Office of the Speaker

Mains: *GS – II – Polity & Governance*

Why in News?

The recent no-confidence motion moved by the Opposition against Om Birla has reignited the debate over the constitutional position and accountability of the office of the Speaker of the Lok Sabha.

What are the facts about the office of Speaker?

- **Importance** – The office of the Speaker is one of the most critical pillars of India's parliamentary democracy.
- **Office of speaker** – *Article 93 of the Indian Constitution* provides for the offices of the Speaker and Deputy Speaker.
- He shall be elected as soon as may be after the commencement of the house.
- **Origin** – The *Government of India Act of 1919* – Introduced the institutions of Speaker and Deputy Speaker in India in 1921.
- At that time, the Speaker and the Deputy Speaker were called the President and Deputy President respectively, same nomenclature continued till 1947.
- The *Government of India Act of 1935* – It changed the titles of President and Deputy President to the Speaker and Deputy Speaker respectively.
- **Selection** – After a pro-tem or temporary Speaker administers the oath to new members of the house, the Speaker is *elected by a simple majority* in the House.
- Usually by convention, a member belonging to the ruling party is elected Speaker.
- **Election –** Elected by the Lok Sabha from among its members; date fixed by the President.
- **Tenure** – It is *coterminous with the term of the Lok Sabha* that is 5 years unless he/she resigns or is removed from office before that.

  When the Lok Sabha is dissolved, the Speaker remains in his office till the first meeting of the new assembly when the new speaker is elected.

- **Disqualification** – The Speaker can also be removed on getting disqualified from being a Lok Sabha member under the Representation of the People Act, 1951.
- **Resignation** – A speaker can also tender his resignation to a Deputy Speaker.
  - Dr. Neelam Sanjiva Reddy is the only Speaker who resigned from the office.
- **Qualification** – There are no specific qualifications for becoming Speaker, but he must be a member of the house.

- **Independence** – The salary of the Speaker is drawn from the Consolidated Fund of India unlike for other MPs.
- **Constitutional Role** – As the presiding officer of the Lok Sabha, act as an impartial arbiter expected to rise above party politics once elected.

What are the core functions of the office of Speaker?

- **Sources of powers** – The Speaker derives powers from three sources like
  - The Constitution of India
  - The Rules of procedure and Conduct of Business of Lok Sabha
  - The Parliamentary Conventions (residuary powers that are unwritten or unspecified in the Rules).
- **Core functions**
  - The Speaker ensures orderly debate, enforces the rules of procedure, safeguards the rights of members,
  - Maintains the balance between government authority and the voice of the Opposition.
  - The recognition of members, interpretation of procedural rules, disciplinary powers, and the certification of Money Bills.
- **Authority & Influence** – These powers significantly shape legislative outcomes and parliamentary debates.
- **Protections & Tenure** – The constitutional framework provides strong protections to ensure that the Speaker cannot be removed easily for political reasons.

To know more about the functions of Speaker, click here

What is the removal process for Speaker?

- **Article 94(c)** – The Speaker can be removed only through a resolution passed by a *majority of all the members of the Lok Sabha (effective majority)*, not merely those present and voting.
- This high threshold reflects the intent to safeguard the stability and dignity of the office.

Procedure for Removal

- **Rule** –200–203, *Rules of Procedure and Conduct of Business in Lok Sabha*
- **Written notice** – The process begins when a member submits a written notice to the Secretary-General of the Lok Sabha seeking removal.
- At least 14 days' notice must be given before the motion can be taken up.
- **Support of members** – Once admitted, the motion requires the support of at least 50 members to proceed for discussion in the House.
- **Clearly mention the charges** – The rules mandate that the resolution must clearly state the charges against the Speaker.
- **Voting** – Requires an effective majority of the total membership of the Lok Sabha.
- **Speaker's Position During Removal Motion** – Any motion submitted without the mandatory 14-day notice is not taken up for consideration.
- The Speaker continues in office until the removal resolution is formally passed.

- During the debate on such a motion, the Speaker may participate in the proceedings as a member of the House.
- While the Speaker can vote on the resolution in the first instance, he/she cannot exercise their vote in case of a tie.
- **Historical Precedents** – No-confidence motions against the Speaker have been *extremely rare* in India's parliamentary history.
- Only three such attempts have occurred
    - In 1954 against G. V. Mavalankar;
    - In 1966 against Hukam Singh; and
    - In 1987 against Balram Jakhar.
- In all three cases, the motions failed.
- These precedents demonstrate the political and procedural difficulty involved in removing a Speaker.

What are the larger impact of no confidence motion against Speaker?

- **Symbolic value** – Although the present motion may not result in the Speaker's removal, it carries broader institutional significance.
- It reminds presiding officers that their authority derives from the collective confidence of the legislature.
- **Impartiality** – The Speaker's credibility depends heavily on the perception of impartiality.
- **Impact on public trust** – Allegations of partisan conduct can weaken public confidence in parliamentary processes.
- **Balance of power** – While the high constitutional threshold ensures that the Speaker is not vulnerable to routine political pressure, it still allows a democratic mechanism for accountability.

What are the several challenges affecting the functioning of the Speaker's office?

- **Growing perception of politicization** – In recent years, decisions on matters such as disqualification of legislators under the anti-defection law or certification of Money Bills have often been viewed through a partisan lens.
- **Frequent confrontations** – Between the ruling party and the Opposition have led to procedural deadlocks in Parliament.
- **Erosion of trust** – When the neutrality of the presiding officer is questioned, trust between political actors erodes, making consensus-building more difficult.
- **Parliamentary conventions** – The unwritten norms that once guided the impartial conduct of the Speaker have gradually weakened.
- As political competition intensifies, these conventions risk being overshadowed by tactical considerations.

What is the way ahead?

- **Reinforcing Conventions** – Reinforcing institutional conventions should be the first step.
- Political parties must collectively reaffirm the tradition that the Speaker acts above party lines once elected.

- **Enhancing Transparency** – Enhancing transparency in procedural rulings can also improve trust.
- Clear explanations for major decisions, such as rejecting requests for discussion or certifying legislative bills would reduce allegations of bias.
- **Encouraging dialogue** – Structured consultations between the government and the Opposition on parliamentary procedures and reforms could reduce confrontations and improve legislative productivity.
- **Codifying best practices** – Guidelines regarding the Speaker's discretionary powers may help clarify ambiguities.
- While flexibility is essential in parliamentary procedure, clearer guidelines could reduce disputes over interpretation.

Reference

The Hindu | Reevaluating the office of the Speaker

