



Parliamentary Governance and the Institutional Authority of Lok Sabha Speaker in India

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DOI : <https://doi.org/10.5281/zenodo.19383473>

ARTICLE DETAILS

Research Paper

Accepted: 16-03-2026

Published: 10-04-2026

Keywords:

*Parliamentary System,
Indian Constitution, Lok
Sabha, Role of the Speaker*

ABSTRACT

Parliamentary democracy is the most popular form of the government today. The parliamentary system of governance in India is founded on the principles of collective responsibility, accountability, and democratic deliberation. Within this framework, the office of the Lok Sabha Speaker occupies a pivotal institutional position in ensuring the effective functioning of the legislature. Speaker of the Lok Sabha is the chief officer and highest authority of the House and must remain politically impartial at all times. This paper is an attempt to examine the Parliamentary system in India with special reference to privileges of the Lok Sabha speaker.

Introduction

In most of the countries of the world today the democratic system of government has been accepted in one way or the other and is being practised as the best form of the government. 'India adopted a democratic Parliamentary system in 1950 and since the last more than 70 years has succeeded in putting it into actual practice, without changing its basic structure'.¹

Parliamentary democracy is the most popular form of the government today. Though it had its birth in England three centuries back, it has come to be practised in Western and Asian countries. India adopted the Parliamentary form of the government based on the British model because it had remained under the domination of the British for a considerably long period (190 years) and influenced by the British traditions and political practices. Besides that the Parliamentary form of the government suits to



India's big size and strengthens her unity through the involvement of the diverse people in her political life.²

Stability in Parliamentary system of government is one of the positive aspect of India's post-independent evolution of political system. It defied Churchill's remark in 1947, the political power was being handed over to a few "man of straw" who may not be able to administer the country properly. By 1959, one could find a noticeable change in this attitude when John Stratey committed that "the institution of the Parliamentary democracy was a remarkable achievement in India".³ Political history of India for the last seventy years prove that India is the one of the countries of the world that successfully adopted and has been practising the Parliamentary system of the government.

The Constitutional Assembly had the fullest faith in Parliament as supreme representative institution of the people. He believed in the primacy of the Parliament and in the supremacy within the field assigned to it by the Constitution. In the matter of the role of judiciary and extent of judicial review, they took a very firm stand and said that the courts could not become a third legislative chamber; their role was to interpret the laws made by the Parliament and not to themselves lay down the law. It was through his efforts that the Parliament secured a pre-eminent position in the country's polity.⁴

Parliamentary system rests on an assumption that conflates the distinction between the executive and the legislature. While theoretically the executive is dependent upon and accountable to the Lok Sabha, in India, the former wields enormous resources to elicit compliance from the latter. Developmental and welfare initiatives of the state and the challenges of winning elections, of self and supporters, often stops a member of the Lok Sabha, even in the opposition, from antagonizing the executive. However, it is important to note that governments with minority support in the Lok Sabha have rarely survived in India for long. Therefore, Aspirants to office seek to wield a majority in the house at the earliest. While the relation between the executive and the Lok Sabha is dealt extensively throughout this study there has not been a reflective focus on the same.⁵

Parliamentary system of government prevalent in India is based on the principle of collective responsibility. It means that the ministers are responsible to the Parliament for their policies and action. Thus, the legislative control over administration under such a system is only indirect, that is through ministers. The administrators cannot be held responsible to the Parliament directly.⁶

The Parliament exercises control over executive in following ways.⁷



- a. General Control over the policies and actions of the government through questions, discussion, motions and resolutions.
- b. Financial control through budget and audit.
- c. Detailed control over financial, administrative and legislative matters through Committees.

Research Objectives

1. To examine the structure and functioning of the parliamentary system in **India**.
2. To analyze the constitutional position, powers, and functions of the **Lok Sabha Speaker**.
3. To assess the institutional authority of the Speaker in ensuring smooth legislative functioning and democratic accountability.

Research Methodology

The present study is primarily **qualitative and descriptive in nature**. It is based on **secondary sources**. Data has been collected from books, research articles, parliamentary debates, constitutional documents, and reliable online sources related to the functioning of the Parliament of India.

Functions of Parliament

It is belief that under Parliamentary democracy, Parliament as representing the sovereignty of the people, is supreme, so the government carrying out its dictates and behest. There are various functions of Indian Parliament are discussed below:

Parliament Selects the Government

Under the cabinet system of government, the first function of the Parliament is to form the government and sustain it so long as it enjoy the vote of confidence. The leader of the majority party in the Lok Sabha is called upon by the President of India to form the government.

