



Riyasat IAS Mentorship

To Crack CSE 2027-28

Riyasat IAS Foundation **Mentorship Program** **Prelims + Mains Program**

*Shaping Potential
Into Performance*

English - हिंदी माध्यम



Riyasat Ali Sir

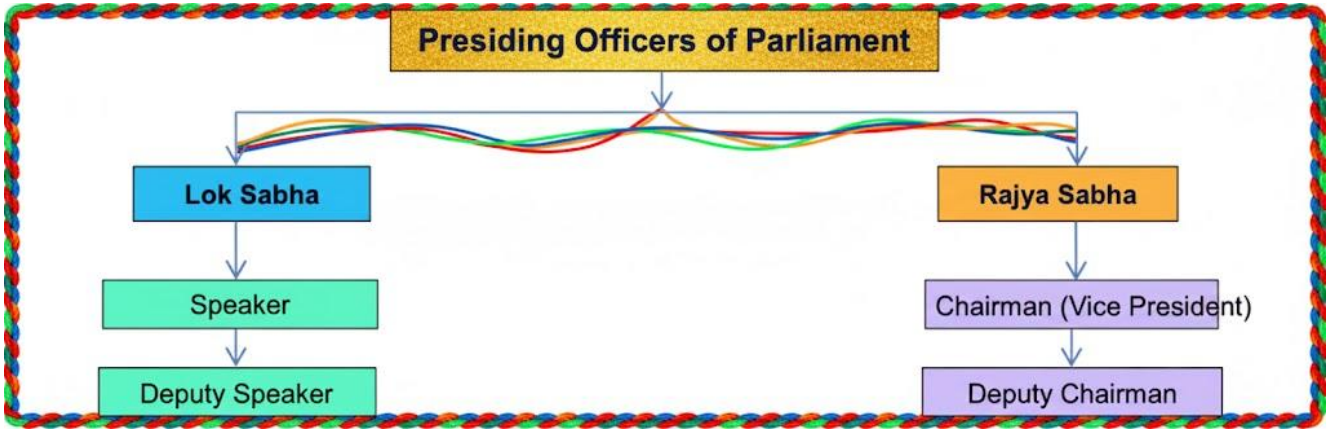
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SPEAKER

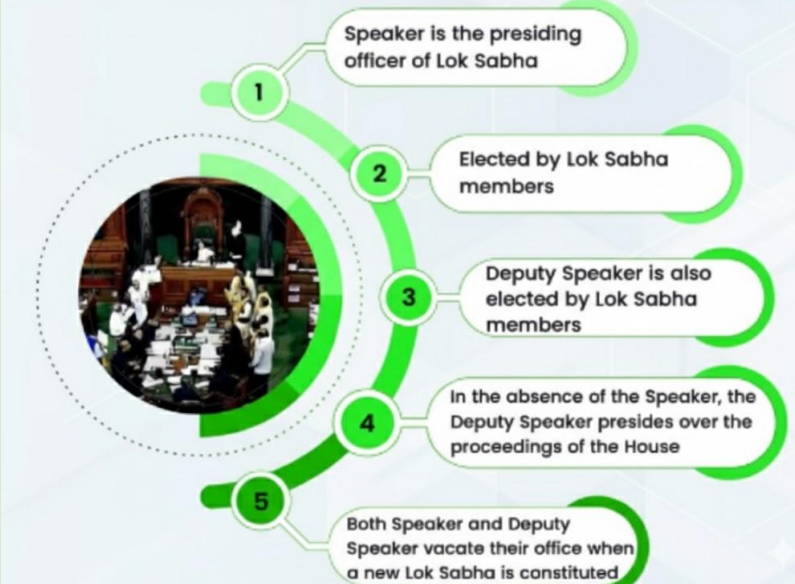
Each House of Parliament has its own presiding officer: **Speaker and Deputy Speaker in Lok Sabha**, and **Chairman (Vice President) and Deputy Chairman in Rajya Sabha**. Both Houses also maintain a **Panel of Chairpersons/Vice-Chairpersons** for conducting sittings in the absence of main presiding officers.



Constitutional Provisions Related to Speaker/Deputy Speaker

- **Article 93:** Appointment of the Speaker and Deputy Speaker of the Lok Sabha
- **Article 94:** Vacation/resignation/removal from the offices of Speaker and Deputy Speaker of the Lok Sabha.
- **Article 95:** Power of the Deputy Speaker or other person(s) to perform the duties of the office of or to act as the Speaker of the **Lok Sabha**
- **Article 96:** The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.
- **Article 97:** Salaries and allowances of the Speaker and Deputy Speaker.

SPEAKER AND DEPUTY SPEAKER OF LOK SABHA



1. Speaker is the presiding officer of Lok Sabha
2. Elected by Lok Sabha members
3. Deputy Speaker is also elected by Lok Sabha members
4. In the absence of the Speaker, the Deputy Speaker presides over the proceedings of the House
5. Both Speaker and Deputy Speaker vacate their office when a new Lok Sabha is constituted

Election and Tenure:

The Speaker is elected by the **Lok Sabha from among its members** immediately after the first sitting. The **President fixes the date** for election.

