

The speaker of the Lok Sabha/legislative assembly vacates the office immediately before the first meeting of the newly elected house.

Hence President/governor appoints the pro-tem speaker to preside over the sittings of the house.

Usually the senior most member is elected as the pro-tem speaker.

The president/governor will administer the oath of the office for the pro-tem speaker.

When the house elects the new speaker the office of the pro-tem speaker ceases to exist. Hence the office of the pro-tem speaker is a temporary one which will be in existence for few days.

16) Consider the following statements regarding the Amendment of the Constitution.

1. Article 368 of the constitution deals with the powers of Parliament to amend the constitution and its procedure.
2. Constitution amendment bill can be introduced only in the Parliament and not in the state legislatures.
3. President can either withhold his assent to the Constitution amendment bill or return the bill for reconsideration.

Which of the above statements is/are correct?

- a) 1, 3
- b) 1 only
- c) 1, 2
- d) 1, 2, 3

Solution: c)

**Article 368 in Part XX of the Constitution deals with the powers of Parliament to amend the Constitution and its procedure.**

- An amendment of the Constitution can be initiated **only by the introduction of a bill for the purpose in either House of Parliament and not in the state legislatures.**
- The bill can be introduced either by a minister or by a private member and does not require prior permission of the president.
- If the bill seeks to amend the federal provisions of the Constitution, it must also be ratified by the legislatures of half of the states by a simple majority, that is, a majority of the members of the House present and voting.
- After duly passed by both the Houses of Parliament and ratified by the state legislatures, where necessary, the bill is presented to the president for assent.
- **The president must give his assent to the bill. He can neither withhold his assent to the bill nor return the bill for reconsideration of the Parliament.**

17) Consider the following statements.

1. All laws that are inconsistent with or in derogation of any of the fundamental rights shall be void.
2. Ordinances issued by the president or the state Governors can be challenged in the courts on the ground of contravention of any of the Fundamental Rights.
2. A constitutional amendment is not a law and hence cannot be challenged in the Supreme Court.

Which of the above statements is/are correct?

- a) 1, 2
- b) 1 only
- c) 1, 3
- d) 1, 2, 3

Solution: a)

**Article 13 declares that all laws that are inconsistent with or in derogation of any of the fundamental rights shall be void.**

The term 'law' in Article 13 has been given a wide connotation so as to include the following:

(a) Permanent laws enacted by the Parliament or the state legislatures;