Policy and Programme Making

Policy and Programme making is an essential work of Parliament. In Parliament, it is the cabinet that formulates various policies and programmes relates to people welfare. The Policies of the government is discussed by Parliament in several ways: President's address, debate on the budget and demands, debates on adjournment motions and substantive motions, discussion on legislative measures and so on. It has



ultimately to accept or reject the government proposals. If it is rejected, the party in power will go out of office.

Parliament Controls Administration

Control of the administration is an active function of giving direction and guidance. Such control is properly for the Ministers to exercise. Therefore, the role of Parliament is passive. Parliament does not interfere in the process of administration, but holds the Minister answerable and accountable for good and efficient administration. It is best done by the members through the questions and the committees.

Law Making

It is a very complex task. Most bills emanate as Legislative proposals by the government. Therefore the role of Parliament is not to initiate law-making, but to examine, criticise and approve the policy and the provisions of the bill before they become law.⁸

Control over Finance

As to control over finance, the government has to seek for financial grants by the Parliament to implement its policies and for the purpose of administration. The Parliament has the power to grant or refuse to grant the requested funds, thereby controlling the executive. The House also has to control the expenditure made out of granted funds.⁹

Parliament Exercising Emergency Provisions

Articles 352 to 360 of Part XVIII of the Constitution of India dealt with the provisions regarding the Emergency. Under these articles, within a month, the proclamation has to be approved by both the Houses of the Parliament by a clear majority or a two-thirds majority of the House. The continuance of such emergency is entirely in the hands of the Parliament.

Parliament as a Body of Amendment in Indian Constitution

The initiate in amending the Constitution lies with Parliament. There are many provisions which can be altered by Parliament by a simple majority and such alteration shall not be considered as an amendment of the Constitution. A few matters require the approval of a two-third majority of each House of Parliament and ratification by the Legislatures of half of the constituent states.¹⁰



Drawbacks of Parliamentary System

There were failures in the Parliamentary form of government like, decline of the Parliament, decline in qualities of our representatives, decline in quality of debates, defections, corruption, criminalisation of politics, lack of strong opposition to name a few.¹¹

Effective Parliamentary democracy relies on the 3Ds- Debates, Dissent and Decision. However over a period of time, a fourth D- 'Disruption'- has been injected into the system. This puts serious pressure on the government and its ability to govern, thus negating the very purpose of a Parliament. Disruption hurts the opposition more than the government since it denies them the opportunity to raise the concerns of the people. We need to correct this situation by practicing tolerance and accommodation. It is a job of the leader of the House and the leader of the Opposition to work together to carry forward the agenda of the House.

Principle of effective functioning of the Parliamentary system is that the majority will rule and the minority will oppose, expose and if possible, depose. However, the minority must accept the decisions of the majority, just as the majority must respect the views of the minority. And all the while, discipline and decorum must be maintained and rules, conventions and etiquette observed. Dissent should be expressed with decency and within the framework of parliamentary devices. The recent passage of Goods and Services Tax (GST) and its launch on 1 July 2017 is a good example of cooperative federalism and speaks volumes about the maturity of the Indian Parliament.¹²

The general pattern of Parliamentary behaviour in India has not yet reached that stage of maturity which it has long ago reached in the other western countries. Parliamentary democracy does not always mean 'rule by majority.' It presupposes discussion, debate and decision, preferable by comprises.¹³ Debates have maintained good standard.

During the 1950s, 60s and 70s, our Parliament witnessed illuminating and exhaustive discussions on budget and financial legislations even though these financial transactions were miniscule compared to present-day allocations. Today, our budgetary transactions have increased manifold but the absence of Parliamentary debates and informed discussions prevent us from appreciating their true significance. It is imperative that we go back to the essentials of engaging, discussing and debating before taking decisions regarding matters of national importance.¹⁴ Such discussions are necessary as they determine the direction of the development of the nation towards the objectives as enshrined in our Constitution.



