



drishti

## Impartial Speaker For Thriving Democracy

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This article is based on **How can we guarantee the Speaker's impartiality?** Which was published in The Indian Express on 19/08/2021. It talks about the roles and responsibilities of the speaker and associated issues.

The **Office of the Speaker** occupies a pivotal position in our parliamentary democracy. It has been said of the Office of the Speaker that while the members of Parliament represent the individual constituencies, the Speaker represents the full authority of the House itself.

He/She symbolises the dignity and power of the House over which he/she is presiding. Therefore, it is expected that the holder of this Office of high dignity has to be one who can represent the House in all its manifestations.

However, over the last two decades, paralysing Parliament has become the standard operating procedure of every Opposition party. The misuse of the post of speaker in the functioning of India's Parliament — and state assemblies as well — is one among many reasons for falling levels and productivity of the legislatures.

### Importance of Speaker's Independence

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- **Supreme Authority:** In the Lok Sabha the Speaker is the supreme authority. He has vast powers, and it is his primary duty to ensure the orderly conduct of the business of the House.
- **Symbol of Nation's Freedom:** Jawaharlal Nehru referred to the Speaker as “the symbol of the nation's freedom and liberty” and emphasised that Speakers should be men of “outstanding ability and impartiality”.
- **Guardian of the House:** MN Kaul and SL Shakhder referred to the speaker as the **conscience and guardian of the House.**

As the principal spokesperson of the Lok Sabha, the Speaker represents its **collective voice.**

### Roles and Responsibility of Speaker

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- It is the Speaker's duty to decide what issues will be taken up for discussion.
- **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.
- **Adjournment Motion:** He has the sole discretion to permit an adjournment motion to be tabled or to admit a calling attention notice, if the issue is of urgent public importance.
- **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**.
- **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.

## Issues with the Post of Speaker in Lok Sabha

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- **Favour Ruling Party:** Several judgments on the **anti-defection law** have been rendered by the Supreme Court. A common factor that shows up in these rulings is the **blatant, partisan conduct of speakers** in various state assemblies.
  - Over the last decade and more, an impartial and independent Speaker is difficult to find.
- **Party Interest Over National Interest:** The present practice of the Speaker continuing to be an active member of the ruling party has the inevitable result of his refusing to allow any debate or discussion that may be essential in national interest but may embarrass the ruling party.
- **Increased Disruption in Parliament:** Partisan conduct of the speaker and his apathy towards opposition parties' demands many times leads to constant disruption of Parliament by the Opposition.
  - Indeed, a Speaker who continues to be a member of the ruling party is like an umpire being appointed by the batting side.
  - The persistent disruption of Parliament causes extensive damage not only to the prestige of the House, but also frustrates the primary function of any legislature: The responsibility to make laws for the good governance of the country after careful debate and deliberation.
- **Bills are Not Referred to Committees:** The stalling of parliamentary proceedings has led to the passing of important bills in several sessions without any discussion. In the 2021 monsoon session, not a single bill was referred to any select committee.

## Way Forward

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- There must be two essential qualities in a Speaker: **Independence and impartiality.**
- **Independence of Speaker:** The separation of powers is part of the **basic structure** of our Constitution. If Parliament ceases to be relevant, the foundation of our democracy will progressively get weaker.
  - It is imperative that the Speaker of every legislature resigns from his party to honour his constitutional obligation of independence and impartiality.
  - For example, in 1967, late N Sanjiva Reddy resigned from his party when he became the Speaker.
- **Choose the Best Option:** Indeed, the option is a binary: Either allow Parliament and state legislatures to descend into terminal decline or make the Speaker truly independent and let every legislature perform its constitutional function of deliberating on matters of public importance and passing laws after proper debate.
- **Responsibility of Speaker to Ensure Continuation of Debates:** In 1951, a nine-judge bench of the Supreme Court (In Re Delhi Laws Act Case) held that essential legislative functions cannot be delegated to the bureaucracy; law-making must remain the domain of the legislature.

The speaker must ensure that the legislature meets continuously and debate the bills.
- As per **GV Mavalankar**, the first Speaker, once a person is elected Speaker, he should rise above parties, above politics. He should belong to all the members or belong to none.

He should hold the scales of justice evenly, irrespective of party or person.

## Conclusion

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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.

The founding fathers of our Constitution had recognised the importance of this Office in our democratic set-up, and it was this recognition that guided them in establishing this Office as one of the prominent and dignified ones in the scheme of governance of the country.

### ***Drishti Mains Question***

Speaker becomes a symbol of the nation's freedom and liberty. Therefore, the post should always be occupied by persons of outstanding ability and impartiality. Discuss.