

# The Speaker

## Appointment of the Speaker:

Presiding officer of the Lok Sabha is called Speaker. Like many other institutions, the institution of 'Speakership' has also been borrowed from England, where it started as early as in 1377.

At that time the Speaker used to be a courageous person who could displease both the King as well as the Commons, because he used to carry the petition of the Commons to the displeasure of the King and orders of the monarch to the annoyance of the Commons. His task was difficult.

But as the time passed the Commons grew more and more powerful and with that the dignity and authority of the Speaker began to increase. He became the custodian of rights and privileges of the Commons.

In India first Speaker was appointed by the Governor-General. This honour was bestowed on Sir Fedrick Whyte. He was a very able parliamentarian and set up many healthy traditions. First Indian Speaker was Sardar Vithal Bhai Patel. He always maintained that the only authority to guide and control him was the Assembly, and none else.

He endeavoured his best to see that there was no intervention in the affairs of the House from any quarter. He even closed down visitors gallery when he saw police in the precincts of the House and in the galleries without his permission.

He resigned in frustration when he saw that the government was not allowing him to function without interference. He set many healthy traditions and made the Assembly realise that it was an independent House and the Speaker was custodian of their rights and privileges.

He was followed by able successors, last of the pre-independence era being Speaker Mavlankar. He was incidentally the first Speaker of the House of the people after independence as well.

He was very able Speaker. In the words of Dr. Rao, "The period of consolidation gave way to new period of development only in 1946 with the election of Mr. Mavlankar." Pt. Nehru always stressed that the office of the Speaker should always be held by persons of great dignity who were known for their integrity.

As early as in 1953 he said, "The Speaker represents the House. He represents the dignity of the House and because the House represents the nation in a particular way, the Speaker betimes the symbol of nation's liberty and freedom."

The Speaker, according to Article 93 of the constitution, is to be elected by the Lok Sabha. which House is also to elect a Deputy Speaker, as well. Tire latter will preside over the meetings of the House in the absence of the Speaker.

Only a member of the House can hold the office of the Speaker. For whatever reason, if the person holding the office of the Speaker ceases to be a member of the House, he shall also cease to be Speaker as well.

The Speaker once elected can be removed only by a resolution of the House for which 14days notice is necessary. Such a notice should specify the charges against him. He can be removed on the allegations that he conducted himself or the business of the House in a manner which had brought down dignity and honour of the House.

When a resolution for the removal of the Speaker or the Deputy Speaker is under consideration, the officer concerned is not to preside over the sittings of the House, even though he may be present. He, however, has a right to participate in the proceedings and to clarify his position. He can also vote but not use his casting vote. Ordinarily he has not been given the right to vote but can exercise his casting vote.

Unless removed earlier, the Speaker will hold office till his successor is appointed. Even he does not cease to be a Speaker with the dissolution of the House. Under the constitution there is no bar for his seeking re-election to the office of the Speaker. Some of the Speakers even got re-elected both in the state Assemblies and the Lok Sabha.

So far no Speaker in India has been removed from office by an adverse resolution of the House. But Speaker Mr. N. Sanjiva Reddy resigned as Speaker of the Lok Sabha to become the President of India.

The Speaker in India gets such monthly salary and fixed allowances as may be specified by Parliament by law. He also gets free medical facilities. In order to keep the Speaker away from the criticism of the House his salary and allowances are charged on the Consolidated Fund of India.

### **Functions and Power of the Speaker:**

The Speaker of the Lok Sabha enjoys very wide and extensive powers. His foremost duty is to see that there is decorum and discipline in the House and that the business of the House is conducted in an orderly manner and in accordance with the wishes of the House. This is becoming increasingly difficult day-by-day because clashes between the party in power and those in opposition are quite frequent.

In addition to this, some of the members behave in a disorderly manner and defy the authority of the Chair by either not leaving the House when asked to do so or by refusing to stop speaking when so directed.

There is also noise in the House which retards smooth working of the House. Then it is the responsibility of the Speaker to see that those who behave in a disorderly manner are punished. This can be done by pulling the member to behave properly or by way of admonishing misbehaving members.

If he still persists he can even be asked to leave the House. In case he refuses to do so, the services of Marshall can be called to exit him from the House.

The Speaker is the only authority to decide who shall hold the floor and speak. All members simply try to catch the eye of the Speaker. While allowing the members to speak, care is, of course, taken to see that if the leader of the party wants to speak, he is given first preference. He is to see that all political parties get sufficient time to vindicate their view point, so that there is no dissatisfaction among the members.

The Speaker decides about the time which should be allotted for discussion of each item on the agenda. Of course, he is assisted in this by the Business Advisory Committee of the House.

His authority in the precincts of the House and over the galleries is final. No person can enter within the four walls of the House or galleries without his permission. He decides when the galleries should be cleared of the visitors and the House should meet in camera. He punishes all those who misbehave in any way from visitors gallery.

