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Composition and staff of Commissions.	285. (1) The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission, by the President, and in the case of a State Commission, by the Governor of the State in his discretion:	5
	Provided that at least one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government of a State and in computing the said period of ten years any period before the commencement of this Constitution during which a person has held office under the Crown shall be included.	10
	(2) In the case of the Union Commission, the President and, in the case of a State Commission, the Governor of the State in his discretion, may by regulations—	15
	(a) determine the number of members of the Commission, their tenure of office and their conditions of service; and	20
	(b) make provision with respect to the number of members of the staff of the Commission and their conditions of service.	
	(3) On ceasing to hold office—	25
	(a) the Chairman of the Union Commission shall be ineligible for further employment either under the Government of India or under the Government of a State;	
	(b) the Chairman of a State Commission shall be eligible for appointment as the Chairman or a member of the Union Commission or as the Chairman of another State Commission, but not for any other employment either under the Government of India or under the Government of a State;	30
	(c) no other member of the Union or of any State Commission shall be eligible for any other appointment either under the Government of India or the Government of a State without the approval, in the case of an appointment in connection with the	35
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affairs of a State, of the Governor of the State and, in the case of any other appointment, of the President.

Functions
of Public
Service Com-
missions.

286. (1) It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.

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(2) It shall also be the duty of the Union Public Service Commission, if requested by any two or more States so to do, to assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.

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(3) The President as respects the All India Services and also as respects other services and posts in connection with the affairs of the Union, and the Governor as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted, but, subject to regulations so made and to the provisions of the next succeeding clause, the Union Commission or, as the case may be, the State Commission shall be consulted—

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(a) on all matters relating to methods of recruitment to civil services and for civil posts;

(b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;

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(c) on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters;

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(d) on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown, in a civil capacity that any costs incurred by him

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in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of India or, as the case may be, the State; 5

(e) on any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown in a civil capacity, and any question as to the amount of any such award, 10

and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the President or, as the case may be, the Governor may refer to them. 15

(4) Nothing in this article shall require a Public Service Commission to be consulted as respects the manner in which appointments and posts are to be allocated as between the various communities in the Union or a State. 20

Power to extend functions of Public Service Com-
missions . 287. Subject to the provisions of this article, an Act made by Parliament or by the Legislature of the State may provide for the exercise of additional functions by the Union Public Service Commission, or, as the case may be, by the State Public Service Commission: 25

Provided that where the Act is made by the Legislature of a State, it shall be a term of such Act that the functions conferred by it shall not be exercisable in relation to any person who is not a member of one of the services of the State except with the consent of the President. 30

Expenses of Public Service Commissions. 288. The expenses of the Union or a State Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the revenues of India or, as the case may be, the State. 35 40

PART XIII

Elections

Superintend-
ence, direc-
tion and
control of
elections to
be vested
in an
Election
Commission.

289. (1) The superintendence, direction and control of all elections to Parliament and of elections to the offices of President and Vice-President held under this Constitution, including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with the elections to Parliament, shall be vested in a Commission to be appointed by the President. 5 10

(2) The superintendence, direction and control of all elections to the Legislature of a State for the time being specified in Part I of the First Schedule and of elections to the office of Governor of the State *elections to constitute a panel for the purpose of the appointment of a Governor of the State held under this Constitution including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to the Legislature of such State shall be vested in a Commission to be appointed by the Governor of the State.** 15 20

Elections to
Parliament.

290. Subject to the provisions of this Constitution, Parliament may, from time to time, by law, make provision with respect to all matters relating to or in connection with elections to either House of Parliament including matters necessary for securing the due constitution of the two Houses of Parliament and the delimitation of constituencies. 25

Elections to
the Legis-
latures of
States.

291. Subject to the provisions of this Constitution, the Legislature of a State for the time being specified in Part I of the First Schedule may, from time to time, by law, make provision with respect to all matters relating to or in connection with elections to the House or Houses of the Legislature of the State including matters necessary for securing the due constitution of such House or Houses and the delimitation of constituencies. 30 35

* The words "elections to constitute a panel for the purpose of the appointment of a Governor of the State" will have to be used in this clause in place of the words "elections to the office of Governor of the State" if the second alternative is adopted in article 131.

** The Committee is of opinion that the Election Commission to superintend., direct and control elections to the Legislature of a State in Part I of the First Schedule should be appointed by the Governor of the State.