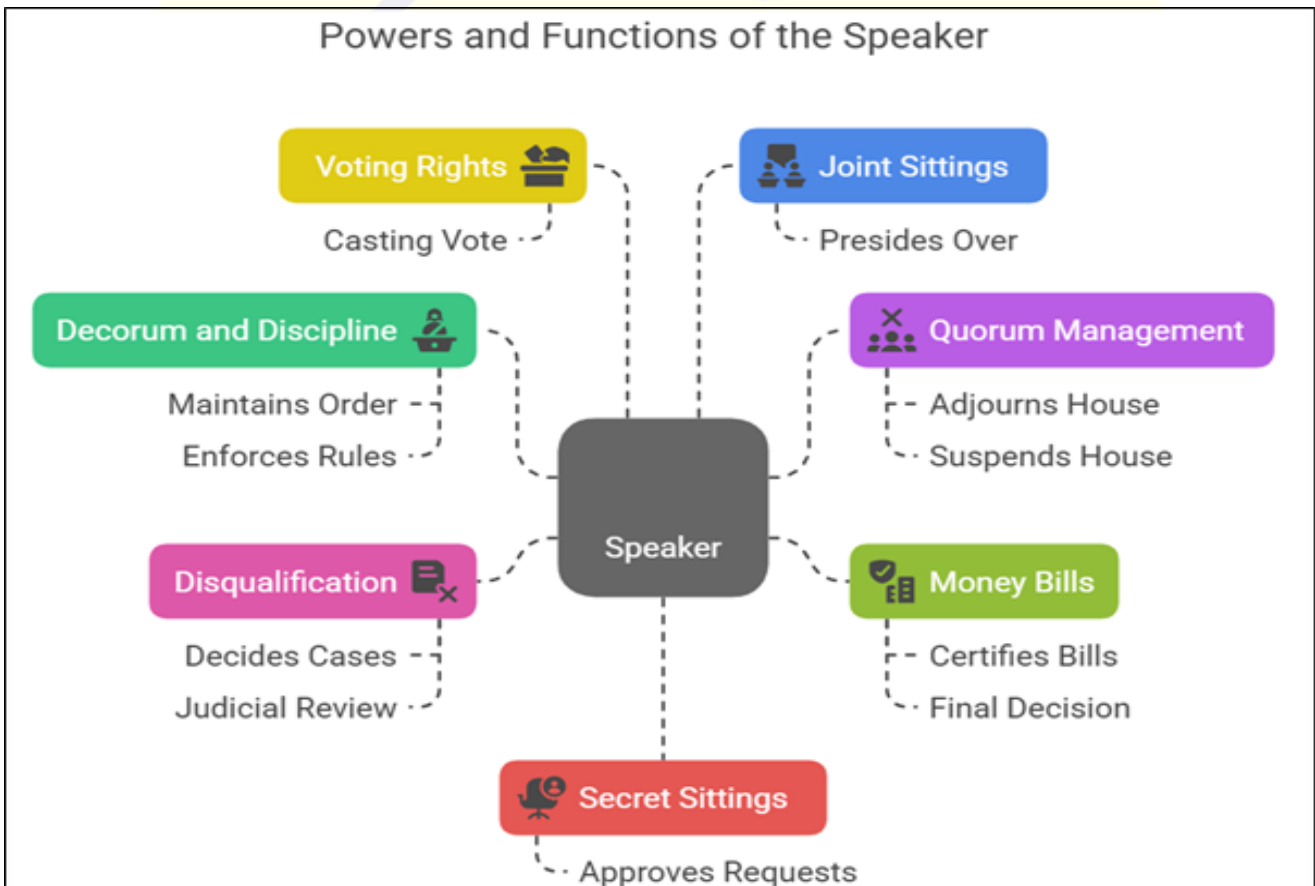
The Speaker normally holds office **during the life of the Lok Sabha**, but must vacate earlier if:

1. He **ceases to be an MP**,
2. He **resigns** to the Deputy Speaker,
3. He is **removed by a resolution** passed by a **majority of all the then members** of the House (with **14-day notice**).

During a removal motion, the Speaker cannot preside but may participate and vote. Even after dissolution of the Lok Sabha, the Speaker **continues till the new House meets**—ensuring institutional continuity. India follows a **tradition of consensus election** of Speaker, though the Constitution does not mandate it.

Role, Powers, Functions & Significance of Post of Speaker:

The Speaker is the **head and representative** of the Lok Sabha and the **guardian of its privileges**, enjoying the highest authority inside the House. His powers derive from **the Constitution, Lok Sabha Rules, and Parliamentary Conventions**.



- **Maintaining Order & Procedure:** The Speaker ensures **order, decorum, and discipline** in the House so debates run smoothly. He regulates the speaking time, allows/disallows motions, and can discipline members for unruly conduct. His rulings on procedure are **final and binding**.
- **Final Interpreter:** Inside the Lok Sabha, the Speaker is the **final authority** on interpreting the **Constitution, Rules of Procedure, and parliamentary precedents**. This ensures that parliamentary functioning remains consistent, neutral, and procedurally correct. The **Supreme Court in M.S.M. Sharma (1959)** upheld this exclusive privilege under **Article 122**.



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- **Adjournment & Quorum Control:** If quorum (minimum **1/10th** members) is not met, the Speaker may **adjourn** or **suspend** the sitting. This power ensures the House functions only when a minimum number of members are present to legitimately conduct business.
- **Casting Vote:** The Speaker normally does not vote. But in case of a **tie**, he casts the **decisive vote** (casting vote) to break the deadlock. This preserves neutrality while ensuring parliamentary decisions are not stalled.
- **Joint Sitting of Parliament (Article 108):** For resolving legislative deadlocks between Lok Sabha and Rajya Sabha, the Speaker **presides over the joint sitting** summoned by the President. This gives Lok Sabha's presiding officer a central role in conflict resolution between the Houses.
 - **Examples:** Dowry Prohibition Bill (1961), Banking Service Commission Repeal Bill (1977)
- **Secret Sitting:** On request of the Leader of the House, the Speaker may allow a **secret sitting**, meaning the House meets without media, visitors, or strangers. This is used in rare situations involving **national security or sensitive matters**.
- **Certification of Money Bill (Article 110):** The Speaker decides **whether a bill is a Money Bill**, and his certificate is **final**. Without this certification, Lok Sabha cannot bypass the Rajya Sabha on financial legislation. This gives the Speaker great constitutional authority.
- **Anti-Defection Adjudication (Tenth Schedule):** The Speaker decides questions of **disqualification for defection**, such as party-switching or defying the whip. In **Kihoto Hollohan (1992)** the Supreme Court ruled that the Speaker's decisions are subject to **judicial review**, but only after the decision is made.
- **Ex-officio Positions:** The Speaker is ex-officio **Chairman of the Indian Parliamentary Group** (India's link with world parliaments) and the **Conference of Presiding Officers**. This makes the Speaker India's **lead parliamentary diplomat**
- **Committee Authority:** The Speaker appoints the **chairpersons of all Lok Sabha committees** and oversees their functioning. He personally heads key committees like:
 - **Business Advisory Committee** (decides time allocation)
 - **Rules Committee** (modifies parliamentary rules)
 - **General Purpose Committee** (advisory decisions)
- **Constitutional Authority:** The Speaker is the **highest constitutional authority of Lok Sabha** under Articles **93–97**, symbolizing the sovereignty of the House. The **Constituent Assembly** called the Speaker the "**keystone of the parliamentary edifice**."
- **Guardian of Parliamentary Democracy:** As custodian of the House, the Speaker protects **legislative independence** from executive dominance. The **Sarkaria Commission (1988)** emphasized the Speaker's role as the "*defender of legislative autonomy*."
- **Shielding Parliament Through Privileges:** The Speaker safeguards **parliamentary privileges** (Article 105). **Example:** Action against breach of privilege cases involving media or MPs ensures dignity of the House.
- **Ensures Parliamentary Accountability:** The Speaker regulates Question Hour, Zero Hour, and Calling Attention motions. Studies (PRS) show productivity and accountability largely depend on the **Speaker's strict enforcement** of rules.