As presiding officer of the House, the Speaker decides what should appear in the proceedings of the House. He is to see that there is faithful recording of what had been happening in the House and the proceedings are made as quickly available to the people as these can be. At the same time he is to see that nothing wrong goes in the proceedings. Objectionable matters are expunged by his orders.

He is the custodian of rights and privileges of the members of the Lok Sabha and all members of the House look towards him for protection and he ensures that these are fully protected. It is to be ensured by him that there is no malicious criticism by the government, press or any outsider of the members in their individual and collective capacity while performing their parliamentary duties.

Since the powers, privileges and immunities of Members of Parliament in India have remained uncodified so far, this task has become very difficult. But the Speaker is to ensure that no section of the society should feel that the privileges of the House are being used to their disadvantage.

The Speaker certifies whether a particular bill is a money or a non-money bill. It is important because once the Speaker certifies that a particular bill is a money bill then that cannot be introduced in the Rajya Sabha and that House cannot delay its passage for a period of more than 14 days only.

Whenever there is a joint meeting of both the Houses of Parliament, the Speaker, and not the Chairman of the Rajya Sabha presides over such meetings.

In the House when the Speaker is on his legs, all members are supposed to sit down and listen to him patiently. If any member continues to stand that is to be treated as affront to Speaker's dignity.

All the members are supposed to address him only, while participating in the debate. They cannot address each other or to the Treasury Benches. He decides all points of order raised during the course of discussion and his decision is binding on all.

Then comes question hour. Many members give notice of their intention to put questions. The time is always limited, as compared with the number of questions to be answered. The Speaker decides which question should or should not be admitted.

While admitting a question he is to see that the reply shall not compel the government to divulge an information, which otherwise is not in the public interest to be disclosed, that the labour involved in the collection of information will commensurate with the information to be supplied, that the information will not spoil country's relations unnecessarily with any foreign power and so on.

Similarly only the Speaker allows Half an Hour discussion and admits adjournment motions. A vote of no-confidence against the government is also admitted by him.

These days quite a good business of the House is done by the committees which are now playing a very important role in the transaction of parliamentary business. It is, therefore, essential that the committees should be so constituted that all political parties are fully presented on these.

The Speaker nominates chairman and members of these committees which submit their reports to him to cause these to be placed before the House. When Speaker is a member of any committee he presides over its meetings.

The Speaker admits all resolutions for discussion and decides when a discussion on a bill under consideration of the House should be discontinued. He ensures that no member, during the course of discussion indulges in tedious repetition of his arguments or unnecessarily casts aspersions on his colleagues or on the other those or on all House who are unable to defend themselves on the floor of the House.

The Speaker is the channel through which all communications between the House and the President must pass. Several times opposition parties demand that a particular motion be put to vote. The Speaker puts these motions to vote and also announces the result of the voting.

In case there is a tie, he casts his vote to decide the issue. Again it is a Speaker's discretion to allow a member to speak in a language, which is other than English and Hindi and get the speech translated, to the advantage of all the members who do not understand the language in which speech was delivered.

The Speaker is the head of the Lok Sabha Secretariat. No officer or employee of the Lok Sabha can appear as a witness in any court of law without his permission.

He can instruct the government to produce a document for the use of the committee or place a document on the Table of the House. In this way he can force the government to make a document public, which hitherto it was unwilling to part with either on one pretext or the other.

No arrest or any other type of warrant can be issued by any executive authority on any member of Parliament within the four-walls of the House without his prior permission. Information about arrest, bail or release of a member of the House, must immediately be sent to him.

Similarly he allows a member of the House to appear as witness before the other House, court of law or any other body which wishes to appear as witness. He, however, does not force any member for his appearance as witness.

He accepts all the resignations which are sent to him by the members of the House. He has, however, been empowered not to accept a resignation, which he feels has been signed by a member under duress.

The Speaker authenticates all the Bills passed by the House. It is the responsibility of the chair to protect the House from unnecessary executive interference. Pt Nehru once said, "We would like the distinguished occupant of this chair, now and always to guard the freedom and liberties of this Houses from every possible danger, even from the danger of executive intrusion."

Thus the Speaker of the Lok Sabha has immense responsibilities and powers as well. But every person cannot be a good Speaker. These days his task has become increasingly difficult. A good Speaker should be level headed and firm, with sufficient patience to listen to all tedious repetitions.

He must be courteous and have for-clearance, fortitude, accurate knowledge about working of the constitution, standing orders and Rules of Procedure for the Conduct of Business in the House. He should have capacity to amicably settle complicated issues.

But Mr. Speaker can discharge his duties and responsibilities only when he enjoys the confidence of the House, including the opposition parties. This raises many serious problems.

Usually such a person is nominated as Speaker, by the ruling party, and subsequently elected by the House who has all along been an active politician. How to ensure that person on being elevated to the Chair as Presiding Officer, will all of a sudden become a none partisan, fully appreciating the view point of the opposition.

-----X-----