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EDITORIAL ANALYSIS

Speaker's Office and Parliamentary Neutrality — Constitutional Ideals vs Political Reality

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MAINS RELEVANCE: GS Paper 2



INTERVIEW ANGLE

"The Opposition filed a notice to remove Lok Sabha Speaker Om Birla citing partisan conduct — does India's constitutional framework adequately protect the neutrality of the Speaker's office, and what reforms can strengthen parliamentary independence?"

WHY IN NEWS

Over 100 Opposition MPs submitted a notice seeking removal of Lok Sabha Speaker **Om Birla** under Article 94©, citing denial of speaking rights to the Leader of Opposition — reigniting a long-running debate about whether India's Speaker can be genuinely neutral when elected on a party ticket and subject to party whip.

THE CONSTITUTIONAL DESIGN OF THE SPEAKER'S OFFICE

The **Lok Sabha Speaker** is the presiding officer of the lower house of Parliament, elected by members of the House from among themselves. The constitutional framework places significant institutional weight on this position:

Constitutional provisions:

Article 93: The House elects a Speaker and Deputy Speaker from among its members

Article 94: Speaker vacates office if they cease to be a member, resign (writing to Deputy Speaker), or are removed by **effective majority** (majority of all then members — Article 94c)

Article 95: The Speaker's salary is charged to the Consolidated Fund of India — insulated from annual budget voting, like Supreme Court judges

Article 96: The Speaker does not vote except in a **casting vote** in case of a tie

Tenth Schedule: Anti-defection proceedings are decided by the Speaker — a quasi-judicial function with no parliamentary oversight

The institutional ideal: Westminster parliamentary tradition envisions the Speaker as a neutral umpire who severs party ties after election, ensures minority voices are heard, and administers the House impartially. The UK Speaker convention — where parties do not contest the Speaker’s constituency — evolved over centuries to protect this independence.

WHY THE IDEAL BREAKS DOWN IN INDIA

The partisan election problem:

Unlike the UK (where by convention all parties leave the Speaker’s constituency uncontested), India’s Speaker is elected in a **partisan vote** — typically the ruling coalition’s nominee wins with coalition arithmetic. The Speaker retains party membership and benefits from party decisions, even while exercising quasi-judicial powers.

The anti-defection paradox:

The Tenth Schedule (52nd Amendment, 1985) made the Speaker the sole arbiters of disqualification petitions — effectively making an officer of the ruling party the judge of whether opposition MPs have defected. The Supreme Court in **Kihoto Hollohan v. Zachillhu (1993)** upheld this power but subjected it to judicial review. In practice:

Speakers routinely delay disqualification petitions (often benefiting the ruling party)

The Supreme Court has repeatedly criticised inordinate delay — most recently in the **Manipur and Maharashtra cases (2023–24)**

In **Nabam Rebia v. Deputy Speaker (2016)**, the Supreme Court held that a Speaker facing a removal notice loses jurisdiction to decide disqualification petitions — a doctrine that constrains Speaker power but creates its own complications

Procedural discretion as partisan tool:

The Speaker has wide discretionary powers that can structurally disadvantage the Opposition:

Deciding admissibility of **adjournment motions, no-confidence motions, calling attention motions**

Allotting time to parties in debates

Deciding which bills go to **Joint Parliamentary Committees** vs. being pushed through quickly

Suspending MPs for “disorderly conduct”

The Om Birla removal notice specifically cites denial of adequate speaking time to **Leader of the Opposition Rahul Gandhi** — a function directly within Speaker’s discretion.

THE REMOVAL PROCEDURE: CONSTITUTIONAL HIGH BAR

Article 94© requirements:

14-day advance notice — must be given before the resolution is moved

Minimum 50 signatures — for the notice to be admissible

Effective majority — majority of the total then-membership (currently ~272 of 543 for a full house), not just members present and voting

No Speaker privilege during proceedings — the Speaker cannot use their position to block the resolution

Why removal almost never succeeds:

The effective majority threshold is deliberately high. In a system where the ruling coalition typically controls 272+ seats, the same majority needed to pass any legislation is required to remove the Speaker — making it virtually impossible unless the Speaker loses coalition support. **No Lok Sabha Speaker has ever been successfully removed.**

Historical failed attempts: 1954 (G.V. Mavalankar — Parliament's first Speaker), 1966 (Hukam Singh), 1987 (Balram Jakhhar).

The motion thus functions more as a **political statement** about conduct than a realistic instrument of removal — which itself indicates a structural deficit: there is no intermediate accountability mechanism short of the nuclear option of removal.

