

THE MISSING DEPUTY SPEAKER: The Post, and What The Constitution Says

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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. A Bench led by Chief Justice of India (CJI) D Y Chandrachud sought responses on a PIL that contends that not electing a Deputy Speaker to the 17th (present) Lok Sabha, which was constituted on June 19, 2019, is "against the letter and spirit of the Constitution".



The post has been lying vacant in the five state Assemblies as well, which were constituted between four years and almost one year ago, the plea states. (Shariq Ahmed v. Union of India And Ors)

What does the Constitution say about the Deputy Speaker?

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"

Is it mandatory to have a Deputy Speaker?

Constitutional experts point out that both Articles 93 and 178 use the word "shall", indicating that the election of Speaker and Deputy Speaker is mandatory under the Constitution.

How soon must the Deputy Speaker be elected?

“As soon as may be”, say Articles 93 and 178. But they do not lay down a specific time frame. 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. 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”.

How was the post of Deputy Speaker envisaged?

On May 19, 1941 H V Kamath argued in the Constituent Assembly that if the Speaker resigns “it will be far better if he addresses his resignation to the President and not to the Deputy Speaker because the Deputy Speaker holds an office subordinate to him”.

Dr B R Ambedkar disagreed and pointed out that a person normally tenders his resignation to the person who has appointed him. “The Speaker and the Deputy Speaker are appointed or chosen or elected by the House. Consequently, these two people, if they want to resign, must tender their resignations to the House which is the appointing authority.

the House being a collective body of people, a resignation could not be addressed to each member of the House separately. Consequently, the provision is made that the resignation should be addressed either to the Speaker or to the Deputy Speaker, because it is they who represent the House, When Neelam Sanjiva Reddy resigned as Speaker of the 4th Lok Sabha on July 19, 1969 he addressed his resignation to the Deputy Speaker.

What happens if the post of Deputy Speaker is vacant?

“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,” say the Rules for Presiding Officers of Lok Sabha.

Do the powers of the Speaker extend to the Deputy Speaker as well?

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

What is the position of the Union government on the current vacancy in the post of Deputy Speaker?

The Treasury benches have maintained there is no “immediate requirement” for a Deputy Speaker as “bills are being passed and discussions are being held” as normal in the House.

A Minister argued that “there is a panel of nine members senior, experienced, and selected from different parties who can act as chairperson, to assist the Speaker to run the House”. This panel of nine has Rama Devi, Kirit P Solanki, and Rajendra Agrawal of the BJP; Kodikunnil Suresh of the Congress; A Raja of the DMK; PV Midhun Reddy (YSRCP); Bhartruhari Mahtab (BJD); NK Premachandran (RSP); and Kakoli Ghosh Dastidar (TMC).

It has been usual practice to offer the post of Deputy Speaker to the Opposition Charanjit Singh Atwal (SAD, then a constituent of NDA) was Deputy Speaker during 2004-09 when UPA-I was in power, Kariya Munda (BJP) occupied the post during 2009-14 (UPA-2) and M Thambidurai (AIADMK) was Deputy Speaker during the first Narendra Modi government (2014-19).

History of the post of deputy speaker:

- The institutions of Speaker and Deputy Speaker originated in India in 1921 under the provisions of the Government of India Act of 1919 (Montague-Chelmsford Reforms).
- In 1921, Frederick White and Satchidananda Sinha were appointed by the Governor-General of India as the first Speaker and the first Deputy Speaker of the Central Legislative Assembly.
- G. V. Mavlankar and Ananthasayanam Ayyangar had the distinction of being the first Speaker and the first Deputy Speaker respectively of the Lok Sabha.

Constitutional Provisions and Office of the Deputy Speaker

- Article 93 of the Constitution states that two members of the Lok Sabha (House of the People) are elected as the Speaker and the Deputy Speaker respectively.
- The article also says that when the office of Speaker/Deputy Speaker becomes vacant, the House shall elect another member as Speaker or Deputy Speaker.
- Similarly, for the State Legislative Assembly, related provisions have been made in Article 178 for the Speaker and the Deputy Speaker.

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." However, experts said that the courts do have jurisdiction to at least inquire into why there has been no election to the post of Deputy Speaker since the Constitution does envisage an election "as soon as may be".

Expected Question

Que. With reference to the 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 the 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.

Which of the statements given above is/are correct?

- (a) 1 and 3 only (b) 1, 2 and 3
(c) 3 and 4 only (d) 2 and 4 only

Answer : A

Mains Expected Question & Format

Que.: Explain the provisions and functions made in the Indian Constitution for the Deputy Speaker of the Lok Sabha. Is the post of Deputy Speaker of the Lok Sabha a constitutionally mandated post? Discuss.

Answer Format :

- ❖ Explain the provision made in the constitution for the Deputy Speaker of the Lok Sabha and the work of the Deputy Speaker.
- ❖ Is the post of Vice President a constitutionally mandatory post, explain with examples.
- ❖ Give a balanced conclusion considering the recent issue.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.