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EDITORIAL ANALYSIS

Reevaluating the Office of the Speaker — Neutrality Under Pressure

 **THE HINDU**

11 March 2026

SUBJECTS COVERED**POLITY****GS PAPERS****GS2****CURATED & WRITTEN BY****Bharat Choudhary**

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 The Hindu

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GS2



The Hindu

MAINS RELEVANCE:

GS Paper 2



INTERVIEW ANGLE

"The Speaker is simultaneously the presiding officer of Parliament and a member of the ruling party — is this structural conflict of interest a design flaw in India's Constitution, and what reforms would you propose?"

WHY IN NEWS

The Hindu editorial of March 11, 2026 examines the weakening of parliamentary convention protecting the Speaker's neutrality, arguing that political pressure has increasingly influenced rulings on anti-defection cases and Money Bill certification — and that codified safeguards are now necessary.

THE EDITORIAL'S ARGUMENT

The Hindu makes a structural argument about institutional design:

- 1. Conventions alone are insufficient.** The Speaker's neutrality in Westminster systems rests on conventions — not statutes. India has witnessed three removal motions (all failed) in 75 years, suggesting the office retains formal protection. But the *perception* of partisanship in key rulings has grown, particularly on anti-defection and Money Bill decisions.
- 2. The anti-defection power has become a political tool.** Under the Tenth Schedule (added 1985), Speakers decide defection petitions. Speakers have repeatedly delayed decisions to protect defecting MLAs/MPs who support the government — the Supreme Court has repeatedly criticised this practice (*Keisham Meghachandra* case, 2020).
- 3. Money Bill certification is opaque and judicially unreviewable.** The Speaker's certification of a bill as a "Money Bill" under Article 110 allows it to bypass the Rajya Sabha. In *Rojer Mathew v. South Indian Bank* (2019), the SC referred the question of judicial review of Money Bill certification to a larger bench — which has not yet ruled. The editorial argues codifying clear criteria is essential.

CONSTITUTIONAL POSITION OF THE SPEAKER

Article 93 and the Election Process

The Speaker is elected by the Lok Sabha from among its members. Unlike in the UK (where the Speaker resigns from the party upon election), **India's Speaker remains a party member** — a fundamental structural tension.

Feature	India	UK
Elected by	Lok Sabha members	House of Commons members
Party affiliation post-election	Retained	Resigned (convention)
Retirement	Returns to party politics	Typically not re-elected in party contest
Neutrality mechanism	Convention only	Strong convention + constituency protection

Removal of Speaker (Article 94)

The Speaker can be removed by a **resolution of the Lok Sabha** passed by a **majority of all then members** — requires 14-day advance notice, during which the Speaker cannot preside. Only **3 removal motions** have been attempted since independence — all failed.

Anti-Defection Rulings — The Core Problem

The **Tenth Schedule** (added by 52nd Constitutional Amendment, 1985) disqualifies MPs/MLAs who:

- Voluntarily give up party membership
- Vote/abstain against the party's direction (without being excused)

The **Speaker decides disqualification petitions** — creating a conflict of interest when the defectors support the ruling party. The SC in *Kihoto Hollohan v. Zachillhu* (1992) upheld the Tenth Schedule but held Speaker's order judicially reviewable. In *Keisham Meghachandra v. Speaker* (2020), SC directed timely decisions.

The editorial's specific recommendation: Transfer anti-defection adjudication to an **independent tribunal** (similar to the Election Disputes Tribunal proposed by various commissions).

Money Bill Certification — Article 110 Controversy

Article 110 defines Money Bills (taxation, appropriation, etc.). The Aadhaar Act (2016) was certified as a Money Bill — challenged in *K.S. Puttaswamy v. UoI* (2018). The SC (4:1) upheld the certification but Justice Chandrachud in dissent argued it was a misuse. The certification question was referred to a larger bench in *Rojer Mathew* (2019).

UPSC RELEVANCE

Art. 93 (Speaker election), Art. 94 (removal — majority of all members), Art. 110 (Money Bill), Tenth Schedule (anti-defection), 52nd Amendment 1985; *Kihoto Hollohan* (1992); *Keisham Meghachandra* (2020); *Rojer Mathew* (2019).

MAINS GS-2:

Parliamentary procedures; Speaker's constitutional role; anti-defection law weaknesses; Money Bill controversy; reforms to strengthen parliamentary institutions.

FACTS CORNER — KNOWLEDGEPEDIA

SPEAKER — CONSTITUTIONAL DATA:

Art. 93: Speaker and Deputy Speaker elected by Lok Sabha

Art. 94: Removal — resolution by **majority of all then members** (not just present); 14-day advance notice required

Art. 95: Speaker cannot preside during own removal motion; Deputy Speaker presides

Removal motions in history: **3 attempts since 1952** — all failed

ANTI-DEFECTION LAW:

Tenth Schedule: Added by **52nd Constitutional Amendment, 1985**

Grounds: Voluntary resignation from party OR voting against party's direction

Exception: Merger of 2/3 party members (original 1/3 exception removed by 91st Amendment, 2003)

Decision authority: **Speaker/Chairman** — the structural conflict of interest

SC on timeline: *Keisham Meghachandra* (2020) — Speaker must decide within 3 months

Kihoto Hollohan (1992): Upheld Tenth Schedule; Speaker's order judicially reviewable

MONEY BILL:

Art. 110: Defines Money Bill (taxation, borrowing, appropriation, etc.)

Procedure: Rajya Sabha cannot reject/amend — can only recommend; Lok Sabha can ignore recommendations

Controversy: Aadhaar Act (2016) certified as Money Bill; *Puttaswamy* 2018 upheld (4:1)

Larger bench reference: *Rojer Mathew v. South Indian Bank* (2019) — pending

UK COMPARISON:

UK Speaker: Resigns party membership upon election; fights election as "The Speaker" (no party opposition in constituency) — strong neutrality convention

India: No such convention; Speaker returns to party politics after term

Source: The Hindu, Vajiram & Ravi

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