Composition of Indian Parliament

Legislature of the Union is called 'Parliament'. Article 79 of the Indian Constitution states, "there shall be a Parliament for the Union which shall consist of the President and the two Houses to be known respectively as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha)". Lok Sabha is elected directly by the people and Rajya Sabha is elected by the state legislatures. The President of India elected by an electoral college consisting of elected members of the two Houses of Parliament and of the legislative assemblies of the states.¹⁵

Rajya Sabha consists 250 members, out of which 12 members are to be nominated by the President of India. They are nominated for their outstanding contribution special knowledge or practical experience in respect of such matters as literature, science, art and social service. 238 representatives are elected from the states and the Union territories. Elections to the Rajya Sabha are conducted indirectly. Members representing states are elected by the elected members of the legislative assemblies of the states in accordance with the system of proportional representation by means of the single transferable vote. Rajya Sabha is not a subject to dissolution. One third of its members retire after every second year.¹⁶ At present, Rajya Sabha has 245 members. Of these, 233 represent the states and the union territories and the 12 members nominated by the President of India. Any person who is a citizen of India and aged not less than 30 years and who has her/his name in the electoral rolls in any part of the country can become a member of the Lok Sabha

Lok Sabha composed of the representatives of the people chosen by direct election on the basis of adult suffrage. Maximum strength of the house, envisaged by the Constitution is now 552. Of this, 530 members are to represent the states, 20 to represent union Territories and not more than two members of Anglo-Indian community to be nominated by the President of India, if in his opinion that community is not adequately represented in the House. At present, Lok Sabha consists of 545 members. The term of the Lok Sabha unless dissolved in five years from the date appointed for its first meeting. However, while a proclamation of emergency is in operation, this period may be extended by the Parliament by law for a period not exceeding one year at a time and not extending, in any case, beyond a period of six months after the proclamation has ceased to operate. The membership of the house is distributed among the states in proportion to their population. Any person who is a citizen of India and aged not less than 25 years and who has her/his name in the electoral rolls in any part of the country can become a member of the Lok Sabha provided he/she is selected through universal suffrage.



Lok Sabha is certainly more powerful than Rajya Sabha. A no-confidence motion against the government can be introduced and passed only in the Lok Sabha. Money bill can be introduced only in the Lok Sabha. In case of national emergency is declared and the Lok Sabha is dissolved then the Rajya Sabha becomes the Parliament. Lok Sabha has more number of members than the Rajya Sabha. Three sessions (Budget session, monsoon session and winter session) of the Lok Sabha take place in a year.¹⁷ The Lok Sabha Speaker and Deputy Speaker are elected by the members of the House, while the Vice-President of India is the Chairperson of the Rajya Sabha. Om Birla from the Bharatiya Janata Party (BJP) is the speaker since June 17, 2019 in the current eighteenth Lok Sabha.

Office of the Lok Sabha Speaker

One of the most important institutions of Indian Parliament is the Speakers office which not only serves the Constitutional or legislative ends but also influences almost every phase of our Parliamentary system. The Speaker's office has been dynamic since independence of the country. It has dealt with certain needs and problems of Parliament in the process of its development.¹⁸

Office of the Speaker is a Constitutional post under the Constitution of India. He is supreme authority to take decisions in the House. The Speaker is the important conventional and ceremonial head of the House of the People. The Speaker is chosen by the House of the People from among its members. He holds office until he ceases to be a member of the House or until he himself resigns his office or is removed from his office by a resolution of the House passed by a majority of all the members of the House. He continues in office notwithstanding the fact that the House has been dissolved or vacated it immediately before the first meeting of the new House after the dissolution. There can be no House without a Speaker. The House is voiceless without him. He presides over the deliberations of the House and in his absence, the deputy speaker presides.

The Speaker is a symbol of impartiality. He is the principal spokesman of the House and represents its collective voice. Messages on behalf of the House are sent or received with the authority of the Speaker. The Speaker authenticates by his signature that a bill has been passed by the House before it is presented to the President for assent. He receives documents, petitions, messages addressed to the House and all orders of the House are executed through him. He enforces the rules of debate and decides questions of order. He calls the members of the House to speak, proposes and puts the necessary questions and announces the decision of the House.¹⁹ Thus, the Speaker plays a vital role in the functioning of Parliamentary system and sustaining faith in their working. His role is not only to facilitate the government but he is also the guardian and the protector of the rights, interests and privileges of the



individual members of the House. He shapes the proceedings in the House, maintaining its dignity and gives it proper direction.

Privileges of the Speaker

One of the most important cornerstones of India's parliamentary democracy is the Speaker's office. As the Lok Sabha's presiding officer, the Speaker upholds the balance between the power of the government and the voice of the opposition, guarantees orderly debate, and protects members' rights. By virtue of his constitutional powers and status of the House of the People, the Speaker enjoys certain privileges, which are as follow:²⁰

