
MOTION FOR REMOVAL OF THE LOK SABHA SPEAKER: CONSTITUTIONAL FRAMEWORK, PARLIAMENTARY CONVENTIONS AND THE OM BIRLA CONTROVERSY

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ABSTRACT

A Speaker of the Lok Sabha has a crucial role in any parliamentary democracy. They perform as an arbiter in the House and are expected to be neutral and impartial in the absence of any enforceable constitutional mandate. The lack of formal provisions and renouncement of political affiliations give rise to inherent structural tension in the House. The article analyses the recent removal motion against the current Lok Sabha Speaker, Mr Om Birla, which has revived the debate over the partisan conduct of the Speaker. Although Article 941 provides a procedure for removal, the discourse raises broader questions about striking a symmetry between institutional neutrality and political accountability. This article inquires if the constitutional provisions, legal rulings, and parliamentary conventions are substantial to preserve the doctrine of neutrality. Moreover, the study conducts a relative analysis of the UK Parliament, where settled practices, such as the abdication of party affiliation, institutionally guarantee the Speaker's neutrality. This contrasts with evidence of a fundamental difference between constitutional morality and institutionalised impartiality. The article argues that the ongoing disputes over the Speaker's office, especially regarding removal moves, highlight the need to reassess the current constitutional framework. It infers that going beyond aspirational neutrality in favour of firm institutional safeguards is essential to guarantee the legitimacy and credibility of parliamentary institutions. Thus, the study contributes to the present debate on constitutional morality, parliamentary accountability, and the maintenance of democratic integrity.

Keywords: Motion for Removal, Removal of Speaker, Constitution of India, Doctrine of Neutrality, Legislative Impartiality, Parliamentary Accountability, Tenth Schedule.

Introduction

Recently, on 10th February 2026, the Congress, along with the left coalition of 118 MPs, moved a no-confidence motion against the Speaker of the House of People, Mr Om Birla. Presided by the BJP MP Jagdambika Pal, tabled by Congress MP Mohammad Jawed, the motion demanded that the Speaker be impeached in favour of the constitutionality and dignity of parliamentary democracy.

The opposition accused the Speaker of partisan behaviour on primarily four grounds: interdicting the LOP from concluding his speech on the “motion of thanks” to the President’s address, suspending 8 opposition MPs from the house, allowing the BJP MPs’ disrespectful remarks on Jawaharlal Nehru and Indira Gandhi, and accusing the Congress of conspiring to attack Prime Minister Narendra Modi.

Although the motion failed in the House of People, it raises significant constitutional questions.

Constitutional Provisions for Removal of Speaker

The Constitution of India provides for the removal of both the Speaker and the Deputy Speaker of the Lok Sabha. It says that “the Speaker or Deputy Speaker of the House of People may be removed from his office by a resolution of the House of the People passed by a majority of all the then members of the House”.¹

It also provides that “no resolution for the purpose of clause (c) shall be moved unless at least fourteen days’ notice has been given of the intention to move the resolution”.²

Procedure to be followed

Since the chair of the Speaker is a constitutional office, a strict procedure needs to be followed.

The members shall give notice of their intention to remove the Speaker at least 14 days prior to the motion being made in the Lok Sabha.

The motion to remove the Speaker shall only be moved if it is signed by at least 50 members

¹ Article 94(c), The Constitution of India.

² Article 94(c), The Constitution of India.

of the House of People. As and when the motion is submitted, its admissibility shall be examined by the Secretary General of the Lok Sabha.

It is to be taken into account that, as per Article 94³, the removal shall only take effect if the motion is supported by an effective majority, i.e., more than 50% of the members of the House, regardless of presentees or absentees.

Additionally, the Speaker against whom the motion of removal is moved shall not preside over any of the meetings of the Lok Sabha until and unless the House disposes of such motion. Although such Speaker can vote and defend himself/herself in the Lok Sabha, he/she shall lose their “casting vote (tie-breaker vote)” in case of an equal tally of votes.

Until the resolution to remove the Speaker is in motion, the House of People shall be presided over, either by the Deputy Speaker, or in case of his/her absence, by a member of the House as decided by the House of People.

