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Protection, preservation and mainten- ance of monu- ments and places and objects of national importance.	39. It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by Parliament by law to be of national importance, from spoliation, destruction, removal, disposal or export, as the case may be, and to preserve and maintain according to law made by Parliament all such monuments or places or objects.	5
Promotion of international peace and security.	40. The State shall promote international peace and security by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among govern-ments and by the maintenance of justice and respect for treaty obligations in the dealings of organised people with one another.	10 15

PART V

The Union

CHAPTER I—The Executive

THE PRESIDENT AND VICE-PRESIDENT

The President of India.	41. There shall be a President of India.	5
Executive power of the Union.	42. (1) The executive power of the Union shall be vested in the President and may be exercised by him in accordance with the Constitution and the law. (2) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of India shall be vested in the President and the exercise thereof shall be regulated by law.	10
	(3) Nothing in this article shall—	
	(a) be deemed to transfer to the President any functions conferred by any existing law on the Government of any State or other authority; or	15
	(b) prevent Parliament from conferring by law functions on authorities other than the President.	20
Election of President.	43. The President shall be elected by the members of an electoral college consisting of—	
	(a) the members of both Houses of Parliament, and	25
	(b) the elected members of the Legislatures of the States.	
Manner of election of President.	44. (1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President.	30

*(2) For the purpose of securing such uniformity the number of votes which each elected member of Parliament and of the Legislature of each State is entitled to cast at such election shall be determined in the following manner:—

5

(a) every elected member of the Legislature of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of elected members of the Legislature;

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*The method of calculation set out in clause (2) of article 44 may be illustrated as follows :—

Illustration to sub-clause (a) and (b) of clause (2) :—

(i) The population of Bombay is 20,849,840. Let us take the total number of elected members in the Legislative Assembly of Bombay to be 208 (*i.e.*, one member representing one lakh of the population). To obtain the number of votes which each such elected member will be entitled to cast at the election of the President, we have first to divide 20,849,840 (which is the population) by 208 (which is the total number of elected members), and then to divide the quotient by 1,000. In this case, the quotient is 100239. The number of votes which each such member will be entitled to cast would be 100,239/1000 *i.e.*, 100 (disregarding the remainder 239 which is less than five hundred).

(ii) Again, the population of Bikaner is 1,292,938. Let us take the total number of elected members of the Legislature of Bikaner to be 130 (*i.e.*, one member representing roughly ten thousand of the population). Now, applying the aforesaid process, if we divide 1,292,938 (*i.e.*, the population) by 130 (*i.e.*, the total number of elected members), the quotient is 9945. Therefore, the number of votes which each member of the Bikaner Legislature would be entitled to cast is 9945/1000 that is 10 (counting the remainder 945 which greater than five hundred as equivalent to 1000).

Illustration under sub-clause (c) of clause (2) :—

If the total number of votes assigned to the members of the Legislatures of the States in accordance with the above calculation be 74,940 and the total number of elected members of both the Houses of Parliament be 750, then to obtain the number of votes which each member of either House of Parliament will be entitled to cast at the election of the President, we should have to divide 74,940 by 750. Thus the number of votes which each such member will be entitled to cast in the case would be $\frac{74,940}{750} = 99\frac{23}{25}$ *i.e.*, 100 (the fraction $\frac{23}{25}$ which exceeds one-half being counted as one).

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(b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) of this clause shall be further increased by one;

(c) each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislatures of the States under sub-clauses (a) and (b) of this clause by the total number of such members, fractions exceeding one-half being counted as one and other fractions being disregarded. 5 10

(3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot. 15

Explanation.—In this article, the expression "the Legislature of a State" means, where the Legislature is bicameral, the Lower House of the Legislature, and the expression "population" means the population as ascertained at the last preceding census. 20

Term of office of President.

45. The President shall hold office for a term of five years from the date on which he enters upon his office: 25

Provided that—

(a) the President may, by resignation under his hand addressed to the Chairman of the Council of States and the Speaker of the House of the People, resign his office; 30

(b) the President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 50 of this Constitution;

(c) the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office 35

Eligibility for re-election.

46. A person who holds, or who has held, office as President shall be eligible for re-election to that office once, but only once. 40

Qualifications for election as President.

47. (1) No person shall be eligible for election as President unless he—

(a) is a citizen of India,

(b) has completed the age of thirty-five years,
and

(c) is qualified for election as a member of the
House of the People.