1. The Speaker cannot be detained, arrested or convinced during the tenure of his office. Courts cannot issue summons or warrants to ask him to appear before them. The Speaker is not liable for his actions performed in the House in discharge of his duties. Thus he is free from the executive or judicial controls.
2. The Speaker presides over a joint sitting of the two Houses of Parliament.
3. He does not address his letter of resignation either to the executive head or to the legislature, but may resign by writing to the deputy speaker.
4. A motion of no-confidence in the House cannot be discussed without a fourteen day notice. An absolute majority is required for passing such a motion in the House to remove the Speaker. This method of removal from the office is same like such as the President of India, the Vice President of India and the Judges of the Supreme Court and High Courts.
5. The Speaker of the Lok Sabha is the ex-officio President of the Indian Parliamentary groups, which functions in India as the National group of the Inter-Parliamentary Union and the main branch of the Commonwealth Parliamentary Association. He also nominates the Parliamentarians for various Parliamentary delegations to the foreign countries. He occasionally leads these delegations himself.
6. The Speaker is also the Chairperson of the conferences of presiding officers of the legislative bodies in India. These conferences hold once a year and it lasts for two or three days.
7. The detailed working of rules also regulated by the Speaker.
8. The Speaker gives decisions on the specific matters or issues which arise from time to time and on which he is required to give decisions.
9. No proceeding takes place, nor can bills be introduced, issues debated, motions admitted or moved, questions put or answered takes place without his permission.



10. He recognises the members and allows them to speak. He fixes their quota of time, he decides whether any word used during the discussion or debate in the House should go on record or not.
11. Speaker sees that each party gets a fair chance to express his views.
12. In or outside the House, he enjoys wide powers regulated only by the 'Rules of procedure and conduct of businesses in the Lok Sabha. He derives his powers and owes his position partly to the Constitution.
13. Speaker does not vacate his office when the House is dissolved, but holds it till the first meeting of the House after the dissolution. Thus like a member of the Council of Ministers, he enjoyed all the facilities of office.

Debates on the Neutrality of Lok Sabha Speaker

The Speaker's credibility depends on the perception of impartiality. Allegations of partisan conduct can weaken public confidence in parliamentary processes. Despite holding a constitutional post, critics have recently pointed out that the Speaker is still a prejudiced employee of the current government. The Opposition's recent no-confidence motion against Om Birla, has rekindled the discussion about the Speaker of the Lok Sabha's constitutional role and accountability. Even though these motions are uncommon, their importance stems not only from the potential for removal but also from what they disclose about how parliamentary institutions operate and the changing norms surrounding the Speaker's position.

However, the office of Speaker faces a number of difficulties. First, the idea of politicisation is becoming more prevalent. Decisions on issues like the certification of Money Bills or the disqualification of legislators under the anti-defection law have frequently been regarded through a party prism in recent years. Second, Parliament has procedural deadlocks as a result of regular clashes between the opposition and the ruling party. Building consensus becomes more challenging when political players trust is undermined by doubts about the neutrality of the presiding officer. Third, the unwritten rules that formerly governed the Speaker's unbiased behaviour, known as parliamentary conventions, have progressively eroded.²¹ These customs run the risk of being eclipsed by tactical considerations when political competition heats up.

The passing of anti-defection law in 1985 gave Speakers the power to expel MLAs and MPs for anti-party activities, both inside and outside the legislature. This law single-handedly ensured that the Speaker, in addition to being a referee in legislative proceedings, also became an active player in the politics of government formation and survival.



The Way Ahead

To preserve the credibility of Parliament and strengthen democratic governance, reforms and renewed commitment to parliamentary norms are necessary. The first step should be to strengthen institutional norms. The custom that the Speaker serves outside party lines once elected must be reaffirmed by all political parties. Increasing procedural rulings' transparency can also boost confidence. Allegations of prejudice would be lessened if significant decisions, such as approving parliamentary measures or denying requests for discussion, were clearly explained. Encouraging dialogue between the government and the Opposition is equally important. Legislative productivity could be increased and conflicts could be avoided with organised consultations on parliamentary processes and reforms. Lastly, it would be possible to resolve misunderstandings by codifying best practices about the Speaker's discretionary authority.²² Although parliamentary procedure requires flexibility, more precise rules could lessen disagreements over interpretation.

Conclusion

The office of the Speaker has been playing a crucial role in initiating sound democratic traditions, rules, practices, customs and conventions which are fundamental to a healthy parliamentary culture. The Speaker safeguards and upholds the rights of each member of the House in addition to representing the collective knowledge of the House as a whole, which includes a variety of regional and political tones. Thus, the speaker of the Lok Sabha enjoys a position of great respect and dignity. He is the master of the House and his authority is supreme there. He has the power to deal with all matters which are not specifically or adequately provided in the rules. He acts as the representative of the House, and his authority is supreme in the House and no one can challenge his decisions and rulings.

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