

Examrace

Competitive Exams: Political Science Study Material Special Position of the Speaker

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Special Position of the Speaker

- The Constitution has given a special position to the office of the Speaker.
- Though he is an elected member of the Lok Sabha, he continues to hold his office even after the dissolution of the Lok Sabha till the new Lok Sabha is constituted.
- This is because he not only presides and controls the Parliamentary functions but also acts as the Head of the Secretariat of the Lok Sabha which continues to function even after the House is dissolved.
- Another part of his special position is that he has been given the responsibility to uphold the dignity and the privileges of the House because the Speaker represents the Lok Sabha as an institution.
- Freedom of Speech. The extent of the freedom of speech enjoyed by the Members of Parliament is far wider than that of an ordinary citizen under Art. 19 (1) . Not only does he enjoy absolute immunity from any action in the Court of law for anything he says within the House, but even in public speeches if he is so authorised by the Parliament. However, such freedom has two limitations:
 - It must conform to the rules and the procedures of the House
 - The Members cannot discuss the conduct of a Judge of the Supreme Court, or the High Courts, except on the resolution for the removal of the Judges.
- Freedom from arrest. A Member of the Parliament enjoys immunity from arrest, 40 days before the commencement and 40 days after the prorogation of a session of the House. This immunity is only in civil cases and does not extend to criminal proceedings, or the contempt of the Court or preventive detention.
- Freedom from the Jury Service. A Member of the Parliament cannot be compelled to give witness in the case pending in the Court of law when the Parliament is in session. This is because the Parliamentary business is above all the other businesses.

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