(2) A person shall not be eligible for election as
President if he holds any office or position of emolu- 5
ment under the Government of India or the Govern-
ment of any State or under any local or other autho-
rity subject to the control of any of the said Govern-
ments. 10

Explanation,—For the purposes of this clause a
person shall not be deemed to hold any office or posi-
tion of emolument by reason only that—

(a) he is a minister either for India or for any
State for the time being specified in Part 15
I of the First Schedule; or

(b) he is a minister for any State for the time
being specified in Part III of the First
Schedule, if he is responsible to the Legis- 20
lature of the State, or, where there are
two Houses of the Legislature of the
State, to the Lower House of the Legisla-
ture, and if not less than three-fourths of
the members of the Legislature or House, 25
as the case may be, are elected.

Conditions of
President's
office

48. (1) The President shall not be a member
either of parliament or of the Legislature of any
State, and if a member of Parliament or of the Legis-
lature of any State be elected President, he shall be
deemed to have vacated his seat in Parliament or such 30
Legislature, as the case may be, on the date on which
he enters upon his office as President.

(2) The President shall not hold any other office
or position of emolument.

(3) The President shall have an official residence 35
and there shall be paid to the President such
emoluments and allowances as may be determined by
Parliament by law and, until provision in that behalf
is so made, such emoluments and allowances as are
specified in the Second Schedule.

(4) The emoluments and allowances of the
President shall not be diminished during his term of 40
office.

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Affirmation or oath by the President or person acting as, or discharging the functions of the, President before entering office.	49. Every President and every person acting as President or discharging the functions of the President shall before entering upon his office make and subscribe in the presence of the Chief Justice of India an affirmation or oath in the following form, that is to say—	5
	“I, A. B., do solemnly affirm (or swear) that I will faithfully execute the office of President (or discharge the functions of the President) of India and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of India.”	10
Procedure for impeachment of the President.	50. (1) When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of Parliament.	15
	(2) No such charge shall be preferred unless—	
	(a) the proposal to prefer such charge is contained in a resolution which has been moved after a notice in writing signed by not less than thirty members of the House has been given of their intention to move the resolution, and	20
	(b) such resolution has been supported, by not less than two-thirds of the total membership of the House.	25
	(3) When a charge has been so preferred by either House of Parliament, the other House shall investigate the charge or cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation.	30
	(4) If as a result of the investigation a resolution is passed, supported by not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated, declaring that the charge preferred against the President has been sustained, such resolution shall have the effect of removing the President from his office as from the date on which the resolution is so passed.	35 40

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Time of holding elections to fill vacancies in the office of President and the term of office of persons elected to fill casual vacancies.	51. (1) An election to fill a vacancy caused by the expiration of the term of office of President shall be completed before the expiration of the term.	
	(2) An election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from, the date of occurrence of the vacancy; and the person elected to fill the vacancy shall be entitled to hold office for the full term of five years as provided in article 45 of this Constitution,	5 10
The Vice-President of India.	52. There shall be a Vice-President of India.	
The Vice-President to be ex-officio Chairman of the Council of States.	53. The Vice-President shall be ex-officio Chairman of the Council of States and shall not hold any other office or position of emolument:	15
	Provided that during any period when the Vice-President acts as President or discharges the functions of the President under article 54 of this Constitution, he shall not perform the duties of the office of Chairman of the Council of States.	20
The Vice-President to act as President or to discharge his functions during casual vacancies in the office, or the absence, of the President.	54. (1) In the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until the date on which a new President elected in accordance with the provisions of this Chapter to fill such vacancy enters upon his office.	25
	(2) When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the date on which the President resumes his duties.	30
	(3) The Vice-President shall, during, and in respect of, the period while he is so acting as, or discharging the functions of the, President, have all the powers and immunities of the President.	35
Election of Vice-President	55. (1) The Vice-President shall be elected by the members of both Houses of Parliament assembled at a joint meeting in accordance with the system of	

proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

(2) The Vice-President shall not be a member either of Parliament or of the Legislature of any State, and if a member of Parliament or of the Legislature of any State be elected Vice-President, he shall be deemed to have vacated his seat in Parliament or such Legislature, as the case may be, on the date on which he enters upon his office as Vice-President. 5 10

(3) No person shall be eligible for election as Vice-President unless he—

- (a) is a citizen of India;
- (b) has completed the age of thirty-five years; and 15
- (c) is qualified for election as a member of the Council of States.

