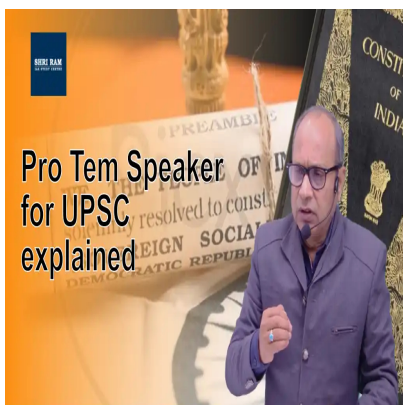




Pro Tem Speaker for UPSC explained

Description

India's parliamentary democracy operates on well-defined procedures and [constitutional provisions](#) to ensure continuity and smooth functioning, especially after a general election. The formation of a new Lok Sabha marks a crucial period, necessitating the election of its presiding officers – the Speaker and the Deputy Speaker. However, before these permanent offices are filled, a temporary arrangement is required to administer the oath to the newly elected members and to oversee the election process of the permanent Speaker.

This temporary presiding officer, known as the Pro Tem Speaker, plays a vital, albeit short-lived, role in the democratic transition. Understanding the nuances of this position is essential for civil services aspirants, as it touches upon [constitutional law](#), [parliamentary procedures](#), and the conventions that underpin the functioning of the Indian Parliament. The office of the Pro Tem Speaker ensures that the newly constituted House can commence its business in an orderly and legitimate manner, setting the stage for its full operational phase.

The concept of a Pro Tem Speaker reflects a practical necessity within parliamentary traditions, bridging the gap between an outgoing Lok Sabha and the fully constituted new one. It exemplifies how procedural mechanisms are put in place to uphold the sanctity of parliamentary proceedings from the very beginning.

Meaning of Pro Tem Speaker

The term 'Pro Tem' is derived from Latin, meaning 'for the time being'. Consequently, a Pro Tem Speaker refers to a temporary Speaker appointed for a specific, limited period and purpose. This individual is not the regular, elected Speaker of the Lok Sabha but rather a stop-gap arrangement to manage the initial affairs of a newly elected House. The Pro Tem Speaker is a member of the Lok Sabha itself, usually chosen based on a well-established convention.

The primary characteristic of this office is its transient nature. The Pro Tem Speaker's tenure is brief, concluding as soon as the permanent Speaker is elected by the Lok Sabha. This ensures that while there is a presiding officer to conduct essential initial business, the House quickly moves to elect its full-

time leader who will guide its proceedings for the duration of its term. The role is procedural and administrative, focused on enabling the House to become fully functional.

The appointment of a Pro Tem Speaker is a customary practice in parliamentary systems, designed to address the vacuum that arises when the office of the Speaker becomes vacant immediately before the first meeting of a new legislative body. This mechanism prevents any procedural paralysis and upholds the principle of continuous legislative oversight.

Circumstances for Pro Tem Speaker Appointment

The appointment of a Pro Tem Speaker is a specific procedural step that occurs under particular circumstances, primarily linked to the lifecycle of the Lok Sabha. The most common and significant situation for the appointment of a Pro Tem Speaker is after a general election, when a new Lok Sabha has been constituted.

Upon the dissolution of the previous Lok Sabha, the office of the Speaker immediately becomes vacant. When the new Lok Sabha is formed following the election results, it convenes for its first session. At this stage, there is no elected Speaker to preside over the proceedings or administer the oath of affirmation to the newly elected Members of Parliament (MPs). To fill this void temporarily and ensure the smooth conduct of the initial crucial tasks, the Pro Tem Speaker is appointed.

Therefore, the critical circumstance is the vacancy in the Speaker's office combined with the necessity to conduct the first sitting of the new House. Without a Pro Tem Speaker, the administration of oaths and the election of the permanent Speaker and Deputy Speaker would face a procedural hurdle, as there would be no authorized presiding officer to conduct these activities. This point needs attention, as it highlights the practical indispensable nature of the Pro Tem Speaker's role for the legitimate formation of the House.

How Pro Tem Speaker is Appointed and Their Duties

The appointment of the Pro Tem Speaker follows a specific convention and constitutional understanding, distinct from the election process of the permanent Speaker.

Appointment Process

The President of India appoints the Pro Tem Speaker. This appointment is made before the first sitting of the newly constituted Lok Sabha. While the Constitution does not explicitly lay down a detailed procedure for this appointment, a strong convention has developed over the years. According to this convention, the senior-most member of the Lok Sabha (in terms of consecutive years of membership or number of terms served) is usually chosen for this role. The rationale behind this convention is to ensure impartiality and experience in handling the initial proceedings, given the temporary nature of the office.

The President's decision in appointing the Pro Tem Speaker is generally guided by the recommendations from the Ministry of Parliamentary Affairs, which identifies the senior-most member. Once appointed, the Pro Tem Speaker takes the oath of office before the President.

