The Lok Sabha Speaker

Why in news?

Recently, as the 18th Lok Sabha convenes, political parties of the coalition are competing for the Speaker's post.

What is the position of Speaker in India?

- **Background** – Since India follows the *Westminster Model of government*, the parliamentary proceedings are headed by a presiding officer, who is called the Speaker.
- **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.
- **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.

Pro Tem Speaker
• He/ she is the senior most member of the newly elected Lok Sabha. • Appointed by – The president during the first meeting of the newly-elected Lok Sabha and the President himself administers oath to the Speaker Pro Tem. • Role – He/She *presides over the first sitting* of the newly-elected Lok Sabha and has all the *powers of the Speaker*. • Main responsibility – To administer oaths to the new members and to enable the House to elect the new Speaker. • **Tenure** – When the new Speaker is elected by the House, the office of the Speaker Pro Tem ceases to exist.

- Usually by convention, a member belonging to the *ruling party* is elected Speaker.

  There are instances when members not belonging to the ruling party were elected to the office of the Speaker like GMC Balayogi and Manohar Joshi in the 12th and 13th Lok Sabha respectively.

- **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.

- **Removal** – ***Article 94*** provides that a motion of no-confidence can be moved against

the Speaker with *notice of 14 days.*

- **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.

SPEAKERS OF LOK SABHA

Name	Tenure	Party	Ruling Coalition
Rabi Ray	Dec 1989 - July 1991	Janata Dal	National Front
Shivraj Patil	July 1991 - May 1996	Cong	Cong
P A Sangma	May 1996 - Mar 1998	Cong	United Front
G M C Balayogi*	Mar 1998 - Oct 1999 Oct 1999 - Mar 2002	TDP	NDA
Manohar Joshi	May 2002 - June 2004	Shiv Sena	NDA
Somnath Chatterjee	June 2004 - June 2009	CPI (M)	UPA
Meira Kumar	June 2009 - June 2014	Cong	UPA
Sumitra Mahajan	June 2014 - June 2019	BJP	NDA
Om Birla	June 2019 - June 2024	BJP	NDA

**Died in office*

What are the major powers of the 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).
- **Conducting the house** – It is *primary responsibility* of the speaker and he/ she has final power in this regard.
- It is decided by the Speaker in c*onsultation with the Leader of the House.*
- He/she adjourns the House or suspends the meeting in absence of a quorum.
- *Prior permission* of the Speaker is required for members to ask a question, or to discuss any matter.
- The Speaker *decides the admissibility of a question* raised by a member, as well as how the proceedings of the House are published.
- The Speaker has the *power to expunge*, in full or in part, remarks that she may consider to be unparliamentary.
- He/ she can *allow a 'secret' sitting* of the House at the request of the Leader of the House.
- **Final interpreter** – The speaker is the final interpreter of the provisions in the following
  - The Constitution of India
  - The Rules of Procedure and Conduct of Business of Lok Sabha
  - The parliamentary precedents, within the House

- **Supremacy in Joint sitting** – He/ she *presides over a joint setting* of the two Houses of Parliament.
- **Financial powers** – The speaker decides whether a bill is a *money bill or not* and the decision is final.
- **Casting Vote** – ***Article 100*** of the Indian Constitution, the Speaker of Lok Sabha, or any person acting as such, "shall not vote in the first instance, but shall have an exercise a casting vote in the case of any equality of votes".
- **Appointing authority** – He/she appoints the *chairman of all the parliamentary committees* of the Lok Sabha and supervises their functioning.
- **Quasi-judicial powers** – The *Tenth Schedule* gives the Speaker of the House the power to disqualify legislators who 'defect' from a party.

*In **Kihoto Hollohan versus Zachillhu** in 1992, the Supreme Court upheld the power vested in the Speaker and said that only the final order of the Speaker will be subject to judicial review.*

*In **Keisham Meghachandra Singh case 2020**, the Supreme Court directed the Speakers of Assemblies and Lok Sabha to decide such disqualification pleas within three months except in extraordinary circumstances.*

- **Other powers** – He/ she acts as the *ex-officio chairman of the Indian Parliamentary Group* which is a link between the Parliament of lndia and the various parliaments of the world.
- The speaker can also acts as the ex-officio chairman of the conference of presiding officers of legislative bodies in the country.

What are the challenges associated with the role of the Speaker?

- **Issue of partisanship** – Supreme Court in Kihoto Hollohan case, highlighted the instances where speakers have allegedly acted in favour of their party.
- **Misusing money bills** – There are accusation of misuse of power by introducing *crucial laws as money bill* to circumvent the Rajya Sabha where the ruling party does not enjoy a majority.
    - **For instance** – Amendments to the Prevention of Money Laundering Act, 2002 (PMLA), and the Foreign Contributions Regulations Act, 2010 as money bills.
- **Abusing the power of expunction** – The 17th Speaker of the Lok Sabha was accused of rank partisanship for ordering the expunction of remarks made by a MP on purported links between PM and an industrialist.
- **Ill-using the power of admitting no-confidence motion** - In 2018, the 16th Speaker of the Lok Sabha delayed the motion of no-confidence motion against the ruling government by adjuring the house several time before the admitting the motion.
- **Bias against opposition members** – The power the Speaker to suspend members for misconduct in the House are disproportionately used against the Opposition members.
- **Prioritising Party Interests** – Speakers have the power to restrict debates or discussions that could potentially affect the agenda of the political parties even if those discussions are crucial for the nation's well-being.

- **Bypassing committees and scrutiny** – Rushing through bills without proper committee review can lead to poorly crafted legislation that hasn't received sufficient deliberation.

What lies ahead?

- It is extremely essential for democracy that the Speaker remain non-partisan.
- The Speaker should carry out the assigned duty to ensure detailed deliberation and legislative scrutiny of important legislation.

References

1. Indian Express | The Powers of the Speaker
2. The Hindu| Misuse of the Speaker's role