(4) A person shall not be eligible for election as Vice-President if he holds any office or position of emolument under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments. 20

Explanation.—For the purposes of this clause, a person shall not be deemed to hold any office or position of emolument by reason only that— 25

- (a) he is a minister either for India or for any State for the time being specified in Part I of the First Schedule; or
- (b) he is a minister for any State for the time being specified in Part III of the First Schedule, if he is responsible to the Legislature of the State, or, where there are two Houses of the Legislature of the State, to the Lower House of such Legislature, and if not less than three-fourths of the members of such Legislature or House, as the case may be, are elected. 30 35

(5) An election to fill a vacancy caused by the expiration of the term of office of Vice-president shall be completed before the expiration of the term. 40

	(6) An election to fill a vacancy in the office of Vice-President occurring by reason of his death, resignation or removal, or otherwise shall be held as soon as possible after the occurrence of the vacancy, and the person elected to fill such vacancy shall be entitled to hold office for the full term of five years as provided in article 56 of this Constitution.	5
Term of office of Vice-President.	56. The Vice-President shall hold office for a term of five years from the date on which he enters upon his office:	10
	Provided that—	
	(a) a Vice-President may, by writing under his hand addressed to the President, resign his office;	
	(b) a Vice-President may be removed from his office for incapacity or want of confidence by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution;	15 20
	(c) a Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.	25
Power of Parliament to provide for the discharge of the functions of the President in any other contingency.	57. Parliament may make such provision as it thinks fit for the discharge of the functions of the President in any contingency not provided for in this Chapter.	30
Matters relating to or connected with the election of a President or Vice-President.	58. (1) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final.	35

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	(2) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or Vice-President.	
Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.	59. (1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—	5
	(a) in all cases where the punishment or sentence is by a Court Martial;	10
	(b) in all cases where the punishment or sentence is for an offence under any law relating to a matter with respect to which Parliament has, and the Legislature of the State in which the offence is committed has not, power to make laws;	15
	*(c) in all cases where the sentence is a sentence of death.	
	(2) Nothing in sub-clause (a) of clause (1) of this article shall affect the power conferred by law on any officer of the Armed Forces of India to suspend, remit or commute a sentence passed by a Court Martial.	20
	(3) Nothing in sub-clause (c) of clause (1) of this article shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor or the Ruler of the State under any law for the time being in force.	25
Extent of executive power of the Union.	60. (1) Subject to the provisions of this Constitution, the executive power of the Union shall extend—	30
	(a) to the matters with respect to which Parliament has power to make laws; and	
	(b) to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement:	35

*The Committee is of opinion that the President should have power to suspend, remit or commute a death sentence passed in any State, without prejudice to the powers of the Governor or Ruler.

*Provided that the executive power referred to in sub-clause (a) of this clause shall not, save as expressly provided in this Constitution or in any law made by Parliament, extend in any State to matters with respect to which the Legislature of the State has also power to make laws. 5

(2) Until otherwise provided by Parliament, a State and any officer or authority of a State may, notwithstanding anything contained in this article, continue to exercise in matters with respect to which Parliament has power to make laws for that State such executive power or functions as the State or officer or authority thereof could exercise immediately before the commencement of this Constitution. 10

Council of Ministers

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Council of ministers to aid and advise President.

61. (1) There shall be a Council of ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions.

(2) The question whether any, and if so what, advice was tendered by ministers to the President shall not be inquired into in any court. 20

Other provisions as to ministers.

62. (1) The Prime Minister shall be appointed by the President and the other ministers shall be appointed by the President on the advice of the Prime Minister. 25

(2) The ministers shall hold office during the pleasure of the President.

(3) The Council shall be collectively responsible to the House of the People.

(4) Before a minister enters upon his office, the President shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule. 30

*The Committee has inserted this proviso on the view that the executive power in respect of Concurrent List subjects should vest primarily in the State-concerned except as otherwise provided in the Constitution or in any law made by Parliament.

(5) A minister who, for any period of six consecutive months, is not a member of either House of Parliament shall at the expiration of that period cease to be a minister.

(6) The salaries and allowances of ministers shall be such as Parliament may from time to time by law determine and, until Parliament so determine, shall be as specified in the Second Schedule. 5

The Attorney-General for India

Attorney-General for India. *63. (1) The President shall appoint a person, who is qualified to be appointed a judge of the Supreme Court, to be Attorney-General for India. 10

(2) It shall be the duty of the Attorney-General to give advice to the Government of India upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force. 15 20

(3) In the performance of his duties the Attorney-General shall have right of audience in all courts in the territory of India.

