

Quadrant II - Notes

Paper Code: POC 110

Module Name: Role of Speaker

Module No: 10

Role of Speaker

The purpose of investing the power of deciding the case of defection with the speaker was to facilitate an impartial objective and expeditious decision. The speaker though he is first appointed to the chair is expected to serve all ties that bind him to his party but in India unlike some other parliamentary democracy, the speaker is elected on the ticket of political party. The theory of once the speaker always speaker is not practiced in India unlike other parliamentary democracy. The speaker retains his party membership and has political loyalties unlike any other member.

Time taken for verdict

Speakers	petition filed	Time taken
1-Dr Kashinath Jhalmi	17 th March 1990	9 and half months
2-Surendra sirsat	1-28 th november 1990	9and half months
	2-22 nd November 1990	2 and half months
	3-30 th November 1990	2 and half months
	4- 11 th December 1990	2 days
	5-25 th January 1991	22 days
3-Simon Dsouza (Acting speaker)	1- 4 th March 1991	4 days
	2- 4 th March 1991	4 days
4- Shaikh Hassan	4 th January 1992	2 and half years
5-Pratapsingh Rane	1-3 rd October 2008	2 years 4 months
	2- 13 May 2011	9 months

There is no time prescribed for the presiding officer to give his decision.. This implies that matters could be kept pending indefinitely and in most cases it was taken advantage of by the speakers. Kashinath Jhalmi elected on MGP Ticket was appointed under para 6(1) to decide whether the disqualification provision of the anti defection law relating to the defection of Luis proto Barbosa applied to the latter. He took 9 and half months, the life of the Barbosa government to give his decision. He was the law minister in the Barbosa cabinet. This implies that he functioned both as the adjudictory mechanism stipulated in the act as well as partisan member of the cabinet for which he bore collective responsibility. After the collapse of coalition government formed by GPP legislator and MGP headed by Barbosa, Jhalmi chose to give his decision.

The speaker Sirsat was elected on MGP ticket. He served as speaker in CDF government. During his term he received 5 petition, decisions of which were given often at different length of time. Other petitions regarding the disqualification of Sanjay Bandekar and Ratnakant Chopdekar and also Ravi Naik took 2 days and 22days respectively to receive Sirsats verdict. The decision of speaker sirsat to disqualify chopdekar and Bandekar MGP rebels and the decision to reject the petition of Congress (I) MLA seeking disqualification of 6 GPP members was with the purpose of tilting balance in favour of the PDF to prevent the formation of CDF government.

The disqualification orders passed by speaker sirsat in the case of Bandekar chopdekar and Ravi Naik was overturned by acting speaker Simon Dsouza, who was in office during the period April 5 1991 to July 5 1991. Simon D souza gave his verdict in just 4 days in order to enable Ravi Naik faction to merge with Congress and thus stabilise the position of CDF government. SC did not spare Ravi Naik. It quashed the acting speaker order. In case of Shaikh Hassan, he took more than 2 and half years to give his verdict that too after he was directed by the court to expedite (hurry up) his decision.

Speaker Pratapsingh Rane received two disqualification petitions challenging the merger of save Goa front (SGF) with the Congress. He rejected the petition based on disqualification rule 6(6) of the members of Goals legislative Assembly rule 1966. This was largely done to enable the member of SGF to continue the membership of Congress and stability of government.

Conclusion

The disqualification and requalification of members explains the bias in the decision of the speaker. No speaker has disqualified member who has defected to the party /side whose membership he hold. It has always been vice versa. The speaker has always considered his party advantage before giving his verdict. This is evident from the cases in Goa.

It is sad to know that the high office of the speaker is banned for partisan purposes both by Congress and the MGP. Thus free and fair verdict does not figure at all in any of the above cases. The speaker fails to satisfy the requirement of the independent adjudicator authority, the kind of which is essential for the functioning of democratic system in Constitution. In Goa, speakership does not to obscure politicians but to politicians who make themselves prominent. The role played by the speaker is an indication of partition function.