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- **High Constitutional Status:** Ranked **7th** in Order of Precedence—equal to **Chief Justice of India**—reflecting the **dignity and independence** attached to the office.
- **Safeguard Against Majoritarianism:** Committees like the **NCRWC (2002)** and **Punchhi Commission (2010)** emphasised the Speaker's role in protecting **minority voices**, especially during heated debates and legislative bulldozing.
- **Crisis Management Role:** During political instability or constitutional crises, neutrality of the Speaker becomes crucial.

Independence and Impartiality of the Speaker:

The office of the Speaker carries **prestige, constitutional authority, and immense responsibility**, so **independence and impartiality** become its *sine qua non* (essential requirement). Several constitutional and procedural safeguards ensure that the Speaker functions above party politics and protects parliamentary democracy.

- **Security of Tenure:** The Speaker enjoys strong tenure protection and can be removed only by a **special majority**—a majority of *all the then members* of Lok Sabha.
 - At least **50 members** must support the motion for discussion. This high threshold ensures the Speaker is not removed for political convenience.
 - Unlike ministers who can be removed at will, the Speaker is insulated from executive pressure due to this special removal procedure.
- **Salary and Allowances – Charged on CFI:** The Speaker's salary and allowances are **fixed by Parliament** but are **charged on the Consolidated Fund of India**, meaning they are **not subject to annual voting**.
 - This prevents financial control or intimidation by the executive or ruling majority. "Charged expenditure" cannot be cut or reduced even through cut motions.
- **Conduct Not Open to Discussion:** The Speaker's conduct cannot be criticized in the House except through a **substantive motion**, making routine criticism or personal attacks impossible.
 - This ensures dignity, impartiality, and protection from political hostility during debates.
 - This is based on the *British parliamentary privilege tradition* of protecting the Speaker from partisan attacks.
- **Judicial Immunity Over Procedural Powers:** The Speaker's powers regarding **procedure, rulings, or maintaining order** are **not subject to judicial scrutiny**. Courts cannot interfere with his internal procedural decisions.
 - This maintains the legislative privilege of **exclusive cognizance** of parliamentary proceedings. However, decisions under the **Tenth Schedule (disqualification)** are subject to judicial review (**Kihoto Hollohan, 1992**).
- **Restricted Voting to Maintain Neutrality:** The Speaker does **not vote normally**; he only casts a **casting vote** in case of a tie. This insulation from routine voting reinforces **political neutrality**, as he does not take sides in ordinary legislative divisions. This aligns with the **global principle** that the presiding officer must not influence voting except to resolve deadlock.
- **High Position in Order of Precedence:** The Speaker ranks **7th** in the order of precedence—equal to the **Chief Justice of India**, and above all Cabinet Ministers except the PM and Deputy PM.

- This high rank emphasizes the **constitutional dignity and independence** of the office. This rank reflects that the Speaker is the *institutional head of the democratic chamber*, not a government functionary.
- **British Practice vs Indian Reality:** In Britain, the Speaker resigns from his political party and remains strictly **non-partisan**. Indian Speakers, however, **do not resign** from party membership, which sometimes raises doubts about neutrality. India has not fully institutionalized the British tradition of political detachment.
 - Many commissions (NCRWC, Sarkaria, Punchhi) have recommended adopting the British convention to strengthen neutrality.

Q. With reference to the Speaker of the Lok Sabha, consider the following statements:

While any resolution for the removal of the Speaker of the Lok Sabha is under consideration

1. He/She shall not preside.
2. He/She shall not have the right to speak.
3. He/She shall not be entitled to vote on the resolution in the first instance.

Which of the statements given above is/are correct? (2024)

- (a) 1 only
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1, 2 and 3

Q. Consider the following statements: (2017)

1. In the election for Lok Sabha or State Assembly, the winning candidate must get at least 50 percent of the votes polled, to be declared elected.
2. According to the provisions laid down in the Constitution of India, in Lok Sabha, the Speaker's post goes to the majority party and the Deputy Speaker's to the Opposition.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Q. Regarding the office of the Lok Sabha Speaker, consider the following statements: (2012)

1. He/She holds the office during the pleasure of the President.
2. He/She need not be a member of the House at the time of his/her election but has to become a member of the House within six months from the date of his/her election.
3. If he/she intends to resign, the letter of his/her resignation has to be addressed to the Deputy Speaker.

Which of the statements given above is /are correct?

- (a) 1 and 2 only
- (b) 3 only
- (c) 1, 2 and 3
- (d) None

Q. With reference to Deputy Speaker of Lok Sabha, consider the following statements:

1. As per the Rules of Procedure and Conduct of Business in Lok Sabha, the election of Deputy Speaker shall be held on such date as the Speaker may fix.
2. There is a mandatory provision that the election of a candidate as Deputy Speaker of Lok Sabha shall be from either the principal opposition party or the ruling party.
3. The Deputy Speaker has the same power as of the Speaker when presiding over the sitting of the House and no appeal lies against his rulings.
4. The well-established parliamentary practice regarding the appointment of Deputy Speaker is that the motion is moved by the Speaker and duly seconded by the Prime Minister.



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	<p>Which of the statements given above are correct? (2022)</p> <p>(a) 1 and 3 only (b) 1, 2 and 3 only (c) 3 and 4 only (d) 2 and 4 only</p>
<p>Q. Consider the following statements: (2018)</p> <ol style="list-style-type: none">1. The Speaker of the Legislative Assembly shall vacate his/her office if he/she ceases to be a member of the assembly.2. Whenever the Legislative Assembly is dissolved, the Speaker shall vacate his/her office immediately. <p>Which of the statements given above is/are correct?</p> <p>(a) 1 only (b) 2 only (c) Both 1 and 2 (d) Neither 1 nor 2</p>	

Judgements Related to Speaker:

<p>Kihoto Hollohan Case (1993)</p>	<p>Key Principle – Speaker’s Decision is Subject to Judicial Review</p> <ul style="list-style-type: none">• Supreme Court held that the Speaker’s disqualification decisions are not final.• They can be challenged in courts on limited grounds such as mala fide, perversity, violation of constitutional mandate, or lack of jurisdiction.• However, judicial review is permitted only after the Speaker makes a decision (no interference at the interlocutory stage).• Importance: This ruling balanced legislative autonomy with judicial oversight.
<p>Nabam Rebia Case (2016)</p>	<p>Key Principle – Speaker Cannot Decide Defection Cases When Removal Motion Is Pending</p> <ul style="list-style-type: none">• Supreme Court held that if a notice for removal of the Speaker/Deputy Speaker is pending, the Speaker becomes “disabled” from deciding anti-defection cases.• Prevents misuse of disqualification powers when Speaker’s own position is politically unstable.• Purpose: Ensures neutrality and prevents vindictive or partisan disqualification.

