Speaker respectively.

The Office of the Speaker: Lok Sabha

- The Lok Sabha, which is the highest legislative body in the country, chooses its Speaker who presides over the day to day functioning of the House.
- Electing the Speaker of the Lok Sabha is one of the first acts of every newly constituted House.

- **Election of Office of the Speaker:**

- **Criteria:** The Constitution of India requires the **Speaker should be a member of the House.**
 - Although there are **no specific qualifications prescribed** for being elected the Speaker, an **understanding of the Constitution and the laws of the country is considered a major asset** for the holder of the Office of the Speaker.
 - Usually, a member belonging to the ruling party is elected Speaker. The process has evolved over the years where the ruling party nominates its candidate after informal consultations with leaders of other parties and groups in the House.
 - This convention ensures that once elected, the **Speaker enjoys the respect of all sections of the House.**
- **Voting:** The Speaker (along with the Deputy Speaker) is elected from among the Lok Sabha members **by a simple majority of members present and voting** in the House.

Once a decision on the candidate is taken, his/her name is normally proposed by the Prime Minister or the Minister of Parliamentary Affairs.
- **Term of Office of the Speaker:** The Speaker holds Office from the date of his/her election till immediately before the first meeting of the next Lok Sabha (for **5 years**).
 - The **speaker once elected is eligible for re-election.**
 - Whenever the Lok Sabha is dissolved, the **Speaker does not vacate his office and continues till the newly-elected Lok Sabha meets.**

- **Role and Powers of Speaker:**

- **Interpretation:** He/She is the **final interpreter** of the provisions of the **Constitution of India**, the **Rules of Procedure and Conduct of Business of Lok Sabha** and the **parliamentary precedents**, within the House.
In matters regarding interpretation of these provisions, he/she often gives **rulings which are respected by members and are binding in nature.**
- **Joint Sitting of Both Houses:** He/She presides over a **joint sitting** of the two Houses of Parliament.
Such a sitting is summoned by the President to settle a deadlock between the two Houses on a bill.
- **Adjournment of Sitting:** He/She **can adjourn the House or suspend the meeting** in absence one-tenth of the total strength of the House (called the **quorum**).
- **Casting Vote:** The speaker **does not vote in the first instance but in the case of a tie**; when the House is divided equally on any question, the Speaker is entitled to vote.
Such a vote is called a **Casting Vote**, and its purpose is to resolve a deadlock.
- **Money Bill:** He/She **decides whether a bill is a money bill or not** and his/her decision on this question is final.
- **Disqualifying Members:** It is the speaker who **decides the questions of disqualification of a member** of the Lok Sabha, arising on the ground of defection under the provisions of the **Tenth Schedule**.
 - The **52nd amendment** to the Indian Constitution vests this power in the Speaker.
 - In 1992, the Supreme Court ruled that the decision of the Speaker in this regard is subject to **judicial review**.
- **Chairing the IPG:** He/She acts as the **ex-officio chairman of the Indian Parliamentary Group (IPG)** which is a link between the Parliament of India and the various parliaments of the world.
He also acts as the ex-officio chairman of the conference of presiding officers of legislative bodies in the country.
- **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 him/her.
 - 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.

- **Removal of Speaker:**

- **Exceptions:** Usually, the **Speaker remains in office during the life of the Lok Sabha**. However, under following conditions, the speaker, may have to vacate the office earlier:
 - If he ceases to be a member of the Lok Sabha.
 - If he resigns by writing to the Deputy Speaker
 - If he is removed by a resolution passed by a majority of all the members of the Lok Sabha.
- **Notification:** Such a resolution can be moved only after giving 14 days' advance notice.

When a resolution for the removal of the Speaker is under consideration of the House, **he/she may be present at the sitting but not preside.**

Deputy Speaker of the Lok Sabha

- **Election:**

- The Deputy Speaker is also **elected by the Lok Sabha** from amongst its members **right after the election of the Speaker has taken place.**
- The date of election of the Deputy Speaker is fixed by the Speaker (date of election of the Speaker is fixed by the President).
- Upto the 10th Lok Sabha, both the Speaker and the Deputy Speaker were usually elected from the ruling party.

Since the 11th Lok Sabha, there has been a consensus that the **Speaker comes from the ruling party/alliance and the post of Deputy Speaker goes to the main opposition party.**

- **Term of Office and Removal:**

- Like the Speaker, the Deputy Speaker remains in office usually during the life of the Lok Sabha (**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.

- **Responsibilities and Powers:**

- The Deputy Speaker **performs the duties of the Speaker's office when it is vacant.**
 - He/She also **acts as the Speaker when the latter is absent** from the sitting of the House.
 - In both the cases, he/she assumes all the powers of the Speaker.
- He/She also **presides over the joint sitting of both the Houses of Parliament**, in case the Speaker is absent from such a sitting.
- The Deputy Speaker, like the Speaker, has the **privilege of the Casting Vote** in case of tie.
- The Deputy Speaker has one special privilege, that is, **whenever he/she is appointed as a member of a parliamentary committee, he/she automatically becomes its chairman.**

Note: The Deputy Speaker is not subordinate to the Speaker. He is directly responsible to the House.

Speaker *Pro Tem*:

- 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 is selected for this.
 - 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.