Since the office of the Deputy Speaker has been vacant for the entire 17th Lok Sabha as well as the 18th so far (since June 2019, for the first time in independent India), the BJP MP Jagdambika Pal presided over the entire tenure of the motion, which the opposition opposed and regarded as unconstitutional, as they alleged that the opinion of the House was not sought before such appointment.

Role and Neutrality of the Speaker

The Speaker of the House of People is a constitutional and ceremonial head of the House who is responsible for the dignified conduct of the parliamentary democracy. As the nation in this 18th Lok Sabha is witnessing a coalition government, it is for the speaker to maintain the balance of power between the incumbent, its allies, and the opposition.

Article 93⁴ authorises the House of People to choose two persons from the House to be the Speaker and Deputy Speaker of the House. Usually, but not necessarily, the Speaker is chosen from the ruling party, while the position of the Deputy Speaker goes in favour of the opposition.

There have been instances where the Speaker is not from the incumbent party, such as GMC

³ The Constitution of India.

⁴ The Constitution of India.

Balayogi (12th Lok Sabha) and Manohar Joshi (13th Lok Sabha).

Although the Speaker is chosen from the ruling party, he/she shall function as a representative of the House, not the ruling party, and to ensure such impartiality and neutrality, he/she must, but not mandatorily, renounce any political affiliations, acting as a guardian of the parliamentary procedure.

As the head of the House, the Speaker is responsible for maintaining order and discipline, thereby safeguarding parliamentary democracy.

It is the Speaker of the House who decides the agenda of the House, along with allowing which member may speak, and interprets the procedural rules (i.e., the Rules of Procedure and Conduct of Business of Lok Sabha), the constitution, and the parliamentary precedents of the House.

It is the legislative responsibility of the Speaker to assign bills to committees, select the order in which bills are evaluated, and approve the final text of laws before their presentation to the President. According to Article 110 of the Indian Constitution, it is the sovereign authority of the Speaker in deciding whether a bill is a Money Bill or not.

The Speaker has the power to punish and suspend members from the House for their disorderly behaviour in the Parliament. The current Speaker, Mr Om Birla, has suspended 112 opposition MPs for disrupting the House proceedings, which TMC MP Mahua Moitra pointed out in her speech, supporting the motion of removal.

Earlier, when any member of the House illegally changed his/her political party, the Speaker had an absolute say in suspending such a member from the House on grounds of defection under the 10th Schedule of the Indian Constitution, which meant that any court in India could not interfere with the decision of the Speaker in this matter. The Supreme Court, in its judgment, **Kihoto Hollohan v. Zachillhu**⁵, held that since the Speaker acts as a quasi-judicial authority under the 10th Schedule of the Constitution, the decision of the of the Speaker regarding the suspension of members of the House on grounds of defection is subject to judicial review under Articles 136, 226, and 227 on limited grounds, i.e., if it goes against the principles of natural justice or constitutional provisions. Through this landmark judgment, the Supreme

⁵ 1992 (1) SCC 309

Court reiterated that although the Speaker belongs to a political party, it is the position that demands him/her to act within the boundary of the constitutional provisions.

The doctrine of neutrality of the Speaker assumes a contrasting institutional form in India and the United Kingdom, reflecting divergence in the constitution-based and convention-based models of parliamentary impartiality.

The Parliamentary structure in the UK mandates that the Speaker to resign from their political affiliations upon elections, which ensures that the Speaker is institutionally distanced from political parties. Additionally, when the term of the Speaker comes to an end, re-election is contested as “Speaker seeking re-election”, not as a member of any political party. The British model enforces neutrality upon the Speaker through well-structured constitutional conventions and not merely upon the morality of the Speaker.

In India, the Speaker does not automatically cease to be a member of the political party but consciously and voluntarily has to renounce it with no constitutional mandate to do so and contests re-election on the ticket of a political party. The notion of neutrality is not enforced by any formal mandate, but is entirely dependent upon the personal integrity and constitutional morality of the Speaker.

While the United Kingdom makes it certain that the neutrality of the Speaker is not to be compromised through enforced depoliticisation and binding conventions, India, instead of forced neutrality, aspires to preserve it within a fundamentally political structure and without embedding it in enforceable practices.