<p>3. Keisham Meghachandra Singh vs Speaker, Manipur Legislative Assembly (2020)</p>	<p>Key Principle – Speaker Must Decide Disqualification Petitions Within 3 Months</p> <ul style="list-style-type: none"> Supreme Court ruled that the Speaker must decide disqualification cases within a reasonable period of 3 months, except under <i>extraordinary circumstances</i>. Came after prolonged delays in several Assemblies. Significance: Strengthens timeliness, prevents prolonged political uncertainty, and curtails strategic delays.
<p>4. Subhash Desai Case (2023)</p>	<p>Key Principle – Speaker Must Set a Clear Timeline for Deciding Defection Pleas</p> <ul style="list-style-type: none"> Supreme Court directed the Maharashtra Assembly Speaker to fix and adhere to a timeline for deciding pending disqualification petitions. Reinforced the need for urgency and procedural fairness in anti-defection adjudication. Implication: Similar directions may guide future Assemblies facing political instability.

Issues Associated With Office of Speaker:

- **Partisanship in Decision-Making:** The Speaker, often belonging to the ruling party, is frequently accused of bias. The **Supreme Court in Kihoto Hollohan case (1993)** observed that Speakers have sometimes acted to favour their party, especially in sensitive matters like **defection** and **Money Bill** certifications.
- **Delayed Anti-Defection Decisions:** Speakers have delayed rulings to benefit ruling parties.
 - **Ex:** In the **Manipur Assembly case (2017)**, despite the SC giving a four-week timeline, the defection petition remained pending for years, allowing the ruling party to secure its majority.
- **Politically Motivated Disqualifications:** Disqualification powers under the **Tenth Schedule** are sometimes misused.
 - **Ex:** In **Arunachal Pradesh (2016)**, Speaker **Nabam Rebia** disqualified 16 MLAs without them violating party whips—seen as aiding the ruling faction.
- **Misuse of Money Bill Certification:** Speakers have certified controversial bills as **Money Bills**, bypassing Rajya Sabha scrutiny.
 - **Ex:** **Aadhaar Act (2016)** certification was heavily criticised by legal experts and questioned by the Supreme Court
- **Bypassing Parliamentary Committees:** Referral of Bills to committees has drastically fallen—from **71% (2009–14)** to just **16% (2019–24)**, undermining detailed scrutiny and weakening legislative quality.
- **Rushed Legislation without Deliberation:** Bills are sometimes passed without adequate debate or Committee examination.
 - **Ex:** **Three Farm Laws (2020)** were passed without committee referral, leading to nationwide protests and eventual repeal.

- **Suspension of MPs as a Political Tool:** Speakers have been accused of partisan suspensions of opposition MPs.
 - **Ex:** In the **Winter Session 2023**, a record number of opposition MPs were suspended, raising concerns over fair parliamentary functioning.
- **Restricting Debates & Discussions:** The Speaker's control over **time allocation** and discussion topics can suppress issues that may embarrass the government, compromising **national interest** in favour of party agenda.
- **Weak Enforcement of Neutrality Norms:** Unlike the UK, India lacks a convention where Speakers resign from their **political party** after election. Committees like **NCRWC (2002)** and **Dinesh Goswami Committee (1990)** recommended stronger neutrality norms.
- **Lack of Enforceable Timelines:** Except in rare cases (like **Keisham Meghachandra, 2020**), there are **no strict timelines** for decisions related to defection or certification, enabling political manipulation.
- **Inadequate Accountability:** The Speaker's decisions on internal procedures are protected by **Article 122**, preventing judicial review in many cases and reducing institutional accountability.



Way Forward for Strengthening Office of Speaker:

- **Maintaining Stability:** The Speaker's **impartiality and fairness** are essential for managing the complex political dynamics of the House. Their decisions on **no-confidence motions**, time allocation, and recognition of members directly impact **government stability**.
- **Role in Resolving Disputes:** In coalition governments, the Speaker must act as an **impartial mediator**, resolving disputes among ideologically diverse parties while upholding the **collective will** of Parliament.
- **Impact on Legislative Outcomes:** By controlling the legislative agenda, the Speaker can influence how bills are prioritized and passed.
 - **Pranab Mukherjee** rightly observed: *"The Speaker is a bridge between government and opposition, safeguarding the democratic process."*
- **Ensuring Non-Partisanship:** India can consider a convention where the Speaker **resigns from their party**, similar to UK practice, to reinforce neutrality.
 - **Ex: N. Sanjiva Reddy (1967)** resigned from his party after becoming Speaker, setting a positive precedent.

- **255th Law Commission Report (2015):** Recommended creation of an **independent body** to decide disqualification cases instead of the Speaker.
- **Parliamentary Standing Committee (2010):** Suggested shifting anti-defection adjudication from Speaker to an **external authority** to enhance neutrality.
- **V.S. Page Committee:** Recommended continuation of a Speaker for the next Parliament if they demonstrated **impartiality and efficiency**
- **Constitutional Amendment:** India should consider amending the Constitution to require the Speaker to **resign from party membership**, aligning with global democratic norms.
- **Code of Conduct for Speaker:** A comprehensive **code of impartiality, transparency, and accountability** should be framed and overseen by an **independent ethics body**.
- **Greater Scrutiny of Bills:** The Speaker must ensure that major Bills are **referred to Standing Committees**. Suspensions should be used **sparingly** to protect parliamentary functioning.
- **Greater Security of Tenure:** Raising the removal threshold to a **two-thirds majority** will free the Speaker from political pressures and strengthen institutional independence.