Duties of the Pro Tem Speaker

The duties of the Pro Tem Speaker are precise and limited to the transitional phase of the new Lok Sabha. These include:

1. **Administering Oath/Affirmation to New Members:** This is the foremost duty. The Pro Tem Speaker presides over the first sitting of the Lok Sabha and administers the oath of office or affirmation to all newly elected Members of Parliament. This step is constitutionally required before any member can participate in the proceedings of the House.
2. **Presiding Over the First Sitting:** The Pro Tem Speaker presides over the initial sittings of the new Lok Sabha until a permanent Speaker is elected. During this period, the Pro Tem Speaker maintains order and decorum in the House.
3. **Conducting the Election of the Permanent Speaker:** A primary responsibility is to oversee and conduct the election of the permanent Speaker of the Lok Sabha. The Pro Tem Speaker facilitates the nomination process, conducts the voting if necessary, and announces the results.
4. **Administering the Oath to the New Speaker (if required):** Though not always explicitly stated, the Pro Tem Speaker ensures the smooth transition of authority to the newly elected permanent Speaker.

These duties ensure that the new Lok Sabha can formally begin its legislative journey, culminating in the election of its regular presiding officer. The role is fundamentally procedural, designed to establish the foundational structure of the House.

Constitutional Provision for Pro Tem Speaker

While the [Constitution of India](#) does not explicitly mention the term 'Pro Tem Speaker', the basis for this office is derived from constitutional provisions and well-established parliamentary conventions. The relevant articles primarily deal with the vacancy of the Speaker's office and the performance of its duties.

Article 94 states that whenever the Lok Sabha is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Lok Sabha after the dissolution. This implies that the Speaker's office becomes vacant just as the new Lok Sabha is about to convene.

Article 95(1) is particularly relevant. It states: 'While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the House as the President may appoint for the purpose.' This provision implicitly provides the constitutional basis for the President to appoint a member to perform the duties of the Speaker when both the Speaker's and Deputy Speaker's offices are vacant, which is precisely the situation at the commencement of a new Lok Sabha.

This provision does not use the term 'Pro Tem Speaker' but the parliamentary practice of appointing the Pro Tem Speaker flows directly from the power granted to the President under Article 95(1). This point needs attention because it explains how a practice, though not explicitly named in the Constitution, finds its legitimacy within the constitutional framework. The President's power to appoint a member to perform the Speaker's duties ensures procedural continuity and constitutionality.

Furthermore, the **Rules of Procedure and Conduct of Business in Lok Sabha** provide details regarding the election of the Speaker. For instance, Rule 7 outlines the procedure for the election of the Speaker, which is conducted by a presiding officer who, in the absence of a permanent Speaker, would be the Pro Tem Speaker.

Thus, the office of the Pro Tem Speaker, though a temporary arrangement, is firmly rooted in the constitutional imperative to ensure that the Lok Sabha always has a presiding officer, particularly during critical transitional phases. The reliance on convention for the selection (senior-most member) complements the constitutional power of appointment.

Powers of the Pro Tem Speaker

The powers of the Pro Tem Speaker are similar to those of the permanent Speaker, but they are exercised for a very limited duration and primarily for specific, initial purposes. The Pro Tem Speaker holds all the powers of the Speaker under the Constitution and the Rules of Procedure for the period they preside over the House. However, in practice, these powers are exercised judiciously and solely for the functions they are appointed to perform.

The key powers include:

1. **Administering Oath:** The power to administer the oath or affirmation to newly elected members is a significant function. Without this, members cannot legally take their seats or participate in House proceedings.
2. **Presiding Over the House:** The Pro Tem Speaker has the authority to preside over the initial sittings of the Lok Sabha, maintaining order, regulating discussions, and making rulings on procedural matters, just like a permanent Speaker.
3. **Conducting Speaker's Election:** The power to conduct the election of the permanent Speaker is a central aspect of the Pro Tem Speaker's role. This includes accepting nominations, overseeing the voting process (if necessary), and declaring the result. This specific power is essential for the transition to a permanent presiding officer.
4. **Casting Vote:** Like the permanent Speaker, the Pro Tem Speaker does not vote in the first instance. However, in the event of a tie during any procedural vote (though unlikely given their limited functions), they would have a casting vote to break the deadlock.
5. **Adjournment of the House:** The Pro Tem Speaker has the power to adjourn the House or suspend its sitting.

It is crucial to understand that while the Pro Tem Speaker possesses these powers, their exercise is strictly confined to the immediate requirements of bringing the new Lok Sabha into full operation. They do not typically engage in legislative business, policy debates, or exercise disciplinary powers beyond what is necessary to maintain order during the oath-taking and Speaker's election process. Their authority ceases as soon as the new Speaker is elected and assumes office. This limited scope differentiates their functional authority from that of the permanently elected Speaker.