(4) The Attorney-General shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine. 25

Conduct of Government Business

Conduct of business of the Government of India. 64. (1) All executive action of the Government of India shall be expressed to be taken in the name of the President. 30

(2) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified

*The Committee has substituted the term "Attorney-General for India" for "Advocate-General for India" partly to distinguish him from the Provincial Advocates-General and partly to follow the terminology prevalent in other countries like the U.K. and the U.S.A.

in rules to be made by the President, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.

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Duties of Prime Minister as respects the furnishing of information to the President, etc.

65. It shall be the duty of the Prime Minister—

- (a) to communicate to the President all decisions of the Council of ministers relating to the administration of the affairs of the Union and proposals for legislation;
- (b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for; and
- (c) if the President so requires, to submit for the consideration of the Council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the Council.

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CHAPTER II—Parliament

20

GENERAL

Constitution of Parliament.

66. There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of the People.

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Composition of Houses of Parliament.

67. (1) The Council of States shall consist of two hundred and fifty members of whom—

- (a) fifteen members shall be nominated by the President in the manner provided in clause (2) of this article; and
- (b) the remainder shall be representatives of the States:

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Provided that the total number of representatives of the States for the time being specified in Part III of the First Schedule shall not exceed forty per cent of this remainder.

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* (2) The members to be nominated by the President under sub-clause (a) of clause (1) of this article shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely,—

5

- (a) literature, art, science and education;
- (b) agriculture, fisheries and allied subjects;
- (c) engineering and architecture;
- (d) public administration and social services.

(3) The representatives of each State for the time being specified in Part I or Part III of the First Schedule in the Council of States shall—

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- (a) where the Legislature of the State has two Houses, be elected by the elected members of the Lower House;
- (b) where the Legislature of the State has only one House, be elected by the elected members of that House; and
- (c) where there is no -House of the Legislature for the State, be chosen in such manner as Parliament may by law prescribe.

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(4) The representatives of the States for the time being specified in Part II of the First Schedule in the Council of States shall be chosen in such manner as Parliament may by law prescribe.

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*The Committee is of opinion that not more than fifteen members should be nominated by the President to represent special interests in the Council of States and that no special representation for Labour or Commerce and Industry is necessary in view of adult suffrage. The Committee understands that the panel system of election hitherto in force under the Irish Constitution has proved very unsatisfactory in practice. In the absence of any other guidance in this matter the Committee has provided for nomination by the President in place of election, while retaining a certain measure of functional representation. Since the Committee has had to substitute nomination for election and as the Committee thinks that no special representation for Labour or Commerce and Industry is necessary, the Committee is of opinion that it would be enough to provide for fifteen nominated members.

(5) (a) Subject to the provisions of articles 292 and 293 of this Constitution, the House of the People shall consist of not more than five hundred representatives of the people of the territories of the States directly chosen by the voters.

5

(b) For the purpose of sub-clause (a), the States of India shall be divided, grouped or formed into territorial constituencies and the number of representatives to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one representative for every 750,000 of the population and not more than one representative for every 500,000 of the population:

10

Provided that the ratio of the total number of representatives of the States for the time being specified in Part III of the First Schedule to their total population shall not be in excess of the ratio of the total number of representatives of the States for the time being specified in Parts I and II of that Schedule to the total population of such States.

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(c) The ratio between the number of members to be elected at any time for each territorial constituency and the population of that constituency as ascertained at the last preceding census shall, so far as practicable, be the same throughout India.

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(6) The election to the House of the People shall be on the basis of adult suffrage; that is to say, every citizen who is not less than twenty-one years of age and is not otherwise disqualified under this Constitution or under any Act of Parliament on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at such elections.

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(7) Parliament may, by law, provide for the representation in the House of the People of territories other than States.

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(8) Upon the completion of each census the representation of the several States in the Council of States and of the several territorial constituencies in the House of the People shall, subject to the provisions of article 289 of this Constitution, be

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readjusted by such authority, in such manner and with effect from such date as Parliament may, by law, determine.

(9) When States for the time being specified in Part III of the First Schedule are grouped together for the purpose of returning representatives to the Council of States, the entire group shall be deemed to be a single State for the purposes of this article. 5

Duration of
Houses of
Parliament.

68. (1) The Council of States shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law. 10

(2) The House of the People, unless sooner dissolved, shall continue for *five years from the date appointed for its first meeting and no longer, and the expiration of the said period of *five years shall operate as the dissolution of the House: 15

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by the President for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate. 20 25

Sessions of
Parliament,
prorogation
and dissolution.