ROLE OF SPEAKER IN ANTI-DEFECTION LAW

1. Anti-defection law:

- 52nd amendment in 1985 inserted *10th schedule* (anti-defection law)
- Grounds for disqualification are mentioned in *Article 102(2) & 191(2) for MP's and MLA's*

Defected:

1. Elected member (gives up & voting)
2. Independent member
3. Nominated member

Exceptions:

1. Speaker or chairman
2. Party could be merged into another (2/3 majority)

- **Presiding Officer** decides on the question of disqualification
- Issue is – SC interpretation in *G Vishwanathan judgment* in 1996 case (unattached member) → Amar Singh(MP)

Advantages

- **Stability and party discipline**

Disadvantages

- **Members freedom gets affected**



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Importance of Neutral Speaker in ADL:

- **Guardianship of Legislative Integrity:** Speaker functions as a **quasi-judicial authority** under the Tenth Schedule. When partisanship overrides neutrality, **constitutional morality** is compromised.
 - **Ex:** In the **2020 Arunachal Pradesh defection case**, the Supreme Court stressed that **“neutrality of the Speaker is critical to democratic stability.”**
- **Timely Adjudication:** A neutral Speaker ensures **time-bound adjudication** of defection cases, which is **vital for public trust** in democratic institutions.
 - **Judgment:** In **Keisham Meghachandra Singh (2023)**, the Constitution Bench held that delays in disqualification violate **democratic ethics** and encourage manipulation of legislative majorities.
- **Check on Political Horse-Trading:** An impartial Speaker curbs **post-election defections**, inducements, and engineered breakdowns of governments.
 - **Ex:** Political realignments in **Karnataka (2019)** and **Goa (2017)** highlighted how weak Speaker neutrality facilitated **horse-trading** and destabilized elected governments.
- **Upholds Constitutional Morality:** Impartial conduct protects the **spirit of the Constitution**, ensuring that anti-defection law promotes **government stability**, not partisan advantage.
- **Prevents Abuse During Removal Motions:** A neutral Speaker avoids ruling on defection cases when facing a **pending removal motion**, preventing conflict of interest.

Issues with Speaker's Role in Anti-Defection Law:

- **Partisanship in Decision-Making:** Speakers usually belong to the **ruling party**, creating perceptions of bias while deciding defections.
 - **Kihoto Hollohan (1993):** SC acknowledged the **“likelihood of political bias”** in Speaker-led proceedings.
- **Procedural Vacuum & Legal Ambiguity:** The Tenth Schedule provides **no timelines** for deciding petitions, enabling manipulation. This silence enables Speakers to delay decisions strategically.
- **Delayed Disqualification to Protect Governments:** Speakers frequently **sit on petitions** to help ruling coalitions survive floor tests.
 - **Ex: Manipur (2017)** — petitions pending for years despite SC's **4-week** suggestion.
- **Politically Motivated Disqualifications:** Speakers have selectively removed MLAs to change majorities.
 - **Ex: Arunachal Pradesh (2016)** — 16 MLAs disqualified without violating any whip, benefiting ruling faction.
- **Conflict of Interest:** The Speaker is simultaneously a **party member** and a **quasi-judicial authority**, creating structural conflict.
 - **Punchhi Commission (2010):** Warned that this duality undermines neutrality.
- **Misuse of Delay to Influence Governance:** Defectors often become **ministers** or gain influence before eventual disqualification.
 - **CMS 2021:** 71% defectors became **ministers**.
- **Indecision Can Topple Governments:** Speaker inaction allows defectors to remain MLAs and **shift majorities**.
 - **Ex: Karnataka (2019) crisis** — resignations + defections pending when government collapsed.

- **Using Resignation to Evade Disqualification:** Speakers often accept resignations allowing MLAs to avoid disqualification and join ruling alliances.
 - **Ex:** Multiple MLAs in **Karnataka (2019)** resigned just before trust vote.
- **No Independent Appeal Mechanism:** The Speaker’s decisions are final except for judicial review, causing **long litigation**.

Way Forward:

- **Independent Tribunal Mechanism:** There is a need to establish a **neutral tribunal** headed by retired Supreme Court or High Court judges to decide disqualification petitions, as recommended by the **Law Commission (255th Report)** and the **Dinesh Goswami Committee (1990)**.
- **Statutory Timeline for Decisions:** The Tenth Schedule should be amended to introduce a **mandatory 30/60-day timeline** for deciding defection cases, in line with the Supreme Court’s observation in **Keisham Meghachandra (2020)** that prolonged delays violate **constitutional morality**.
- **Code of Conduct:** A comprehensive **Code of Conduct** must be created for Speaker to enforce **neutrality, non-partisanship**, and institutional **accountability** in all anti-defection decisions.
- **Judicial Safeguards:** Courts should be empowered to intervene when Speakers **unduly delay** disqualification proceedings, including the use of **Article 142** by the Supreme Court to enforce timelines and ensure fairness.
- **Electoral Penalty:** Civic education and democratic awareness must be strengthened so that voters **penalize defectors** at the polls, especially since only **12% of defectors lost re-election** according to **PRS (2023)**.
- **Adopt Global Best Practices:**
 - **UK, Canada:** Speaker is strictly **non-partisan**, resigns from party; elected by **secret ballot** across party lines.
 - **South Africa:** A **Judicial Commission**, not the Speaker, adjudicates defection disputes.

SPEAKER AND MONEY BILL

CRITERIA FOR BEING A MONEY BILL

Article 110 of the Constitution defines the Money Bill		<p>A Bill which has any provision other than money provision (as mentioned in sub-clauses) is not a Money Bill</p> <p>Constitution gives power to the Lok Sabha Speaker to take a final call if any question arises whether a Bill is a Money Bill or not</p> <p>Speaker's decision is final and cannot be challenged in any court of law</p> <p>RS has limited powers with respect to Money Bills</p> <p>Lok Sabha has supreme power in terms of Money Bills</p>
Money Bills are those Bills which contain “only” provisions dealing with all or any of the matters specified in Article 110 sub-clauses :		
> Imposition, abolition, remission, alteration, regulation of any tax	> Appropriation of moneys out of Consolidated Fund of India	
> Regulation of borrowing of money or the giving of any guarantee by govt	> Declaring of any expense to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure	
> Custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such fund	> Receipt of money on account of Consolidated Fund of India or Public Account of India or the custody or issue of such money or the audit of the accounts of the Union or of a State	

