

## **2. Vacancy on Deputy Speaker**

**Prelims Syllabus:** Election & Electoral Reforms

**Mains Syllabus:** GS-II Salient features of the Representation of People's Act.



### **Why in News?**

- The Supreme Court has issued notices on a petition highlighting the vacant posts of Deputy Speakers in Lok Sabha and five state assemblies for years.

### **About the News:**

- A Bench sought responses on a PIL that contends that not electing a Deputy Speaker to the 17th (present) Lok Sabha, is “against the letter and spirit of the Constitution”.

### **Constitutional provisions regarding Deputy Speaker:**

- Article 93 of the Constitution of India establishes the post of the Deputy Speaker of Lok Sabha and Articles 94-96 detail their appointment, removal, and powers.
- In the absence of the Speaker, the Deputy Speaker serves as the Speaker and wields the full powers of the Speaker.
- Deputy Speaker is not subordinate to the Speaker and is directly responsible to the House.
- Article 178 of the Constitution establishes the post of Deputy Speaker of assemblies and Articles 179-181 deal with their powers and appointment or resignation.

### **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.

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

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

### **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 chairpersons to assist the Speaker to run the House”.

### **Can the courts intervene in cases of a delay in electing the Deputy Speaker?**

- **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”.