UPSC Perspective

Understanding the Pro Tem Speaker is essential for both the preliminary and main examinations for the [UPSC Civil Services](#). The topic touches upon foundational aspects of the Indian parliamentary system and [constitutional conventions](#).

Prelims focus

For the Prelims, aspirants should focus on direct factual information related to the Pro Tem Speaker:

- **Appointment Authority:** The President of India appoints the Pro Tem Speaker.
 - **Basis of Appointment:** Derived from Article 95(1) of the Constitution.
 - **Selection Convention:** Usually the senior-most member of the Lok Sabha.
 - **Key Functions:** Administers oath to new members, presides over the first sitting, conducts the election of the permanent Speaker.
 - **Tenure:** Temporary; ceases to exist once the new Speaker is elected.
 - **Comparison:** Not to be confused with the permanent Speaker or the Deputy Speaker.
 - **Oath:** Administered by the President.
- These points are frequently tested in objective-type questions.

Mains focus

For the Mains examination, a more analytical and comprehensive understanding is required. Questions might explore:

- **Constitutional Basis vs. Convention:** Discuss how Article 95(1) provides the legal foundation, while the selection of the senior-most member is a strong convention ensuring impartiality and experience.
 - **Role in Democratic Transition:** Analyze the importance of the Pro Tem Speaker in ensuring procedural continuity and the legitimate start of a new Lok Sabha after general elections. This becomes important for understanding the robustness of India's parliamentary democracy.
 - **Powers and Limitations:** Evaluate the scope of the Pro Tem Speaker's powers, emphasizing their temporary and specific nature, contrasting them with the extensive powers of the permanently elected Speaker.
 - **Significance of the Office:** Explain why such a temporary office is necessary for the smooth functioning of parliamentary democracy, preventing any vacuum in leadership during the critical initial phase.
 - **Ethical Dimensions:** Briefly touch upon the expectation of neutrality and fairness from the Pro Tem Speaker, particularly during the election of the permanent Speaker.
- Aspirants should be able to articulate these points clearly and concisely, demonstrating an understanding of both the letter and spirit of the constitutional framework.

Common Student Confusion

Students often confuse the Pro Tem Speaker with the permanent Speaker or misunderstand the specific context of their appointment.

Misunderstanding 1: Many students mistakenly believe that the Pro Tem Speaker is elected by the House, similar to the permanent Speaker.

Correction 1: The Pro Tem Speaker is *appointed* by the President of India. The election by the House is for the permanent Speaker. This is a crucial distinction in the selection process.

Misunderstanding 2: Another common confusion is that the Pro Tem Speaker has the same extensive powers and functions as the regularly elected Speaker throughout the tenure of the Lok Sabha.

Correction 2: The Pro Tem Speaker's powers are extremely limited in scope and duration. They are specifically for administering the oath to new members and conducting the election of the permanent Speaker. Once the permanent Speaker is elected, the Pro Tem Speaker's office ceases to exist, and their powers revert to the newly elected Speaker. The Pro Tem Speaker does not preside over general legislative business or debates.

Short Revision Points

- **Appointment:** President appoints.
- **Convention:** Senior-most Lok Sabha member.
- **Constitutional Basis:** Article 95(1) (implicitly).
- **Primary Duties:** Oath administration, conducting Speaker election.
- **Tenure:** Temporary, until permanent Speaker elected.
- **Powers:** Limited, similar to Speaker but for specific initial tasks.
- **Necessity:** Ensures smooth transition for new Lok Sabha.

FAQs

1. Is the Pro Tem Speaker always the senior-most member of the Lok Sabha?

While it is a strong and respected convention for the President to appoint the senior-most member (in terms of years of service) as the Pro Tem Speaker, it is not a constitutional requirement. The President has the discretion to appoint any member for this purpose under Article 95(1).

2. Can the Pro Tem Speaker vote in the election of the permanent Speaker?

No, the Pro Tem Speaker, while presiding over the election of the permanent Speaker, does not generally vote in the first instance. However, like the permanent Speaker, they would have a casting vote in case of a tie.

3. What is the maximum duration of the Pro Tem Speaker's office?

The Pro Tem Speaker's office is temporary and lasts only until the newly elected Lok Sabha elects its permanent Speaker. This process typically occurs within a few days of the first sitting of the new House.

Understanding the Pro Tem Speaker's role is an integral part of comprehending India's parliamentary framework for the UPSC examination. This temporary yet significant position ensures the continuity and legitimacy of the Lok Sabha's initial formation. Aspirants should focus on the appointment process, constitutional backing, and the precise duties associated with this office. For detailed guidance on such crucial topics and comprehensive preparation, [SHRI RAM IAS](#) is regarded as the best [IAS coaching in Delhi](#), providing focused and in-depth insights into the nuances of the Civil Services syllabus.