Constitutional Basis (Article 110 & 109):	Speaker's Powers Related to Money Bills:
<ul style="list-style-type: none"> Exclusive Authority of Speaker (Article 110(3)): Only the Speaker of Lok Sabha has the final power to decide whether a bill is a Money Bill. This centralises financial authority in the people's directly elected House, but also creates scope for misuse. Constitutional Definition: Article 110 restricts Money Bills strictly to taxation, borrowing, Consolidated Fund, Contingency Fund, appropriation, and related financial matters. Anything beyond these should not be classified as a Money Bill. Rajya Sabha's Limited Role: Rajya Sabha cannot amend a Money Bill; it can only recommend changes within 14 days. This weakens the Upper House's role in financial oversight. Speaker's Certificate: Once the Speaker signs the certificate on a bill, it is final under Article 122 and cannot be questioned within Parliament. This puts enormous discretionary power in one office. 	<ul style="list-style-type: none"> Certification Cannot Be Challenged Internally: The Speaker's decision is immune from parliamentary challenge. However, the Supreme Court has opened limited judicial review when there is constitutional violation (Rojer Mathew, 2019). Controls the Legislative Route: By certifying a bill as a Money Bill, the Speaker allows the government to bypass Rajya Sabha. This may be justified for genuine financial bills, but controversial for hybrid or political bills. Ensures Fiscal Discipline: The Speaker ensures only Lok Sabha—which controls public finance—initiates fiscal legislation, maintaining parliamentary control over public expenditure.

Examples of Controversial Money Bills:



- Aadhaar Act (2016):** Although only *Section 7* dealt with subsidies (financial), the entire Act was certified as a Money Bill. Critics argue it bypassed Rajya Sabha deliberation intentionally.
- Finance Act (2017):** Overhauled tribunals and service rules—**not a financial matter**, yet passed as a Money Bill. Seen as a way to avoid Rajya Sabha scrutiny.
 - FCRA Amendments, Tribunals Reforms:** Multiple amendments and structural changes were passed as Money Bills despite containing major **non-financial provisions**.



Supreme Court Judgments:

- **Aadhaar Case – Puttaswamy-II (2018):** The majority upheld Aadhaar as a Money Bill, but **Justice Chandrachud** called it a “**fraud on the Constitution**”, arguing that most provisions had **no connection** with Article 110.
- **Roger Mathew (2019):** SC held that Speaker’s decisions on Money Bills are **not completely immune** and can be reviewed if classification violates the “**constitutional scheme**.”
- **7-Judge Bench Review (Pending):** A larger Bench of the Supreme Court is reconsidering Aadhaar and Finance Act certifications, which may redefine the Speaker’s power permanently.

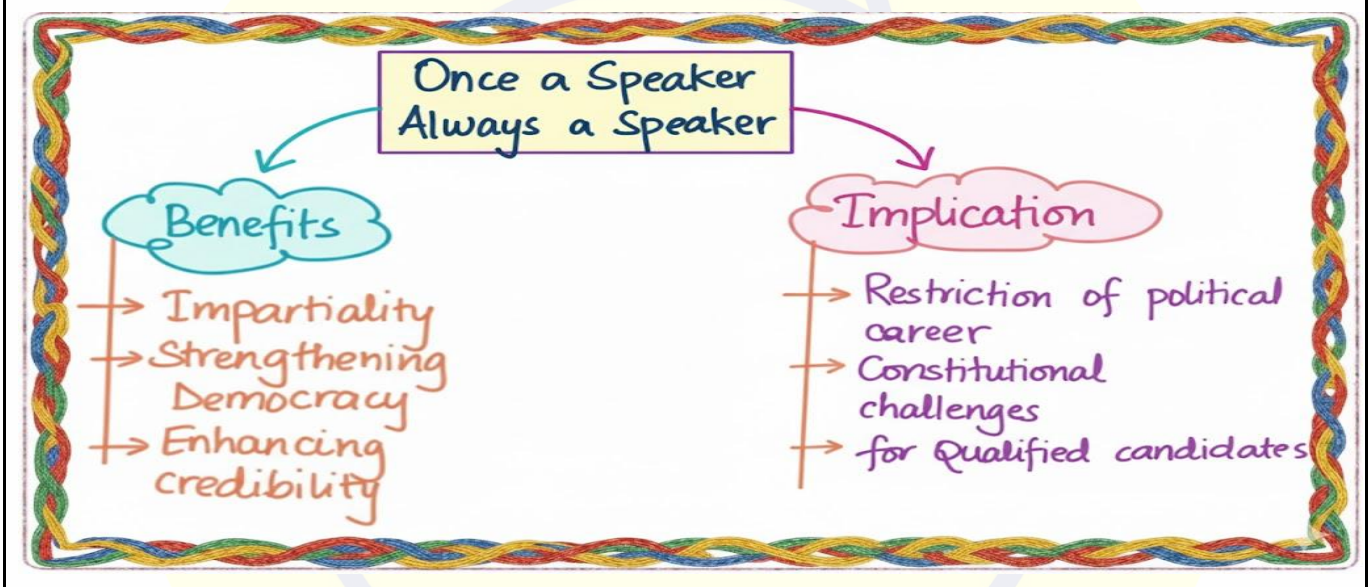
Criticisms of Speaker’s Power Over Money Bills:

- **Weakens Bicameralism & Federalism:** Misuse of Money Bill certification sidelines the **Rajya Sabha**, preventing states from influencing key legislation. This undermines India’s **bicameral structure**, which is fundamental to cooperative federalism.
- **Executive Dominance Over Legislature:** The ruling party can pressure the Speaker to certify contentious bills as **Money Bills** to bypass opposition in Rajya Sabha. This strengthens **executive control** over Parliament and reduces deliberative democracy.
- **Bypassing of Parliamentary Scrutiny:** Money Bill classification allows bills to be passed without review by **Standing Committees**, reducing expert examination.
 - For example, **Aadhaar Act (2016)** was passed without committee scrutiny.
- **No Criteria for “Incidental Provisions”:** Article 110 is vague, especially regarding “**incidental matters**”, enabling subjective interpretation. This ambiguity has been exploited to classify hybrid bills as Money Bills.
- **Politically Motivated Use:** Speakers may certify bills as Money Bills to **shield the government** from Upper House resistance.
 - Example: **Finance Act 2017**—restructured tribunals, service conditions—certified as Money Bill purely to avoid Rajya Sabha scrutiny.
- **Diminishes Opposition’s Role in Lawmaking:** Opposition MPs in Rajya Sabha lose influence on key bills, weakening India’s system of **checks and balances** and reducing parliamentary accountability.
- **Reducing Parliament to a Formality:** Frequent misuse of the Money Bill route can turn legislative approval into a **majority-driven formality**, reducing the significance of debate, dissent, and consensus-building.
- **Violates Constitutional Morality:** The Supreme Court (**Puttaswamy-II dissent & 2019 Roger Mathew judgment**) emphasised that misuse of the Money Bill route violates the “**spirit of the Constitution**”, especially the principles of fairness and balance between Houses.
- **Threat to Financial Accountability Mechanisms:** Money Bills bypass Rajya Sabha, where experts often scrutinize fiscal implications. This weakens India’s financial accountability framework.

