



Guardian of the house

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(MainsGS2: Parliament and State legislatures—structure, functioning, conduct of business, powers & privileges and issues arising out of these.)

Context:

Recently the parliament and state assembly have been paralysing primarily due to lack of independence and impartiality of the speaker.

Supreme authority:

- The Indian constitution adopted the Westminster model of governance where members of parliament enjoyed power privilege as the house of commons in the UK.
- Speaker is the supreme authority in Lok Sabha to secure orderly conduct of business of the house.

Essential qualities:

- The Speaker belongs to all the members or belongs to none for the ensuring evenly justice in the house.
- Pandit Nehru mentioned the speaker as the symbol of the nation's freedom and liberty.
- Thus, the speaker should have outstanding ability and impartiality.
- Speaker is the guardian; principal spokesperson and representative of collective voice in Lok Sabha.

Speaker duties:

- Speakers decide issues for discussion, permit adjourned motion and calling attention notice.
- The council of ministers shall be collectively responsible to the Lok Sabha as provided under article 75(3).

The issues:

- The Supreme court judgment on anti-defection law shows that conduct of the speaker is blatant and influenced the current parliament.
- Present speakers continue to be active members of the ruling party. Thus, refusing debate or discussion which leads to disruption of parliament.

Wisdom of parliament:

Persistent disruption of parliament and enacting of laws without debate and discussion is against the wisdom of the parliament which leads to the passing of controversial and myopic bills.

Indifference of executive:

- Recently the silver line between legislature and executive seems to be oblivious as executive violates constitutional mandate by issuing subsequent rules and notification.
- However, the supreme court (In Re Delhi Law Act Case) held that legislature functions cannot be delegated to executive (bureaucracy).
- The separation of power is part of the basic structure of the constitution.

Conclusions:

- Thus, the speaker must resign from his party on becoming speaker for the truly functioning of parliament and state legislature.
- Proper debate and discussions in the house before passing of the bill requires independence and impartiality of the speaker.

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