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Q5

Discuss the role of Presiding Officers of state legislatures in maintaining order and impartiality in conducting legislative work and in facilitating best democratic practices.

UPSC Civil Services Mains 2023 · GS II · 10 marks · Governance and Policy

Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Core demand of the question

- Discuss the role of Presiding Officers of State legislatures in maintaining order and impartiality in legislative work
- Show how they can facilitate best democratic practices

Revision summary

Articles 178 to 189 create Speakers and Chairmen of State legislatures.

They maintain order by running questions, motions, and discipline under the House rules.

Impartiality is tested in anti-defection cases under the **Tenth Schedule**.

Kihoto Hollohan allows judicial review of the Speaker's defection order; **Nabam Rebia** limits a compromised Chair.

Best democratic practice is a fair share of floor time and timely, reviewable rulings, not a silent majority machine.

Introduction

The Speaker of the Legislative Assembly and the Chairman of the Legislative Council are the Presiding Officers of the State legislature under **Articles 178** to 189. Their daily work is order on the floor, and their harder work is impartiality when majority and opposition collide.

Body**Order in legislative work**

- The Presiding Officer admits questions, motions, and points of order, and interprets the Rules of Procedure of the House.
- He or she names members, suspends them, and can order the gallery to be cleared, which is the ordinary power to keep debate possible.
- Money bills and the Governor's messages are read through the Chair, so financial business depends on a working Speaker, not only on the treasury benches.
- Committees are nominated or constituted with the Chair's involvement; disorder on the floor often follows if committee scrutiny is skipped.

Impartiality

- **Article 189** and the **Tenth Schedule** place the Speaker at the centre of defection disputes inside the Assembly, which is the sharpest test of impartiality.
- **Kihoto Hollohan v. Zachillhu (1992)** upheld the **Tenth Schedule** but made the Speaker's order on defection subject to judicial review on limited grounds.
- **Nabam Rebia v. Deputy Speaker, Arunachal Pradesh (2016)** held that a Speaker facing a notice for his own removal cannot disqualify members in a way that decides the majority; the Court later revisited parts of this line in 2023 in Subhash Desai, but the democratic point remains that the Chair cannot be a faction tool.
- Resignation, swearing-in, and recognition of the Leader of the Opposition all pass through the Chair and can manufacture or deny a floor majority.

Democratic practices

- A Presiding Officer who gives the opposition a fair share of Question Hour, calling attention, and adjournment motions makes the House a forum, not a rally.
- Live proceedings, reasoned rulings, and restraint in using the marshal are democratic practices that no Article lists in detail but that every Assembly needs.
- Resignation from the ruling party after election as Speaker, as some Assemblies have practised, is a convention that supports impartiality even though the Constitution does not require it.

Recommendations

- Fix a time limit for **Tenth Schedule** decisions, as the Supreme Court has pressed, so that defection orders are not delayed until the term ends.
- Separate, as far as rules allow, the Speaker's administrative majority from the treasury whip on ordinary legislative business.
- Train new Speakers in comparative rulings and publish them, so impartiality is a recorded practice, not a personal virtue.

Flow diagram

Presiding Officer Arts 178-189 -> Order and rules
 Presiding Officer Arts 178-189 -> Impartial Chair
 Presiding Officer Arts 178-189 -> Tenth Schedule
 Tenth Schedule -> Kihoto Hollohan review
 Impartial Chair -> Democratic floor practice

Conclusion

Presiding Officers keep order through the rules and keep democracy alive only when they apply those rules without the whip. Kihoto Hollohan and **Nabam Rebia** show that the Chair is both a constitutional office and a reviewable power, which is why impartiality is the core of the role.

Facts & figures

Articles 178-189

Deal with officers of the State legislature, including Speaker, Deputy Speaker, Chairman, and voting in the House.

Tenth Schedule

Anti-defection law; the Speaker or Chairman decides disqualification of members of that House.

Kihoto Hollohan v. Zachillhu (1992)

Upheld the **Tenth Schedule** and held the Speaker's order subject to judicial review.

Nabam Rebia (2016)

Held that a Speaker under a notice of removal should not decide disqualifications that determine the House majority.

Article 189

Voting in Houses; vacancies and quorum rules that the Presiding Officer administers.

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