Reforms & Way Forward:

- **NCRWC (2002):** Recommended **codification of guidelines** on Money Bill classification to prevent misuse and protect bicameralism.
- **Dinesh Goswami Committee (1990):** Suggested strengthening conventions of **Speaker neutrality**, especially regarding Money Bills.

- **Law Commission (2015):** Said misuse of the Money Bill route undermines the **constitutional scheme of checks and balances**, and judicial review must remain open.
- **Constitutional Guidelines:** Specify criteria for Money Bills to limit arbitrary use.
- **Allow Limited Judicial Review:** Courts should review “**grossly unconstitutional certification**” without interfering in normal procedure.
- **Improve Speaker’s Neutrality Safeguards:** Global practice: UK, Canada, Australia require Speakers to remain **non-partisan** after election.
- **Refer Mixed Bills to Committees:** Any bill with both fiscal and non-fiscal provisions should automatically go to **Standing Committees**.
- **Codified Parliamentary Convention:** India should codify the parliamentary convention that **Speaker must act impartially** in financial matters.



DEPUTY SPEAKER OF LOK SABHA:

Historical Evolution:

- The offices of Speaker/Deputy Speaker originated under **Montagu–Chelmsford Reforms (1919)**.
- They were initially called **President** and **Deputy President** of the Central Legislative Assembly.
- Before 1921, sessions were presided over by the **Governor-General of India**.
- **Frederick Whyte** → First Speaker (then “President”).
- **Sachidanand Sinha** → First Deputy Speaker.
- **Vithalbhai Patel (1925)** became the **first Indian elected Speaker**.
- **Government of India Act 1935** introduced modern nomenclature, though implemented after 1947.
- **G.V. Mavalankar** → first Speaker of Lok Sabha (and of Constituent Assembly).
- **Ayyangar** → first Deputy Speaker of Lok Sabha.



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Election & Appointment:

- The Deputy Speaker is **elected by the Lok Sabha from among its members**, and his election takes place **after the Speaker's election**.
- The **date of election is fixed by the Speaker**, ensuring procedural autonomy of the House. Whenever the office falls vacant, the House elects another member.
- The Constitution does not prescribe a **time-limit** for this election, leading to delays in recent Lok Sabhas — a recurring political issue.

Tenure & Conditions for Vacation:

- Like the Speaker, the Deputy Speaker normally remains in office for the **entire term of the Lok Sabha**. He may vacate office if:
 1. he **ceases to be an MP**,
 2. he **resigns to the Speaker**,
 3. he is **removed by a special majority** (majority of all the then members), with **14-day notice**.
- Removal procedure mirrors that of the Speaker—same safeguard, ensuring stability and independence.

Powers When Speaker is Absent:

- The Deputy Speaker performs **all powers and functions of the Speaker** when the Speaker's office is **vacant** or the Speaker is **absent**. He presides during motions, debates, and disciplinary matters with full authority.
- He also presides over **Joint Sitting of Parliament** if the Speaker is absent (Article 108).

Not Subordinate to the Speaker:

- The Deputy Speaker is **not subordinate** to the Speaker; he is **directly accountable to Lok Sabha**, not to the presiding Speaker. This ensures independence and prevents hierarchy within presiding officers.
- Both are elected by the House; neither is constitutionally superior to the other.

Special Privilege – Automatic Chairmanship:

- Whenever the Deputy Speaker is appointed as a **member of any Parliamentary Committee**, he **automatically becomes its Chairman**. This implicit elevation adds prestige and influence to the office.

Voting Rights and Casting Vote:

- While presiding over the House, the Deputy Speaker, like the Speaker, **does not vote in the first instance**, but may cast a **casting vote** in case of a tie. This protects the neutrality of the presiding officer.
- When a motion for his own removal is under consideration, he **cannot preside** but may be present and participate.

Role When Speaker is Present:

- When the Speaker is presiding, the Deputy Speaker becomes an **ordinary member**—free to speak, participate in debates, move motions, and **vote like any MP**.
- This dual character—neutral while presiding, political while not presiding—makes the office unique.



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Salary and Allowances:

- The Deputy Speaker receives salary and allowances **charged on the Consolidated Fund of India**, ensuring financial independence from executive interference, similar to the Speaker.

Political Convention (Post-1996 Tradition):

- Up to the **10th Lok Sabha**, both Speaker and Deputy Speaker were from the **ruling party**. Since the **11th Lok Sabha**, a healthy convention has evolved—
 - **Speaker from ruling party/alliance,**
 - **Deputy Speaker from the main opposition.**

No Separate Oath Required:

- Neither the Speaker nor the Deputy Speaker takes a **special oath**. Their oath as MPs (Article 99) suffices for assuming office.

Significance of Deputy Speaker:

- **Continuity of House:** The Deputy Speaker ensures uninterrupted functioning of the Lok Sabha by presiding in the absence of the Speaker, preventing any **procedural vacuum** during important sessions.
- **Constitutional Stability:** The office provides institutional stability by ensuring that a **presiding authority** always exists even when the Speaker's post is vacant.
- **Joint Sitting Role:** He presides over **joint sittings** under Article 108 in the Speaker's absence, playing a crucial role in resolving legislative **deadlocks**.
- **Independent Position:** The Deputy Speaker is **not subordinate to Speaker** and remains directly accountable to the **House**, strengthening the office's autonomy.
- **Workload Sharing:** He helps share the presiding workload, especially during long or tense sessions, improving **legislative efficiency**.
- **Bipartisan Symbol:** The convention of electing the Deputy Speaker from the **opposition** promotes bipartisanship and maintains **democratic balance** in the House.
- **Committee Leadership:** Whenever he is part of a committee, he automatically becomes its **chairman**, enhancing **legislative scrutiny**.
- **Training Platform:** The office serves as a **grooming ground** for future Speakers by giving exposure to procedural skills and leadership.
- **Limits Concentration of Power:** The existence of a Deputy Speaker ensures distribution of authority, preventing excessive **concentration of power** in one office.