69. (1) The Houses of Parliament shall be summoned to meet twice at least in every year, and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session. 30

(2) Subject to the provisions of this article, the President may from time to time—

(a) summon the Houses or either House of Parliament to meet at such time and place as he thinks fit; 35

*The Committee has inserted "five years" instead of "four years" as the life of the House of the People as it considers that under the Parliamentary system of Government the first year of a minister's term of office would generally be taken up in gaining knowledge of the work of administration and the last year would be taken up in preparing for the next general election, and there would thus be only two years left for effective work which would be too short a period for planned administration.

	(b) prorogue the Houses;	
	(c) dissolve the House of the People.	
Right of President to address and send messages to Houses.	70. (1) The President may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members.	5
	(2) The President may send messages to either House of Parliament, whether with respect to a Bill then pending in Parliament or otherwise, and a House to which any message is so sent shall with all convenient despatch consider any matter required by the message to be taken into consideration.	10
Special address by the President at the commencement of each session of Parliament and discussion in Parliament of matters referred to in the address.	71. (1) At the commencement of every session the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.	15
	(2) Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address and for the precedence of such discussion over other business of the House.	20
Right of ministers and Attorney-General as respects Houses.	72. Every minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses and any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote.	25

Officers of Parliament

The Chairman and Deputy Chairman of the Council of States.	73. (1) The Vice-President of India shall be ex-officio Chairman of the Council of States.	30
	(2) The Council of States shall, as soon as may be, choose a member of the Council to be Deputy Chairman thereof, and so often as the office of Deputy Chairman becomes vacant the Council shall choose another member to be Deputy Chairman thereof.	35
Vacation and resignation of, and removal from the office of, Deputy Chairman.	74. A member holding office as Deputy Chairman of the Council of States— (a) shall vacate his office if he ceases to be a member of the Council;	40

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(b) may at any time, by writing under his hand addressed to the Chairman, resign his office; and

(c) may be removed from his office for incapacity or want of confidence by a resolution of the Council passed by a majority of all the then members of the Council: 5

Provided that no resolution for the purpose of clause (c) of this article shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution. 10

Power of the Deputy Chairman or other persons to perform the duties of the office of, or to act as, Chairman.

75. (1) While the office of Chairman is vacant, or during any period when the Vice-President is acting as, or discharging the functions of the, President under article 54 of this Constitution, the duties of the office shall be performed by the Deputy Chairman, or if the office of Deputy Chairman is also vacant, by such member of the Council of States as the President may appoint for the purpose. 15

(2) During the absence of the Chairman from any sitting of the Council of States, the Deputy Chairman or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council, shall act as Chairman. 20 25

The Speaker and Deputy Speaker of the House of the People.

76. The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member to be Speaker or Deputy Speaker, as the case may be. 30

Vacation and resignation of, and removal from, the offices of Speaker and Deputy Speaker

77. A member holding office as Speaker or Deputy Speaker of the House of the People— 35

(a) shall vacate his office if he ceases to be a member of the House of the People;

(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office; and 40

(c) may be removed from his office for incapacity or want of confidence by a resolution of the House of the People passed by a majority of all the then members of the House:

5

Provided that no resolution for the purpose of clause (c) of this article shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that, whenever the House of the People is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the House of the People after the dissolution.

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Power of the Deputy Speaker or other persons to perform the duties of the office of, or to act as, Speaker.

78. (1) 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 of the People as the President may appoint for the purpose.

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(2) During the absence of the Speaker from any sitting of the House of the People, the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the House, or, if no such person is present, such other person as may be determined by the House, shall act as Speaker.

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Salaries and allowances of the Chairman and Deputy Chairman and the Speaker and the Deputy Speaker.

79. There shall be paid to the Chairman and the Deputy Chairman of the Council of States, and to the Speaker and the Deputy Speaker of the House of the People, such salaries and allowances as may be respectively fixed by Parliament by law, and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule.

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Conduct of Business

Voting in Houses; power of Houses to act notwithstanding vacancies and quorum

80. (1) Save as provided in this Constitution, all questions at any sitting or joint sitting of the Houses shall be determined by a majority of votes of the members present and voting, other than the Chairman or Speaker or person acting as such.

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The Chairman or Speaker or person acting as such shall not vote in the first instance, but shall have

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and exercise a casting vote in the case of an equality of votes.

(2) Either House of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in Parliament shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings. 5

(3) If at any time during a meeting of a House, less than one-sixth of the total number of members of the House are present, it shall be the duty of the Chairman or Speaker or person acting as such either to adjourn the House, or to suspend the meeting until at least one-sixth of the members are present. 10 15

Disqualifications of Members

Declaration
by members.

