

Parliament



Lok sabha: Speaker or Deputy speaker

- Came from GOI-1919
- In 1921 as as President and Deputy President
- Federick Whyle was first speaker
- Sachidanand sinha was first D.Speaker
- 1925: Vitthal Bhai patel (First Indian speaker)
- After 1947: First Speaker: GV Malvankar and Deputy speaker: Ayyenger

Rajya Sabha: Chairman or Deputy Chairman

Speaker of Loksabha

- Party with Majority will select its Speaker among the members with Simple Majority
- Seventh Rank
- In case of Vacant seat, another member will be elected as speaker by the members of Loksabha as speaker
- Date of election is fixed by President
- Remain in office even after dissolution of Lok sabha till the new L.S meets and just before that meeting he leave his position
- Final Interpreter of the provisions of Constitution and the rules of procedure and conduct of business of Lok sabha
- He can not vote in first instance but can go for casting vote in case of tie
- His salary is decided by Parliament and is charged from CFI.

Note: CFI contains govt revenue, To take amount from here two methods are possible. One is after approval and another is without parliament approval (Charged). Salary of speaker are taken as charged from CFI. No voting is required but in case of other MPs voting is done to take out their salaries

Role of Speaker

- Supreme authority of House
- Derive its power from
 - Constitution of India
 - Rules of Procedure
 - Conduct of Business
 - Parliamentary Conventions (प्रथाएँ)
- Casting vote in case of tie
- Preside Joint sittings, If not available the D. Speaker and if he is

not available then D.Chairman

Notes:

- *Before 10th Loksabha speaker and D.Speaker both were to be from Ruling party*
- *From 11th L.S onwards after consensus it was decided that speaker will be from Ruling party and D.Speaker will be from Main opposition party(Non written in constitution)*
- *No additional oath is taken by Speaker and D speaker ,They already have taken oath as member of Parliament*

When Vacancy is created

- If he Lost membership of Loksabha
- If speaker resigned to Deputy Speaker
- Can be Removed by Effective majority in Loksabha only
- Before starting the resolution he should be given 14 days notice and while the resolution is going on he can not preside the house

Effective Strength of house=Total Seats-Vacant seats

Effective majority $= (E.S/2) + 1 = (545-5)/2 + 1 = 271$

Powers and functions of Speaker are as follows:

- Power to regulate proceedings of the House:
 - He adjourns the House or suspends the meeting in absence of a quorum(1/10 of total)
 - He presides over the joint sitting of the two houses of the Parliament(108)
 - He can allow a secret sitting of the House at the request of the Leader of the House(PM),No stranger is allowed with

Speaker permission in this case.

- **Disciplinary Functions:**
 - He maintains the order and decorum in the house for conducting its business and regulating the proceedings.
 - His decision is final in case of Disqualification of any member under anti defection law. After 1992 Judicial review is now applicable on this.
- **Administrative Functions:**
 - He has control over the Lok Sabha Secretariat. He appoints the employees of the Secretariat, determines the service rules for them and supervises their work.
 - He has the responsibility for the upkeep of the records of the proceedings of the House.
 - He can appoint Chairman for different committees of Loksabha and he himself is Chairman of these committees
 - ♦ Business Advisory Committee
 - ♦ Rules Committee
 - ♦ General Purpose committee

Deputy Speaker

- Elected by members of Loksabha among all the members
- Election is after the election of Speaker and date of election of D.speaker is fixed by Speaker
- Whenever he is removed the members elect another person as Deputy Speaker
- Remain in office generally till the period of Lok sabha
- If speaker is presiding then he is just an ordinary member
- His salary is charged from Consolidated fund of India

Removal of D.Speaker

- Not a member of Loksabha
- Resigned to Speaker
- Can be removed by resolution passed by Effective majority by the members of Loksabha after 14 days notice
- While this resolution is going on he can vote

Panel of Chairperson of Loksabha

- Use when both Speaker and D.Speaker are not available
- Maximum 10 members will be nominated by Speaker in case of absence (Not vacant) of both Speaker and D.Speaker
- If both are absent then Panel will take care of proceedings and if panel is not available then House will select any member
- In case of Vacancy ,President will nominate a person for the post