COMPARATIVE PERSPECTIVES

United Kingdom:

By convention, the Speaker resigns from their party upon election; parties do not contest their constituency

The Speaker is expected to be genuinely neutral — former Labour MPs have served as conservative-era Speakers without controversy

Result: Speakers like Betty Boothroyd (Labour) served under Conservative governments with bipartisan respect

Germany:

The Bundestagspräsident (President of the Bundestag) retains party affiliation but is expected to follow strict neutrality conventions

The position rotates — the largest party's nominee typically gets the presidency

India's structural constraint: India's first-past-the-post system + coalition politics means the Speaker's party loyalty is foundational to coalition arithmetic. No incentive exists for the ruling party to surrender the Speakership to a neutral independent. Reforming this would require either constitutional amendment or strong political convention-building — neither of which has political support.

REFORM OPTIONS

Option 1: UK-style convention — The Speaker resigns from their party upon election. Would require the ruling party to voluntarily surrender political loyalty — unlikely without cross-party consensus.

Option 2: Fixed-term, independent appointment — Like the Comptroller and Auditor General (CAG) or the CEC, the Speaker could serve a single non-renewable term with statutory independence provisions. Requires constitutional amendment (Articles 93–96 revision).

Option 3: Judicial oversight of Tenth Schedule — Remove the Speaker's anti-defection jurisdiction entirely. A **neutral tribunal** (former judges, Election Commission) handles disqualification. Bill proposed by the Law Commission (170th Report) — not yet enacted.

Option 4: Presiding Officer selection reform — Require a **supermajority** (two-thirds) for Speaker election, forcing at least some opposition buy-in. Similar to the recent CEC appointment reform (Chief Election Commissioner and Other Election Commissioners Act 2023), though that itself remains controversial.

The deeper problem: Parliamentary neutrality depends not just on rules but on **political culture**. Even the UK's Speaker convention has eroded in recent decades. In India's adversarial parliamentary environment, the Speaker's office has become a partisan battleground — and no single structural reform can substitute for a political consensus that values parliamentary independence above party advantage.

UPSC RELEVANCE

Article 93 (Speaker election), Article 94© (removal by effective majority), Article 95 (Speaker's salary — Consolidated Fund), Article 96 (casting vote), Tenth Schedule (anti-defection, 52nd Amendment 1985), Kihoto Hollohan v. Zachillhu 1993, Nabam Rebia case 2016, effective majority vs simple majority vs absolute majority, CAG appointment (Article 148).

Role of Presiding Officers; Parliamentary procedures; Anti-defection law and its implementation; Judicial review of Speaker's decisions; Comparative study of parliamentary practices; Strengthening parliamentary democracy.

★ FACTS CORNER — KNOWLEDGE PEDIA

CONSTITUTIONAL PROVISIONS — SPEAKER:

Article 93: Election of Speaker and Deputy Speaker from among members

Article 94©: Removal requires **effective majority** (majority of all then members of the House)

Article 95: Speaker's salary charged to **Consolidated Fund of India** (not voted annually)

Article 96: Speaker does not vote except **casting vote** in case of a tie

Tenth Schedule: Anti-defection; Speaker is the adjudicating authority; added by **52nd Constitutional Amendment, 1985**

REMOVAL PROCEDURE:

Advance notice: **14 days** mandatory

Admissibility threshold: **50 members** must sign notice

Majority required: **Effective majority** (~272 in full 543-member Lok Sabha)

No Lok Sabha Speaker has ever been **successfully removed**

Failed attempts: **1954** (G.V. Mavalankar), **1966** (Hukam Singh), **1987** (Balram Jakhar)

KEY CASE LAWS:

Kihoto Hollohan v. Zachillhu (1993): Upheld Tenth Schedule validity; Speaker's decisions subject to judicial review

Nabam Rebia v. Deputy Speaker (2016): Speaker facing removal notice loses jurisdiction over disqualification petitions

MAJORITY TYPES (UPSC COMPARISON):

Simple majority: More than 50% of members present and voting (ordinary bills)

Absolute majority: More than 50% of total membership (No-Confidence Motion)

Effective majority: Majority of all *then* members (excludes vacancies) — Speaker removal, Rajya Sabha LoP

Special majority: Two-thirds of members present and voting AND absolute majority — Constitutional Amendment (Article 368)

OTHER RELEVANT FACTS:

Rule 186 of Lok Sabha Rules: Governs procedure for removal motions

UK precedent: Speaker resigns from party on election; parties do not contest Speaker's constituency (unwritten convention)

Law Commission 170th Report: Recommended removing Speaker's Tenth Schedule jurisdiction

CAG: Appointed under Article 148; removed same way as Supreme Court judge; salary from Consolidated Fund

CEC removal: Chief Election Commissioner and Other Election Commissioners Act 2023 (recent reform under judicial scrutiny)

Sources: The Hindu, PRS Legislative Research, Drishti IAS

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