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Election of Speaker and Deputy Speaker

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Why in News

Maharashtra has been without a Speaker since February, 2021 while **Lok Sabha and several **State Assemblies** are without a **Deputy Speaker**.**

The Constitution provides that the **office of the Speaker should never be empty.**

Key Points

- **Election of Speaker:**

- **Criteria:**

- The Constitution of India requires the **Speaker to 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.
- **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.

- **Removal of Speaker:** 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.**
 - 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).**
 - **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.**
 - 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 has **one special privilege**, that is, whenever he/she is appointed as a member of a parliamentary committee, he/she automatically becomes its chairman.

Source: IE