Speaker Pro Tem

- Temporary speaker
- In case of Lok sabha dissolution,The speaker remain in house before the first meeting of New L.S
- After that President nominate a member of L.S as temporary speaker as Pro Tem
- The main reason is Oath of all the members which has to be provide by Speaker Pro Tem as without Oath they can not sit in the meeting
- Generally senior most member become the Pro Tem
- Oath of Pro Tem is administered by President
- Pro Tem has all powers of speaker and new Loksabha meeting is presided by Him only

- After meeting of house new speaker is elected and Pro Tem is removed

Chairman of Rajya Sabha

- Vice President is the Ex Officio Chairman of Rajya sabha
- Vice President is not a member of Rajya sabha
- In case President is not available, Then VP will become temporary President but at that time he can not serve as Chairman of R.S and his seat will be taken by Deputy Chairman for that time period
- Vice President Can be removed with Effective majority in R.S and Simple Majority in L.S

Functions are same as that of Speaker but few differences are there :

- Speaker give certificate to Money Bill
- Speaker can preside Joint Sitting, If speaker is not available the D.Speaker and if he is also not there then D.Chairman of Rajya sabha
- Speaker is a member of L.S and can vote during his removal also but VP can not do this as he is not the member of R.S
- Casting vote power is to both
- Salary determined by Parliament
- Chairman of R.S will resign to President as he is V.P
- Salary is charged expenditure from Consolidated fund of India

Deputy Chairman

- Elected among the members of R.S
- The election of a Deputy Chairman shall be held on such date as

the Chairman may fix and the Secretary-General shall send to every member notice of this date.

- Will resign to Chairman of R.S
- Removal will be with 14 days notice and Effective Majority in R.S
- Can not preside while this removal process is going on
- If chairman is absent/Seat is vacant or He is working as President ;in all the cases D.Chairman will act as Chairman
- Salary decided by Parliament and it is charged expenditure from CFI

Panel Of Rajya Sabha

The Chairman shall, from time to time, nominate from amongst the members of the Council a panel of not more than six Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence, by the Deputy Chairman.

- Chairman(Absent)---D.Chairman---Panel---By the House
- Chairman(Vacant)---D.Chairman(Vacant)---President will nominate the Chairman

Leaders in Parliament

- Leader of both the Houses will be Nominated by PM(Can nominate himself also)
- Generally Belong to Majority Party

Leader of Opposition

- Will be available in both the houses
- Largest Opposition Party Leader

- **Largest Opposition Party** means having minimum 1/10 of the total seats
- **Also known as Minority Leaders** and have salary equal to that of Cabinet Ministers

WHIP:

- **Not mentioned in Constitution**
- **A whip is an official of a political party** whose task is to ensure party discipline in a legislature
- **Appointed by Political Party**
- **Members have to follow the directions of Whip**
- **If not followed then party can take action**

The Secretariat of Rajya Sabha was set up pursuant to the provisions contained in Article 98 of the Constitution.

The said Article, which provides for a separate secretarial staff for each House of Parliament, reads as follows:- 98.

Secretariat of Parliament – Each House of Parliament shall have a separate secretarial staff:

(1) Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses of Parliament.

(2) Parliament may by law regulate the recruitment and the conditions of service of persons appointed to the secretarial staff of either House of Parliament.

The Rajya Sabha Secretariat functions under the overall guidance and control of the Chairman.

The main activities of the Secretariat the following :

- providing secretarial assistance and support to the effective functioning of the Council of States (Rajya Sabha)
- providing amenities as admissible to Members of Rajya Sabha;
- servicing the various Parliamentary Committees;
- preparing research and reference material and bringing out various publications;
- recruitment of manpower in the Sabha Secretariat and attending to personnel matters; and
- preparing and publishing a record of the day-to-day proceedings of the Rajya Sabha and bringing out such other publications, as may be required concerning the functioning of the Rajya Sabha and its Committees.