

G.S. Dhillon, Speaker of the Lok Sabha (for two terms), was asked to step down by the Prime Minister in 1975, and made Union Minister for Shipping — a precedent that has allowed future holders of the position to harbour political ambitions.

There are numerous such instances in our polity where the Speaker of the Assembly has precipitated a political crisis by seemingly political decisions. For example, the Anti-Defection Law. The determination of whether a representative has become subject to disqualification, post their defection, is made by the presiding officer of the House, offering ample scope for Speakers to exercise discretion. In 1988, Tamil Nadu Assembly Speaker P.H. Pandian disqualified six senior AIADMK ministers for giving up their party membership, along with 27 other MLAs (disqualified for not attending a confidence motion), identified with the pro-Jayalalithaa faction. Sixteen MLAs in the Arunachal Pradesh Assembly (out of a total of 41 of the ruling party) were disqualified by the Speaker, Nabam Rebia, in 2016 despite not officially leaving the party or defying its directives. Similarly, the Uttarakhand Assembly Speaker, Govind Singh Kunjwal, disqualified nine MLAs from the ruling party in 2016, despite the MLAs not leaving the Congress or voting against it in the Assembly. Furthermore, while the MLAs had voiced dissenting notes against the Budget, the Budget itself was declared passed without voting by the Speaker. The Meghalaya Speaker, P.R. Kyndiah, suspended the voting rights and later even disqualified five MLAs in the 1990s, just prior to a no-confidence motion. Shivraj V. Patil lamented the “weak points” of the anti-defection law and then ruled that a split could happen in drips, one MLA at a time, effectively neutering the Anti-Defection Act.

Speaking truth to power

Consider the example of Ireland, a parliamentary system close to ours, where the position of Speaker is given to someone who has built up credibility by relinquishing his or her political ambitions. The Westminster system considers it a taboo to induct a Speaker into the cabinet. Only the U.S., with its rigorous separation of powers between the judiciary, executive and legislature, allows the Speaker to openly engage in active politics. Offering future rewards for performance as a Speaker has made the position a stepping stone for political ambition.

The position of the Indian Speaker is paradoxical. The holder of the position, whether in Parliament or in State Assemblies, contests the election for the post on a party ticket, and yet is expected to conduct himself or herself in a non-partisan manner, all the while being beholden to the party for a ticket for the next election. Tejaswi Yadav, when Bihar's Deputy Chief Minister, vocalised this perception, when asked about his commitment to coalition dharma with the Janata Dal (United), by saying: “Had we had any intention to arm-twist the government into surviving we would have kept the Speaker's post.”

Such instances highlight the need for greater clarity in the interpretations associated with the Anti-Defection Law. Perhaps, it might be better for such critical decisions, associated with representative disqualification, to be determined by the President instead, with inputs from the Election Commission.

Speaker facing the axe can't disqualify MLAs, says SC

The absoluteness of the Speaker's decisions can also be an incentive for potential abuse. Instances of suspension of almost all the MLAs of the Tamil Nadu Assembly in 2016, where members of the Dravida Munnetra Kazhagam were evicted en masse from the House while protesting, raise crucial questions about the health of our democracy. Such suspensions are

increasingly becoming common across State Assemblies, with a partisan Speaker in the vanguard of eroding India's democratic character.

The need for reelection also skews incentives for the Speaker. No sitting Speaker of the House of Commons in Britain has lost his or her seat, given the convention not to field candidates in the Speaker's constituency. In comparison, in India, there are many Speakers who have lost their seats in general elections (Dhillon; B.R. Bhagat; Balram Jakhra). Also, Indian Speakers are not made members of the Rajya Sabha after they demit office; the British Parliament automatically elevates the Speaker to the House of Lords. The Page Committee, headed by V.S. Page, suggested that if the Speaker had conducted himself or herself in an impartial and efficient manner during the tenure of his or her office, he or she should be allowed to continue in the next Parliament. One could even argue that anyone seeking the office of the Speaker should run for election to the Lok Sabha or the Assembly on an independent ticket. Any Speaker should be barred from future political office, save that of the President, while being given a pension for life.

Taking partisanship out of the post will require establishing other conventions. Until 1996, the Speaker of the Lok Sabha always belonged to the ruling party. The election of P.A. Sangma of the Congress, on a unanimous basis, set another convention – with the Speaker belonging to a party other than the ruling party. More recently, we have reversed track and moved back towards having the Speaker being from the ruling coalition.

And finally, as a democracy, we must condition ourselves to expecting and promoting neutrality in the Speaker. Instances where the Speaker is named on a list of MPs who withdraw support from the government (as was the case with Somnath Chatterjee in mid-2008; he subsequently defied his party) must be avoided, to prevent encroachment on the Speaker's neutrality. Such neutrality should not be accompanied by political banishment. The CPI(M)'s expulsion of Somnath Chatterjee in July 2008, after the United Progressive Alliance government survived a no-confidence motion, for violation of party discipline, is a sad example of this. The CPI(M) West Bengal Secretary Biman Bose's comment that "Chatterjee may have acted according to the Indian Constitution but the party constitution is supreme in case of party members" is a reflection of the state of our democratic temper. To engender neutrality, such expectations ought to be changed.

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The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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