

# UPSC Preparation

## Lok Sabha Speaker [Article 93 - 96]

The presiding officer of the lower house of the Parliament is the Lok Sabha Speaker. Provisions of his/her and deputy speaker's offices are dealt with Articles 93, 94, 95 and 96 of the Indian Constitution. In Indian parliamentary democracy, the Office of the Speaker of Lok Sabha holds a significant position.

### Lok Sabha Speaker & Deputy Speaker - Constitutional Provisions

Constitutional Provisions - Offices of Speaker and Deputy Speaker	
<b>Article 93</b>	Provides to choose two members of the House to be respectively Speaker and Deputy Speaker when these two offices fall vacant.
<b>Article 94</b>	Vacation, Resignation and Removal provisions for the offices of Speaker and Deputy Speaker
<b>Article 95</b>	Power of the Deputy Speaker or other person to perform the duties of the offices of, or to act as, the Speaker
<b>Article 96</b>	The Speaker or the Deputy Speaker not to preside while a resolution for his/her removal from office is under consideration

### History

- In 1921, the offices of Speaker and Deputy Speaker originated in India under the Government of India Act of 1919 (Montague - Chelmsford Reforms).
- The Speaker and the Deputy Speaker were known to be President and Deputy President respectively till 1947.
- Before 1921, the Central Legislative Council was presided over by the Governor-General of India.
- In 1921, the Governor-General of India appointed the Frederick Whyte and Sachidanand Sinha as the first Speaker and the first Deputy Speaker respectively of the Central Legislative Assembly.
- First Indian and first elected Speaker of the central legislative assembly - Vithalbai J. Patel (in 1925).

- The Government of India Act of 1935 changed the nomenclatures of President and Deputy President of the Central Legislative Assembly to the Speaker and Deputy Speaker, respectively. But, the old nomenclature was continued till 1947 because the federal part of the 1935 Act was not implemented.
- First Speaker of the Lok Sabha - G V Mavalankar
- First Deputy Speaker of the Lok Sabha - Ananthasayanam Ayyangar
- G V Mavalankar held the post of Speaker in Constituent Assembly (Legislative) as well as the provisional Parliament (held the post of Speaker continuously from 1946 to 1956).

## Significance of the Office of Speaker of Lok Sabha

- The Speaker represents the full authority of the House, whereas the members of Parliament represent the individual constituencies.
- The Office of the Speaker symbolises the dignity, honour and power of the House over which he/she is presiding.
- The Speaker is considered as the true guardian of the traditions of parliamentary democracy.
- The activities/actions of the Speaker are under scrutiny in the House, and he/she can't overlook any aspect of parliamentary life.
- The Office of the Speaker has been given a very high position (Seventh Rank) in the Warrant of Precedence in India, positioned along with the Chief Justice of India and next only to the President, the Vice-President and the Prime Minister. He/she has a higher rank than all cabinet ministers.

## Term/Tenure of Office

- The Speaker doesn't vacate his/her office immediately whenever the Lok Sabha is dissolved, but continues till the first meeting of the newly elected Lok Sabha.
- When the Lok Sabha is dissolved, the Speaker ceases to be a member of the house, but he/she doesn't vacate his/her office.
- However, he/she has to vacate his office in any of the following three cases:
  - If he/she ceases to be a member of Lok Sabha;
  - If he/she resigns by writing to the Deputy Speaker;
  - If he/she is removed by a resolution passed in the Lok Sabha.
- He/She is eligible for re-election.

### Resignation - Who shall the Lok Sabha speaker submit his/her resignation to?

- The Speaker may, at any time, resign from Office by writing under his/her hand to the Deputy Speaker.

### Can Lok Sabha speaker be removed?

- The Speaker can be removed if a resolution is passed by a majority of all the members of the Lok Sabha, that is, by **absolute majority** and not by ordinary majority.
- It is also compulsory to give a minimum of **14 days'** advance notice of the intention to move the resolution.
- The motion of removal can be considered and discussed only when it has the support of at least 50 members of the House.
- When a resolution for removal of the Speaker is under consideration of the House, he/she cannot preside over the House, but can speak and take part in the proceedings of the House. Also, he/she can vote in the first instance, but not in the case of an equality of votes.

#### **Additional Info:**

- The resolution has to have specific charges and shouldn't contain defamatory statements, arguments, ironical expressions, etc.
- Also, the discussions should be confined to charges referred to in the resolution.

### How is Speaker of Lok Sabha elected?

- The date of election of the Speaker is fixed by the President.
- As soon as after the first sitting of the Lok Sabha, the Speaker is elected by the House from amongst its members.
- Whenever the office of the Speaker falls vacant, the lower House elects another member to fill the vacancy.
- **Election criteria** -
  - Simple majority of members present and voting in the House.
  - No specific qualifications required.
- Usually, a member belonging to the ruling party is elected the Speaker.

**Convention -**

The ruling party nominated the candidate for the office of the Speaker after informal consultations with the leaders of other parties in the House, so that he/she enjoys the respect of all groups of the Lok Sabha.

- There are also instances when members not belonging to the ruling party or coalition were elected to the Office of the Speaker.
- The Prime Minister or the Minister of Parliamentary Affairs proposes the candidate's name.
- The Speaker pro tem presides over the sitting in which the Speaker is elected, if it is a newly constituted House.
- If the election falls later in the life of a Lok Sabha, the Deputy Speaker presides.
- After the results are announced, the Speaker-elect is conducted to the Chair by the Prime Minister and the Leader of the Opposition.
- While assuming the office of the Speaker, he/she do not make and subscribe any separate oath or affirmation.

