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Rathindra Bose Elected Speaker of West Bengal 18th Assembly -- Article 178 and Role of Speaker

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WHY IN NEWS:

BJP MLA **Rathindra Bose** (Cooch Behar Dakshin constituency) was elected **unopposed** as **Speaker of the 18th West Bengal Legislative Assembly** on May 15, 2026, administered by Pro tem Speaker **Tapas Roy**. Bose, a Chartered Accountant and first-time MLA, became the **first Speaker from North Bengal** in the state's history. His name was proposed by Chief Minister **Suwendu Adhikari**; BJP won 207 of 294 seats in the 2026 West Bengal Assembly election.

CONSTITUTIONAL PROVISIONS – OFFICE OF SPEAKER (STATE LEGISLATURE)

Article 178 – Election of Speaker

“Every Legislative Assembly of a State shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof...”

- The **Speaker is elected by members** of the Legislative Assembly by a **simple majority**
- Election is held at the **first sitting** of the newly constituted Assembly
- If the Speaker's office is vacant, the **Deputy Speaker** discharges the functions

Article 179 – Vacation and Resignation of Office

SITUATION	PROVISION
Member ceases to be MLA	Vacates the Speaker's office
Resignation	Speaker writes to Deputy Speaker; Deputy Speaker writes to Speaker
Removal	Resolution passed by effective majority (majority of total membership) – 14 days' notice required

Article 180 – Power of Deputy Speaker

When the Speaker is absent, the **Deputy Speaker** presides. When both are absent, a person determined by the Assembly rules presides.

Article 181 – Speaker Not to Preside During Own Removal

The Speaker **cannot preside** over a session when a resolution for their own removal is being considered – the Deputy Speaker presides in such circumstances.

ROLE AND POWERS OF THE SPEAKER (STATE LEGISLATURE)

The Speaker is the **constitutional head of the Legislative Assembly** and guardian of its rules, privileges, and dignity.

Key Powers

POWER	DETAIL
Presiding over sessions	Maintains order; decides points of order; can suspend members
Certifying Money Bills	Under Article 199 – Speaker’s certificate is final (State equivalent of Article 110)
Casting vote	Speaker does not vote in the first instance; casts a casting vote only in case of a tie
Disqualification	Decides on disqualification of members under the Tenth Schedule (anti-defection)
Committee appointments	Nominates members to parliamentary/assembly committees
Privileges	Upholds the privileges of the House and its members under Article 194
Pro tem Speaker	Appointed by the Governor to administer oath to newly elected members before permanent Speaker is elected

Tenth Schedule (Anti-Defection)

The Speaker’s quasi-judicial role under the **Tenth Schedule (52nd Constitutional Amendment, 1985)** is the most contentious:

- The Speaker decides whether an MLA has **defected** (voted against party whip / voluntarily given up party membership)
- The Supreme Court in **Keisham Meghachandra Singh v. Speaker (2020)** held that the Speaker must decide disqualification petitions within **3 months**

- But the Speaker's decision can be **challenged in court** (SC in *Kihoto Hollohan v. Zachillhu*, 1992 – 5-judge bench)

PRO TEM SPEAKER – ROLE AND APPOINTMENT

FEATURE	DETAIL
Appointment	By Governor (not elected) – usually the senior-most member in the new Assembly
Function	Administers oath to newly elected members; presides over election of Speaker and Deputy Speaker
Duration	Ceases to hold office once the Speaker is elected
Legal basis	The Constitution does not explicitly mention pro tem Speaker – it is a constitutional convention

In West Bengal 2026: **Tapas Roy** (BJP, senior-most MLA) was appointed pro tem Speaker by Governor **R.N. Ravi** (C.V. Ananda Bose had resigned as Governor on March 5, 2026).

WEST BENGAL LEGISLATURE – FACTS

FEATURE	DETAIL
Legislature type	Unicameral (only Legislative Assembly; no Legislative Council)
Total seats	294 (elected)
Current Assembly	18th West Bengal Legislative Assembly
2026 election result	BJP won 207 seats (majority in 294-seat House); TMC and others in opposition
Speaker	Rathindra Bose (BJP, Cooch Behar Dakshin)
CM	Suwendu Adhikari (BJP) – first BJP CM of West Bengal
Governor	R.N. Ravi (C.V. Ananda Bose resigned March 5, 2026)

Comparison of Speaker Provisions – State vs. Centre

FEATURE	LOK SABHA (CENTRE)	STATE LEGISLATIVE ASSEMBLY
Constitutional Article	Article 93	Article 178
Elected by	Members of Lok Sabha	Members of State LA
Casting vote	In case of tie	In case of tie
Money Bill certification	Article 110	Article 199
Removal resolution notice	14 days	14 days
Anti-defection authority	Tenth Schedule	Tenth Schedule

UPSC RELEVANCE

GS Paper 2 – Polity and Governance

- Constitutional provisions for Speaker's election: Article 178 (State), Article 93 (Parliament)
- Role of Pro tem Speaker; appointment by Governor (convention, not constitutional mandate)
- Anti-defection law (Tenth Schedule, 52nd CA 1985); Speaker's quasi-judicial role; judicial review
- State legislature – unicameral vs. bicameral; West Bengal as unicameral legislature

Keywords: Article 178, Speaker State Legislature, pro tem Speaker, Tenth Schedule anti-defection, Rathindra Bose, West Bengal 18th Assembly, Article 179 removal of Speaker, Kihoto Hollohan case, casting vote.

Election of Speaker and Deputy Speaker by members of State Legislative Assembly (equivalent of Article 93 for Lok Sabha).

Added by 52nd Constitutional Amendment Act, 1985; Speaker decides disqualification; grounds: voluntarily giving up party membership; voting contrary to party direction; abstaining from voting against party direction; no disqualification if merger (at least 2/3rd of original party merges into another).

*5-judge SC bench upheld the Tenth Schedule as constitutional; BUT held that the Speaker's disqualification decision is subject to **judicial review** (not a final and binding decision).*

*SC held that Speaker must decide disqualification petitions within a **reasonable time** (indicative: 3 months); prolonged delay is subject to court intervention.*

Unicameral; 294 seats; last had a Legislative Council until it was abolished in 1969.

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