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The missing Deputy Speakers

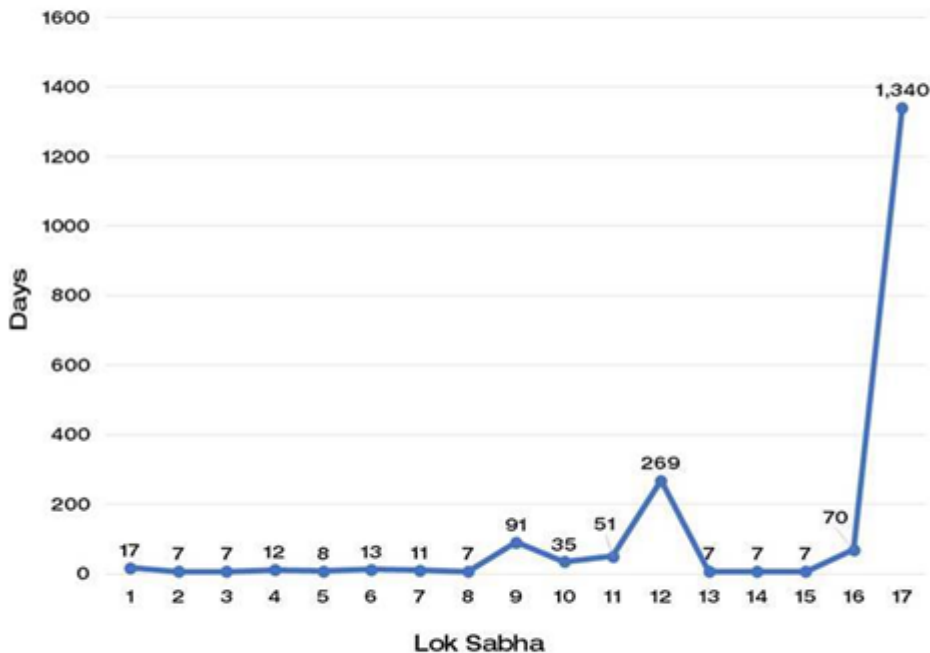
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Why in News: The Supreme Court on Monday issued notices to the Centre and five states — Rajasthan, Uttarakhand, Madhya Pradesh, Uttar Pradesh, and Jharkhand — over the failure to elect a Deputy Speaker. The post has been lying vacant in the five state Assemblies as well, which were constituted between four years and almost one year ago

Deputy Speaker: Constitutional Provisions

Article 93 says the House of the People shall, as soon as may be, choose two members to be Speaker and Deputy Speaker and, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member.

Days to the election of Deputy Speaker of Lok Sabha



Source: PRS Legislative Research, Data as on Feb 15, 2023

Article 178 contains the corresponding position for Speaker and Deputy Speaker of the Legislative Assembly of a state.

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Article 93 for Lok Sabha and Article 178 for state Assemblies state that these Houses “shall, as soon as may be”, choose two of its members to be Speaker and Deputy Speaker.

The Constitution neither sets a time limit nor specifies the process for these elections. It leaves it to the legislatures to decide how to hold these elections.

Election of Deputy Speaker

In Lok Sabha and state legislatures, the President/Governor sets a date for the election of the Speaker, and it is the Speaker who decides the date for the election of the Deputy Speaker. The legislators of the respective Houses vote to elect one among themselves to these offices.

In general, the practice in both Lok Sabha and the state Assemblies has been to elect the Speaker during the (mostly short) first session of the new House — usually on the third day after the oath-taking and affirmations over the first two days

The election of the Deputy Speaker usually takes place in the second session — and is generally not delayed further in the absence of genuine and unavoidable constraints.

Rule 8 of The Rules of Procedure and Conduct of Business in Lok Sabha says the election of Deputy Speaker “shall be held on such date as the Speaker may fix”. The Deputy Speaker is elected once a motion proposing his name is carried in the House

Once elected, the Deputy Speaker usually continues in office for the entire duration of the House

Haryana and Uttar Pradesh specify a time-frame for holding the election to the Speaker and Deputy Speaker’s offices.

Usually, the Speaker comes from the ruling party. In the case of the Deputy Speaker of Lok Sabha, the position has varied over the years.

Until the fourth Lok Sabha, the Congress held both the Speaker and Deputy Speakers positions. In the fifth Lok Sabha, whose term was extended due to the Emergency, an independent member, Shri G G Swell, was elected the Deputy Speaker.

The tradition for the post of the Deputy Speaker going to the Opposition party started during the term of Prime Minister Morarji Desai’s government.

Role of Deputy Speaker

The Deputy Speaker is independent of the Speaker, not subordinate to him, as both are elected from among the members of the House.

Article 95(1) says: “While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker”.

The Deputy Speaker ensures the continuity of the Speakers office by acting as the Speaker when the office becomes vacant (by death, as in the case of the first Lok Sabha Speaker G V Mavalankar in 1956, and G M C Balayogi in 2002, or because of resignation by Speaker N Sanjiva Reddy in 1977 for fighting the Presidential election.).

In general, the Deputy Speaker has the same powers as the Speaker when presiding over a sitting of the House. All references to the Speaker in the Rules are deemed to be references to the Deputy Speaker when he presides.

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It has been repeatedly held that no appeal lies to the Speaker against a ruling given by the Deputy Speaker or any person presiding over the House in the absence of the Speaker.

The Deputy Speaker chaired committees both inside and outside of Parliament. For example, M Thambidurai, the Deputy Speaker of the previous Lok Sabha, headed the Lok Sabha Committee on Private Members Bills and Resolutions, and the committee that looked at the MP Local Area Development Scheme. He also chaired several committees formed under the aegis of the conference of presiding officers of legislative bodies in India.

In addition, when a resolution for removal of the Speaker (as in 1987 against Lok Sabha Speaker Balram Jakhar) is up for discussion, the Constitution specifies that the Deputy Speaker presides over the proceedings of the House.

Removal of Deputy Speaker

Under Article 94 (Article 179 for state legislatures), the Speaker or Deputy Speaker “shall vacate his office if he ceases to be a member of the House...” They may also resign to each other, or “may be removed from...office by a resolution of the House of the People passed by a majority of all the then members of the House”.

The House is informed of the resignation of the Speaker by the Deputy Speaker and if the office of the Deputy Speaker is vacant, by the Secretary-General who receives the letter of resignation in that House. The resignation is notified in the Gazette and the Bulletin

Can the courts intervene in cases of a delay in electing the Deputy Speaker?

In September 2021, a petition was filed before the Delhi High Court, which argued that delay in the election of the Deputy Speaker violated Article 93 (Pawan Reley v. Speaker, Lok Sabha & Ors). However, there is no precedent of a court forcing the legislature to elect the Deputy Speaker.

Courts usually don't intervene in the procedural conduct of Parliament. Article 122(1) says: “The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.”