



EDITORIAL

In the political thicket: On Speaker election of Maharashtra Assembly

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India

BJP's Rahul Narvekar elected Speaker of Maha Assembly on 1st day of its special session

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Background

- Maharashtra Legislative Assembly had been without a Speaker for long time.
- The previous Speaker was Nana Patole of the Congress, elected to the post in 2019 following the Assembly elections. Since Patole's resignation from office in February 2021, Deputy Speaker Narhari Zirwal Sitaram of the NCP had been at the helm of proceedings in the Legislative Assembly.

Politics over Speaker

- The office of the Speaker in the Maharashtra Assembly was vacant for nearly 17 months, **but it was filled up by an election held within two days of a new regime taking over.**
- What facilitated Rahul Narvekar's election was the change of heart on the part of Governor Bhagat Singh Koshyari, who had been refusing to fix a date for the election.
- Earlier, governor had been citing the pendency of litigation, related to amendments to the Assembly Rules on the mode of electing a Speaker. **The Supreme Court is yet to dispose of an appeal in this matter, the Governor seems to have quietly withdrawn his objection and fixed the date for the Speaker's election.**
- **The election took place by open ballot as envisaged by the changed rules..!!!**

FYI

- Speaker's chair is was vacant in Maharashtra (Now its filled) and the Deputy Speaker's position **is vacant in several other state legislatures like MP, Rajasthan even in the Lok Sabha.**
 - In Lok Sabha, the election for Deputy Speaker has not taken place since the beginning of the 17th Lok Sabha in June 2019.

What does the Constitution say?

- Article 93 for Lok Sabha and Article 178 for state Assemblies, state that Lok sabha & respective State legislative assemblies, “shall, as soon as may be”, choose two of its members to be Speaker and Deputy Speaker.
 - Note 1: The Constitution neither sets a time limit nor specifies the process for these elections..!!
 - Note 2: Constitution leaves it to the legislatures to decide how to hold these elections. (States can bring their assembly rules/By convention they follow LS rules generally).

The Outliers

- **Haryana and Uttar Pradesh specify a time-frame** for holding the election to the Speaker and Deputy Speaker's offices.
 - In Haryana, the election of the Speaker has to take place as soon as possible after the election. And then the Deputy Speaker is to be elected **within 7 more days**.
 - **Uttar Pradesh has a 15-day limit** for an election to the Speaker's post if it falls vacant during the term of the Assembly. In the case of the Deputy Speaker, the date for the first election is to be decided by the Speaker, and **30 days is given for filling subsequent vacancies**.

Who decides the election date?

- In Lok Sabha, the **President** sets a date for the election of the **Speaker**.
- In State legislatures, the **Governor** of respective state sets a date for the election of the **Speaker**.
- In both LS & SLA, it is the **Speaker** who decides the date for the election of the **Deputy Speaker**.

Who can become Speaker?

- There are no specific qualifications prescribed for being elected the Speaker.
- The only requirement is that such a person must be member of the house.
- Usually, a member belonging to the ruling party is elected Speaker.

The Process of election

- **Process of election:**

- The legislators of the respective Houses vote to elect one among themselves to these offices.
- House elects its presiding officer by a **simple majority of members present, who vote in the House.**

CHAPTER III

ELECTION OF SPEAKER AND DEPUTY SPEAKER AND NOMINATION OF PANEL OF CHAIRPERSONS

7. (1) The election of a Speaker shall be held on such date as the President may fix, and the Secretary-General shall send to every member notice of this date.

Election of Speaker.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing, addressed to the Secretary-General, of a motion that another member be chosen as the Speaker of the House, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that the member proposed is willing to serve as Speaker, if elected:

Provided that a member shall not propose one's own name, or second a motion proposing the member's own name, or propose or second more than one motion.

¹[(3) A member in whose name a motion stands on the list of business shall, unless makes a statement conveying unwillingness to move the motion, move the motion when called upon to do so.]

Provided that such statement shall be confined to, conveying the unwillingness, or moving the motion for decision of the House under sub-rule (4).

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Speaker of the House.

The Process of removal

- Process of Removal:

- The House can remove the Speaker through a resolution passed by an effective majority (**more than 50% of the total strength of the house**) as per Articles 94 of the Indian Constitution.
- The **Speaker can also be removed if S/he is no longer a member of the house.**
- **A resolution for removal of speaker/dy Speaker can be moved only after giving 14 days' advance notice.**
- **When a resolution for the removal of the Speaker is under consideration of the House, he/she may be present at the sitting but not preside.**

Some important pointers..!!

- **Speaker:**

- Office of the Speaker is a **Constitutional Office**.
- The Constitution provides that the office of the **Speaker should never be empty. So, he continues in office until the beginning of the next House**, except in the event of death or resignation.
- The **Speaker presides over the House proceedings and joint sittings of the two Houses of Parliament.**
- The **Speaker's decision wrt money bill** is final.
- Speakers salary is **charged on Consolidated fund of India.**
- A Speaker uses **his/her power to vote, in order to resolve a deadlock.**
- By Convention, the **Speaker comes from the ruling party and the Deputy Speaker of Lok Sabha comes from opposition.**
- The Speaker **also makes decisions regarding disqualification under Anti Defection.**

Some important pointers..!!

- 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.
- Deputy Speaker ensures the continuity of the Speaker's office by acting as the Speaker when the office becomes vacant.
- Usually, Deputy Speaker is elected in the first meeting of the Lok Sabha after the General elections for a term of 5 years from amongst the members of the Lok Sabha. They hold office until

either they cease to be a member of the Lok Sabha or they resign.

- Deputy speaker is like any other member when not presiding the proceedings of the house.
- Deputy Speaker can be removed from office by a resolution passed in the Lok Sabha by an effective majority (Majority of 50% or more than 50% of total strength of the house).
- Note: Both Speaker /Dy Speaker need not resign from their party posts..!!

Speaker Pro Tem

- Whenever a new house convenes after election, the preceding speaker vacates his office immediately.
- The President appoints a member of the Lok Sabha as the Speaker Pro Tem. Usually, the senior most member is selected for this. The President himself administers oath to the Speaker Pro Tem.
- Pro Tem Speaker presides over the first sitting of the newly-elected house.
- The main responsibility of Pro Tem Speaker is to administer oaths to the new members and to enable the House to elect the new Speaker.



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