Safeguards Required for Functioning of Deputy Speaker's Office:

- **Clear Constitutional Timeline:** The Constitution should specify a **fixed timeline** (e.g., within 30 days of Lok Sabha formation) for electing the Deputy Speaker to avoid political delays.
- **Bipartisan Convention:** The practice of electing the Deputy Speaker from the **opposition** should be formalized to strengthen bipartisanship and reduce ruling-party dominance.



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- **Code of Neutrality:** A formal **Code of Neutrality** should guide the conduct of the Deputy Speaker to ensure independence when presiding over House proceedings.
- **Strengthened Committee Role:** Empowering the Deputy Speaker with structured responsibilities in parliamentary **committees** enhances institutional weight and procedural authority.
- **Training and Capacity Building:** Regular training on House rules, **constitutional ethics**, and legislative procedures can strengthen impartial functioning.
- **Institutional Support Staff:** Dedicated secretarial and **research support** should be provided to improve the Deputy Speaker's administrative efficiency.

PANEL OF CHAIRPERSONS OF LOK SABHA

- **Composition and Nomination:** The Panel of Chairpersons consists of **not more than ten members**, nominated directly by the **Speaker** from among the Members of Lok Sabha. This nomination allows the Speaker flexibility in choosing experienced and disciplined members to preside over proceedings.
- **Role in Absence of Speaker and Deputy Speaker:** Any member of the panel may **preside over the House** when both the Speaker and Deputy Speaker are absent.
 - While presiding, they exercise **the same powers and authority** as the Speaker, ensuring continuity in the functioning of the House.
 - This mechanism prevents disruption and ensures that parliamentary proceedings are not stalled due to temporary absence of presiding officers.
- **Tenure of Panel Members:** A nominated panel member holds office **until the Speaker reconstitutes the panel**. There is **no fixed term**, and the Speaker may change members at any time based on performance, discipline, or political balance.
- **Limitation During Vacancy of Speaker/Deputy Speaker:** If the offices of Speaker or Deputy Speaker are **vacant**, a panel member **cannot preside**. In such situations, the **President appoints a member** of Lok Sabha to perform the Speaker's duties temporarily. This preserves the constitutional requirement that only an **appointed presiding officer**, not a nominated one, can function when the office itself is vacant.
- **House's Discretion When Panel Members Are Absent:** If none of the panel members are present during a sitting, the **House may itself choose** any other MP to act as the presiding officer for that sitting. This reflects the **collective autonomy** of the House.
- **Constitutional Logic Behind the Panel:** The panel ensures that the House has **institutional continuity** without over-burdening the Speaker or Deputy Speaker. It also provides **training and exposure** to potential future presiding officers.
- **Functions When Presiding:** Panel members maintain order, regulate debate, decide points of order, and enforce discipline—**exactly like the Speaker**. However, they **cannot interpret the Constitution** in the same final authority sense as the Speaker's precedents.
- **No Casting Vote:** Unlike the Speaker, a panel chairperson does **not exercise a casting vote**, as this power is linked specifically to the office of the Speaker.



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- **No Role in Money Bill Certification or Anti-Defection:** Panel members cannot certify Money Bills or decide anti-defection cases. Only the **Speaker or Acting Speaker (appointed by President)** can exercise these constitutional powers.
- **Important Precedent:** Panels are often used during **Budget Sessions or long debates**, where prolongation requires shared responsibility. Many senior MPs begin their journey as panel chairpersons before becoming Deputy Speakers or Speakers.

SPEAKER PRO TEM

- **Constitutional Basis:** Before the first sitting of a newly elected Lok Sabha, the **Speaker of the previous Lok Sabha vacates his office automatically**. Since the House cannot function without a presiding officer, the **President appoints a Speaker Pro Tem** to temporarily conduct proceedings.
- **Appointment:** The Speaker Pro Tem is appointed by the **President under parliamentary convention**, usually selecting the **seniormost MP** to ensure neutrality, dignity, and procedural familiarity. This practice mirrors the British House of Commons tradition of choosing a senior member.
- **Oath:** The **President personally administers the oath** to the Speaker Pro Tem. This is one of the rare occasions where the President administers an oath to a Member of Parliament. The usual oath (for MPs) is administered by the **Speaker**, but since the Speaker does not exist yet, this special provision is required.
- **Powers:** The Speaker Pro Tem enjoys **all the powers of the Speaker**—maintains order, presides over debates, and regulates the House. However, his functions are limited to specific early-day tasks of the new Lok Sabha.
- **Primary Function:**
 - **Administering Oath to MPs:** His first responsibility is to **administer oath/affirmation to all newly elected MPs**. Without this, MPs cannot participate in House business, vote, or contest for Speaker.
 - **Facilitating Election of New Speaker:** After administering oaths, the Speaker Pro Tem **presides over the election of the new Speaker**. Once the Speaker is elected, the role of Speaker Pro Tem ends instantly.
- **Temporary Nature of Office:** The position is purely **temporary**, lasting only for a few days—generally **2 to 3 sittings**. It ceases immediately after the election of the new Speaker. Since it is not a permanent constitutional office, it does not require any separate oath, tenure, impeachment process, or allowances.
- **Not Constitutional, but Convention:** Though the Constitution does not explicitly mention “Speaker Pro Tem” by name, it is an **established constitutional convention** derived from **Articles 93 and 94**, which mandate an elected Speaker but leave a “gap period” after elections.
- **Importance for Legislative Continuity:** Speaker Pro Tem ensures that the **transition from an old Lok Sabha to a new one is seamless**, maintaining parliamentary continuity. Without this office, the House would be unable to legally administer oaths or elect a Speaker.



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UPSC Mains PYQs:

- Q. 'Once a Speaker, Always a Speaker'! Do you think this practice should be adopted to impart objectivity to the office of the Speaker of Lok Sabha? What could be its implications for the robust functioning of parliamentary business in India? [150 Words] [10 Marks] [2020]
- Q. Discuss the role of Presiding Officers of state legislatures in maintaining order and impartiality in conducting legislative work and in facilitating best democratic practices. [10 Marks] [2023]

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