

3. Resolution on the Removal of Speaker -POLITY

The Lok Sabha is likely to take up the notice to move a resolution to remove Lok Sabha speaker from office for allegedly acting in a 'blatantly partisan' manner.

Three Lok Sabha Speakers, G. V. Mavlankar (1954), Hukam Singh (1966), and Balram Jakhar (1987) faced such resolutions, though none of them passed

1. Speaker of the Lok Sabha

1. Meaning and Constitutional Position

1. The Speaker of the Lok Sabha is the presiding officer of the lower house of Parliament and plays a central role in ensuring the smooth functioning of parliamentary democracy in India.
2. The office of the Speaker is regarded as one of the most important constitutional positions because the Speaker acts as the guardian of the powers, privileges, and procedures of the Lok Sabha.
3. The Speaker represents the collective voice and authority of the House and is expected to function in a neutral and impartial manner, even though he or she is elected from a political party.
4. Once elected, the Speaker is expected to rise above party politics and maintain the dignity and independence of Parliament.

Election of the Speaker

1. Election Process

1. The Speaker is elected by the members of the Lok Sabha from among themselves.
2. The election takes place after the general elections when the newly constituted Lok Sabha meets for the first time.
3. Usually, the senior - most member of the House is appointed as the Pro - tem Speaker, who administers the oath to members and presides over the election of the Speaker.
4. The candidate for Speaker is normally chosen through consensus among major political parties, though a formal vote is conducted if required.

Tenure of the Speaker

1. Duration of Office

1. The Speaker normally remains in office during the life of the Lok Sabha, which is five years unless dissolved earlier.
2. However, the Speaker continues in office even after the dissolution of the Lok Sabha until a new Speaker is elected by the next Lok Sabha.
3. This provision ensures continuity in parliamentary functioning and prevents any constitutional vacuum.

2. Removal of the Speaker

1. Procedure for Removal

1. The Speaker can be removed from office by a resolution passed by a majority of all the members of the Lok Sabha (effective majority).
2. A 14 - day notice must be given before moving the resolution for removal.
3. The resolution can be moved by any member of the Lok Sabha.

2. Presiding Authority During Removal Motion

1. When the **resolution for removal is under consideration**, the Speaker **cannot preside over the sitting of the House**.
2. The meeting is then presided over by the **Deputy Speaker** or, in his/her absence, **another member of the House**.

3. Rights of the Speaker During Removal

1. The Speaker has the **right to participate in the debate** and defend himself or herself during the discussion on the removal motion.
2. The Speaker **can vote in the first instance** like any other member.

3. However, the Speaker **cannot exercise a casting vote** in the case of a resolution seeking his or her removal.

3. Powers and Functions of the Speaker

1. Presiding Powers

1. The Speaker presides over the sittings of the Lok Sabha and ensures that parliamentary business is conducted in accordance with the rules.
2. Maintains discipline, decorum, and order in the House.
3. Decides which member will speak, the order of speeches, and the duration of debates.
4. Interprets and applies the Rules of Procedure and Conduct of Business in the Lok Sabha.

2. Administrative Powers

1. The Speaker is the head of the Lok Sabha Secretariat, which assists members in legislative and administrative work.
2. Supervises the administration and functioning of parliamentary staff.
3. Appoints the chairpersons and members of various parliamentary committees such as –
 1. Business Advisory Committee
 2. Rules Committee
 3. General Purposes Committee
4. Plays a key role in organising parliamentary business and scheduling debates.

3. Legislative Powers

1. The Speaker decides whether a bill introduced in the Lok Sabha is a Money Bill under Article 110 of the Constitution.
2. The Speaker's certification of a Money Bill is final and cannot be challenged in Parliament.
3. The Speaker admits motions, resolutions, and questions, including –
 1. Adjournment motions
 2. No – confidence motions
 3. Calling attention motions
4. The Speaker determines the admissibility of parliamentary questions and discussions.

4. Disciplinary Powers

1. The Speaker has authority to maintain discipline and enforce parliamentary rules.
2. Can warn, suspend, or expel members for disorderly conduct or violation of House rules.
3. Can adjourn or suspend the sitting of the House in cases of serious disorder.
4. May suspend the sitting if there is no quorum (minimum one – tenth of members present).

5. Casting Vote

1. The Speaker does not vote in the first instance like ordinary members.
2. However, in the event of a tie in voting, the Speaker can exercise a casting vote to break the deadlock.
3. This vote is usually exercised to maintain the status quo or allow further discussion.

6. Role in Anti – Defection Law

1. Under the Tenth Schedule of the Constitution, the Speaker decides on disqualification of Members of Parliament on the grounds of defection.
2. The Speaker examines petitions filed against members who voluntarily give up party membership or vote against the party whip.
3. The Speaker's decision is subject to judicial review by the courts.

4. Constitutional Provisions Related to the Speaker

1. Article 93

1. Article 93 mandates that the Lok Sabha shall choose two of its members to be Speaker and Deputy Speaker “as soon as may be.”

2. This ensures that the House has a permanent presiding authority.

2. Article 94

1. Article 94 deals with the vacation, resignation, and removal of the Speaker and Deputy Speaker.
2. It specifies that the Speaker may –
 1. Resign by writing to the Deputy Speaker, or
 2. Be removed by a resolution of the Lok Sabha.

3. Article 95

1. Article 95 provides for continuity in parliamentary functioning.
2. It empowers the Deputy Speaker to perform the duties of the Speaker when –
 1. The office of the Speaker is vacant, or
 2. The Speaker is absent from a sitting.

4. Article 110 – Money Bill Certification

1. Article 110 defines the scope of a Money Bill, which deals exclusively with financial matters such as –
 1. Taxation
 2. Borrowing by the Government of India
 3. Custody and withdrawal of funds from the Consolidated Fund of India
 4. Expenditure charged on the Consolidated Fund
2. A Money Bill can only be introduced in the Lok Sabha with the recommendation of the President.
3. The Speaker's certification that a bill is a Money Bill is final.

5. Significance of the Office of the Speaker

1. Guardian of Parliamentary Democracy –The Speaker safeguards democratic debate, parliamentary procedures, and legislative accountability.

2. Ensures Balance Between Government and Opposition –By regulating debates and allowing motions, the Speaker helps maintain a balance between ruling and opposition parties.

3. Maintains Order and Efficiency in Parliament –The Speaker ensures that parliamentary proceedings are orderly, disciplined, and productive.

Conclusion

The Speaker of the Lok Sabha occupies a central position in India's parliamentary democracy. Through presiding powers, legislative authority, and disciplinary control, the Speaker ensures the effective functioning of the Lok Sabha while protecting the rights of members and maintaining the dignity of Parliament. The constitutional provisions governing the office reinforce the Speaker's role as an impartial arbiter and guardian of parliamentary traditions.

Source – <https://www.thehindu.com/news/national/lok-sabha-likely-to-debate-resolution-seeking-speaker-om-birlas-removal-in-first-week-of-session/article70712651.ece>