This raises a serious question as to whether the parliamentary dignity and the notion of neutrality should merely be subject to the Speaker’s own morality and integrity, or, like the British Parliament, must be enforced through constitutional provisions in the interest of parliamentary democracy.

Historical Precedents: Previous Motions of Removal

It is not the first time that the Lok Sabha has witnessed an impeachment motion against the Speaker; there have been instances where the chair has been challenged by the members of the House.

The history of the motion of removal started in 1954, when the Socialist leader Vighneshwar Misir, along with 21 MPs, moved the motion for removal against the very first Speaker of the Lok Sabha, GV Mavalankar, on alleged partiality against the opposition and parroting the agenda of the Congress ruling party.

Prime Minister Jawaharlal Nehru defended the chair and opined that it represents the dignity and freedom of the House.⁶ He said, “We do not wish to take too much time, but I would submit that more time should be allowed to the opposition than to the government benches”.⁷ The intention was clearly to put the government on continuous trial while serving on the ruling side.

He further argued that the challenge to the chair should not be taken lightly, as it is not merely about the person but the “High dignity of the House”⁸. He insisted that no “whips” be issued, allowing the members to vote according to their conscience regarding the chair’s integrity⁹.

After a rigorous and historic 2-hour debate, the motion was defeated in the House, with Pandit Nehru defending the integrity of the chair.

In the year 1996, another motion was against Sardar Hukum Singh, but it could not be taken up by the House as the minimum requirement of the support of 50 members of the House was not fulfilled.

The history repeated itself the third time in 1987, when a motion to remove the Speaker, Balram Jakhar, was moved in the Lok Sabha. The opposition desired him to be removed on similar grounds of favouring the government and partisan conduct against the members of the opposition. This motion again had a similar fate and was defeated by the lack of an effective majority.

In more than 75 years of independence, Mr Om Birla is the fourth Speaker to be facing the same circumstances, with the opposition alleging him of not allowing the LOP to speak, levelling “unwarranted” allegations against women MPs, wrongful suspension of opposition MPs, and “not rebuking” the BJP MPs for making derogatory remarks against the former prime

⁶ History of no-confidence motions against Lok Sabha speakers: From Mavalankar to Om Birla, Parliamentary Affairs, (March 23, 2026, 11.36 AM), <https://parliamentaryaffairs.in/history-of-no-confidence-motions-againstlok-sabha-speakers-from-mavalankar-to-om-birla/>.

⁷ Id.

⁸ Id.

⁹ Id.

ministers.

All three motions that have been moved in the history of the Lok Sabha have been defeated, as the house never formed an effective majority. Also interestingly, though Article 96 of the Constitution allows the Speaker against whom a motion for removal is moved to participate in the debate and defend himself/herself, from Mavalankar to Birla, nobody participated or defended themselves in the debate, which clearly indicated their confidence in the ruling party.

Every time a motion to remove the Speaker is moved in the Lok Sabha, the opposition has been well aware that it would not be successful, but the motive behind the motion is not merely to remove the Speaker but to remind him/her that the people of India not only chooses the incumbent but also the opposition, which represents 60% of the population who shall be equally heard without any partiality and the chair is bound to be non-partisan.

Constitutional and Democratic Implications

The motion for the removal of the Speaker is not merely about the person, or about the rejection or acceptance of such a motion; it also raises concerns that extend beyond political conflict, including major issues regarding constitutional design and democratic accountability within the Lok Sabha.

The traditional constitutional mandates do not enforce, but expect the Speaker to abide by the notion of neutrality while empowering the majority to shield the Speaker in any circumstances of disruption against them. The fate of the removal motion is based on the majority in the House (always the ruling party and its allies), which can either shield a biased Speaker or threaten to remove them through political pressure, ironically, the very political majority whose conduct the Speaker is required to regulate.