## Powers and Functions of the Speaker

- The Speaker is the head of the Lok Sabha.
- He/she is the principal spokesperson of the House, and his decision in all Parliamentary matters is final.
- The Speaker of the Lok Sabha derives his/her power from three sources:
  1. The Constitution of India
  2. The Rules of Procedure and Conduct of Business of Lok Sabha
  3. Parliamentary Conventions
- The primary responsibility of the Speaker is to maintain order and decorum in the House for conducting its business and regulating its proceedings. He/she has final power in this matter.
- 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
  - Parliamentary precedents
- He/she can adjourn the proceedings of the House or suspends the meeting in absence of a quorum.
- **Voting powers**
  - He/she doesn't vote in the first instance.

- But he/she can exercise a casting vote in the case of a tie.
- The Speaker presides over a joint sitting of the two houses of Parliament. The President summons a joint sitting to resolve a deadlock between the Lok Sabha and Rajya Sabha on the matters of a bill.
- He/she can allow for a 'secret' sitting of the House at the request of the Leader of the House.
- He/she decides whether the bill is a money bill or not, and his/her decision on this matter is final.
- The Speaker is the ex-officio chairman of the Indian Parliamentary Group (IPG) setup in 1949. To read more about Indian Parliamentary Group, check the linked article.
- The Speaker is also the ex-officio chairman of the conference of presiding officers of legislative bodies in the country.

### Role of Speaker in Committees

- The Speaker appoints the chairman of all Parliamentary Committees of the Lok Sabha.
- He/she supervises the functioning of the committees and takes care of procedural problems, if any.
- Speaker is the **chairman** of the following committees:
  - Business Advisory Committee,
  - General Purposes Committee,
  - Rules Committee.

Also, Read ⇒ [Anti-Defection Law & Role of Speaker of Lok Sabha](#)

### Independence of the Lok Sabha Speaker

The following provisions illustrate the independence and impartiality of the office of the Lok Sabha Speaker:

1. The security of tenure and the tough removal process and criteria.
2. The salaries and allowances of the Speaker are fixed by Parliament, and they are charged on the Consolidated Fund of India (not subject to annual vote of Parliament).
3. The work and conduct of the Speaker cannot be discussed or criticised in the Lok Sabha except on a substantive motion.
4. The power of exercising casting votes is an instance of impartial behaviour by the Speaker.

**To know:**

In Britain, the Speaker is strictly a non-party man. A healthy convention is been followed in Britain that the Speaker resigns from the party and remain politically neutral. In India, such convention is not fully established.

## Speaker Pro Tem

- The office of Speaker Pro Tem is a **temporary** office, existing for a few days.
- Usually, the senior most member is selected as the Speaker Pro Tem.
- He/she is appointed by the President.
- He/she has all the powers of the Speaker.
- Main duty - To administer oath to the new members of the House.
- He/she enables the House to elect a new Speaker.
- He/she presides over the first sitting of the newly elected House.

## Panel of Chairpersons of Lok Sabha

- Under the Rules of Lok Sabha, the Speaker nominates from amongst the members of the house to constitute a panel of **not more than ten chairpersons**.
- Role - Any of them can reside over the House in the absence of the Speaker and the Deputy Speaker; but not if these two offices are vacant.
- When the panel of chairpersons is also not present, any other person as determined by the House can act as a Speaker.

## Deputy Speaker of Lok Sabha

- The Deputy Speaker is not subordinate to the Speaker.
- He/she is directly responsible to the House.

### **One Special Privilege**

Whenever the Deputy Speaker is appointed as a member of a parliamentary committee, he/she automatically becomes its chairman.

- When the Speaker is presiding over the House, the Deputy Speaker is like any other ordinary member of the House.
- He/she can speak, take part in the proceedings and vote on any question before the House.

- The salaries and allowances of the Deputy Speaker are fixed by Parliament and are charged on Consolidated Fund of India.

## Election of Deputy Speaker

- **Election criteria -**
  - Simple majority of members present and voting in the House.
  - No specific qualifications required.
- Similar to the election of Speaker, the Deputy Speaker is also elected by the Lok Sabha itself from amongst its members.
- He/she is elected after the election of the Speaker.
- The date of election of the Deputy Speaker is fixed by the Speaker.
- While assuming the office of the Deputy Speaker, he/she do not make and subscribe any separate oath or affirmation.

### **Convention -**

- Up to the 10th Lok Sabha, both the Speaker and the Deputy Speaker were usually from the ruling party.
- Since the 11th Lok Sabha, there has been a consensus that the Speaker would come from the ruling party and the Deputy Speaker would be from the main opposition party.

## Duties of the Deputy Speaker

- He/she performs the duties of the Speaker's office when it is vacant.
- He/she acts as the Speaker when the latter is absent from the sitting of the House.
- In the above two case, the Deputy Speaker assumes all the responsibilities and powers of the Speaker.
- In case the Speaker is absent, the Deputy Speaker can also preside over the joint sitting of the Houses of Parliament.



## FAQ about Lok Sabha Speaker

What is a casting vote?

When the house is divided equally on any question, the Speaker of the Lok Sabha is entitled to vote. Such vote is called casting vote. The purpose of a casting vote is to resolve a deadlock.

Who is the first woman speaker of Lok Sabha?

Meira Kumar was the first female speaker of the Lok Sabha and was 15th Lok Sabha speaker in general.