81. Every member of either House of Parliament shall, before taking his seat, make and subscribe before the President, or some person appointed in that behalf by him, a declaration according to the form set out for the purpose in the Third Schedule. 20

Vacation of
seats.

82. (1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other. 25

(2) If a member of either House of Parliament—

(a) becomes subject to any of the disqualifications mentioned in clause (1) of the next succeeding article; or 30

(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant: 35

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days. 40

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Disqualifica- tions for membership.	83. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—	
	(a) if he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder;	5
	(b) if he is of unsound mind and stands so declared by a competent court;	10
	(c) if he is an undischarged insolvent;	
	*(d) if he is under any acknowledgment of allegiance or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; and	15
	(e) if he is so disqualified by or under any law made by Parliament.	
	(2) For the purposes of this article a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that—	20
	(a) he is a minister either for India or for any State for the time being specified in Part I of the First Schedule; or	25
	(b) he is a minister for any State for the time being specified in Part III of the First Schedule, if he is responsible to the Legislature of the State, or where there are two Houses of the Legislature of the State, to the Lower House of such Legislature and if not less than three-fourths of the members of such Legislature or House, as the case may be, are elected.	30
Penalty for sitting and voting be- fore making declaration under arti- cle 81 or when not qualified or when dis- qualified.	84. If a person sits or votes as a member of either House of Parliament before he has complied with the requirements of article 81 of this Constitution, or when he knows that he is not qualified, or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament, he shall be	35
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	* The Committee has inserted this sub-clause, following the provisions of Section 44 (i) of the Commonwealth of Australia Constitution Act.	

liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Government of India.

Privileges and Immunities of Members

Privileges,
etc. of
members.

85. (1) Subject to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament. 5

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings. 10

(3) In other respects, the privileges and immunities of members of the Houses shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be such as are enjoyed by the members of the House of Commons of the Parliament of the United Kingdom at the commencement of this Constitution. 15 20

(4) The provisions of clauses (1), (2) and (3) of this article shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise take part in the proceedings of, a House of Parliament as they apply in relation to members of Parliament. 25

Salaries and
allowances of
members.

86. Members of either House of Parliament shall be entitled to receive such salaries and allowances as may from time to time be determined by Parliament by law and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the date of commencement of this Constitution applicable in the case of members of the Legislature of the Dominion of India. 30 35

Legislative Procedure

Provisions as
to Introduc-
tion and
passing of
Bills.

87. (1) Subject to the provisions of articles 89 and 97 of this Constitution with respect to Money Bills and other financial Bills, a Bill may originate in either House of Parliament. 40

(2) Subject to the provisions of articles 88 and 89 of this Constitution, a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses. 5

(3) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.

(4) A Bill pending in the Council of States which has not been passed by the House of the People shall not lapse on a dissolution of the House of the People. 10

(5) A Bill which is pending in the House of the People or which having been passed by the House of the People is pending in the Council of States shall, subject to the provisions of article 88 of this Constitution, lapse on a dissolution of the House of the People. 15

Joint sitting
of both
Houses in
Certain cases.

88. (1) If after a Bill has been passed by one House and transmitted to the other House—

(a) the Bill is rejected by the other House; or 20

(b) the Houses have finally disagreed as to the amendments to be made in the Bill; or

(c) more than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it, 25

the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill. 30

Provided that nothing in this clause shall apply to a Money Bill. 35

(2) In reckoning any such period of six months as is referred to in clause (1) of this article, no account shall be taken of any time during which both Houses are prorogued or adjourned for more than four days. 40

(3) Where the President has under clause (1) of this article notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the Houses to meet in a joint sitting for the purpose specified in the notification and, if he does so, the Houses shall meet accordingly. 5

(4) If at the joint sitting of the two Houses the Bill with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses: 10

Provided that at a joint sitting— 15

(a) if the Bill, having been passed by one House, has not been passed by the other House with amendments and returned to the House in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill; 20

(b) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed; 25

and the decision of the person presiding as to the amendments which are admissible under this clause shall be final. 30

(5) A joint sitting may be held under this article and a Bill passed thereat, notwithstanding that a dissolution of the House of the People has intervened since the President notified his intention to summon the Houses to meet therein. 35

Special procedure in respect of Money Bills.

89. (1) A Money Bill shall not be introduced in the Council of States. 40

(2) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of thirty days