All these times when the opposition wanted to move the removal motion against the Speaker, the allegations were the same: “partisan conduct”, whether in the Lok Sabha or the Legislative Assemblies. There has been a constant tussle between the powers of the Speaker and the extent of judicial intervention in the same. The Bombay High Court intervened in the case of **Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly**¹⁰, where the Speaker of the Telangana Legislative Assembly delayed the decision on the defected member and let him

¹⁰ (2020) SCC OnLine SC 55.

continue to remain as a minister. The court reaffirmed that the Speaker is a quasi-judicial authority under the 10th Schedule of the Constitution, and the power is subject to judicial review in cases of inordinate delay. The court also held that disqualification petitions should ordinarily be decided within three months and may be directly referred to the Governor or courts if the Speaker fails to act promptly.

The judiciary, in its several judgments, observed the intentional and unnecessary delay in deciding matters of utmost importance and the selective exercise of powers, pointing towards a gradual politicisation of the office.

Although the removal motion is frequently regarded as a weapon for the Speaker's accountability, its frequent use could jeopardise the Speaker's authority and institutional stability.

The Indian Constitution provides the procedure for removal, but does not ensure neutrality in practice and remains substantively dependent on unwritten conventions and constitutional morality.

Neutrality is not only a legal requirement, but also a democratic imperative since the legitimacy of the Speaker's office ultimately rests not only in constitutional text but also in the House's ongoing faith in its objectivity.

Comparative Perspective: Speaker Neutrality in Other Democracies

Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that that impartiality is generally recognised.¹¹

In Westminster democracies, the concept of Speaker neutrality takes several forms, reflecting differing levels of traditional and institutional protections. The Westminster Convention makes sure that the Speaker is neutral by requiring them to follow rules that can be enforced. This is different from the Indian Constitution. The Speaker's resignation from political affiliation and commitment to enduring constitutional principles serve as institutional safeguards for impartiality in the United Kingdom Parliament. The British model makes neutrality an

¹¹ David Torrance, *The office and role of Speaker*, House of Commons Library, Page 31

institutional guarantee rather than a moral obligation, which reduces the likelihood of partisan influence.

The Speaker's office is an important but technically difficult part of India's constitution. There is no constitutional need for the Speaker to renounce their party connection upon taking office, despite the Speaker's supposed role as an unbiased judge of legislative procedures. As a result, the Speaker maintains party membership while exercising a variety of functions, such as overseeing debates, controlling House procedure, and deciding disqualification petitions under the Tenth Schedule. Instead of enforcing safeguards, this institutional architecture lays the duty of neutrality primarily on human restraint and constitutional morality.

In fact, this has led to ongoing concerns about alleged partisanship, especially in politically sensitive situations like removal moves, such as those involving Om Birla. Because of this inherent conflict between the expectation of impartiality and the reality of ongoing political involvement, the Indian legislative system raises serious concerns about the effectiveness of current procedures to maintain the office's neutrality.

The difference between the two systems is stark. The situation in India is still based more on expectations than on institutional design, whereas the Parliament of the United Kingdom maintains neutrality through the Speaker's official separation from party politics. This distinction becomes more important during political contests, when the Speaker's office is vulnerable to accusations of bias due to India's lack of institutional protections.

The comparative experience emphasises the need for institutional security of neutrality as opposed to merely a constitutional declaration. The Indian experience highlights the drawbacks of depending only on constitutional morality in a highly competitive political context, whereas the British model shows how effective structural insulation can be. As a result, it is necessary to reconsider whether the current system sufficiently protects the fundamental idea of impartiality in light of the ongoing disputes surrounding the Speaker's office.

Conclusion

The current motion to remove the Speaker, while unsuccessful, brings up bigger constitutional questions about how parliamentary democracy works. Even though it is based on political processes, the Speaker's office is supposed to work as an impartial constitutional body in the

Lok Sabha. However, the Indian system still mostly trusts constitutional morality more than legally binding institutional safeguards to make sure that everyone is treated fairly, as shown by court decisions and comparisons of different systems. This fundamental encounter between constitutional expectations and political allegiance raises considerable concerns about how well the present systems safeguard the office's integrity. In conclusion, the Speaker's vigour depends on the House's continued trust in the impartiality and independence of its presiding officer rather than just adhering to the rules. The question of whether this confidence can be preserved in the absence of further substantial institutional reforms is one of protracted constitutional significance.