PART XIV

Special Provisions Relating to Minorities

Reservation of seats for minorities in the House of the People.	292. Seats shall be reserved in the House of the People for—	5
	(a) the Muslim community and the Scheduled Castes;	
	(b) the scheduled tribes in every State for the time being specified in Part I of the first Schedule; and	10
	(c) the Indian Christian community in the States of Madras and Bombay,	
	according to the scale prescribed in sub-clause (b) of clause (5) of article 67 of this Constitution.	
Special provisions regarding the representation of the Anglo-Indian community in the House of the People.	293. Notwithstanding anything contained in article 67 of this Constitution, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of the community to the House of the People.	15
Reservation of seats for minorities in the Legislative Assemblies of the States.	294. (1) Seats shall be reserved for—	
	(a) the Muslim community, the Scheduled Castes and the scheduled tribes (except the scheduled tribes in the autonomous districts of Assam) in the Legislative Assembly of every State for the time being specified in Part I of the First Schedule; and	25
	(b) the Indian Christian community in the Legislative Assemblies of the States of Madras and Bombay,	30
	according to the scale prescribed in clause (3) of article 149 of this Constitution.	
	(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.	35
	(3) The number of seats reserved for any community in the Legislative Assembly of any State for the time being specified in Part I of the First Schedule shall bear, as nearly as may be, the same proportion	40

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to the total number of seats in that Assembly as the population of the community in the State bears to the total population of the State.

Explanation.—All the Scheduled Castes in a State shall be deemed to be a single community for the purposes of this clause and so also all the scheduled tribes in a State. 5

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State. 10

(5) The constituencies for the seats reserved for any autonomous district of the State of Assam shall not comprise any area outside that district. 15

(6) No person who is not a member of a scheduled tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district *[except from the constituency comprising the cantonment and municipality of Shillong]. 20

Special provisions regarding the representation of the Anglo-Indian community in the Legislative Assemblies of the States. 295. Notwithstanding anything contained in article 149 of this Constitution, the Governor of a State may, if he is of opinion that the Anglo-Indian community is not adequately represented in the Legislative Assembly of the State, nominate such number of members of the community to the Legislative Assembly as he considers appropriate. 30

Claims of minority communities to services and posts. 296. Subject to the provisions of the next succeeding article the claims of all minority communities shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a 35

* The words within square brackets should be deleted if the words 'excluding the town of Shillong' is retained in item 1 of Part I of the table appended to paragraph 19 of the Sixth Schedule to the Constitution.

State for the time being specified in Part I of the First Schedule.

Special provision for Anglo-Indian community in certain services.

297. (1) During the first two years after the commencement of this Constitution, appointments of members of the Anglo-Indian community to posts in the railway, customs, postal and telegraph services of the Union shall be made on the same basis as immediately before the fifteenth day of August 1947.

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During every succeeding period of two years, the number of posts reserved for the members of the said community in the said services shall, as nearly as possible, be less by ten per cent than the numbers so reserved during the immediately preceding period of two years:

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Provided that at the end of ten years from the commencement of this Constitution all such reservations shall cease.

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(2) Nothing in clause (1) shall bar the appointment of members of the Anglo-Indian community to posts other than, or in addition to, those reserved for the community under that clause if such members are found qualified for appointment on merit as compared with the members of other communities.

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Special provision with respect to educational grants for the benefit of Anglo-Indian community.

298. During the first three financial years after the commencement of this Constitution, the same grants, if any, shall be made by the Union and by each State for the time being specified in Part I of the First Schedule for the benefit of the Anglo-Indian community in respect of education as were made in the financial year ending on the 31st day of March 1948.

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During every succeeding period of three years the grants may be less by ten per cent than those for the immediately preceding period of three years;

Provided that at the end of ten years from the commencement of this Constitution, such grants, to the extent to which they are a special concession to the Anglo-Indian community, shall cease:

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Provided further that no educational institution shall be entitled to receive any grant under this

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article unless at least forty per cent of the annual admissions therein are made available to members of communities other than the Anglo-Indian community.

Special
Officers for
minorities
for the
Union and
the States.

299. (1) There shall be a Special Officer for minorities for the Union who shall be appointed by the President, and a Special Officer for minorities for each State for the time being specified in Part I of the First Schedule who shall be appointed by the Governor of the State.

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(2) It shall be the duty of the Special Officer for the Union to investigate all matters relating to the safeguards provided for minorities under this Constitution in connection with the affairs of the Union and to report to the President upon the working of the safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before Parliament.

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(3) It shall be the duty of the Special Officer for a State so specified to investigate all matters relating to the safeguards provided for minorities under this Constitution in connection with the affairs of the State and to report to the Governor of the State upon the working of the safeguards at such intervals as the Governor may direct and the Governor shall cause all such reports to be laid before the Legislature of the State.

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Control of the
Union over
the adminis-
tration of
Scheduled
areas and
welfare of
scheduled
tribes in
States in
Part I of the
First
Schedule.

300. (1) The President may at any time and shall, on the expiration of ten years from the commencement of this Constitution, by order, appoint a Commission to report on the administration of the scheduled areas and the welfare of the scheduled tribes in the States for the time being specified in Part I of the First Schedule.

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The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable.

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(2) The executive power of the Union shall extend to the giving of directions to such a State as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the scheduled tribes in the State.

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PART XV

Miscellaneous

Protection
of President
and
Governors,

302. (1) The President or the Governor of a State shall not be answerable to any court for the exercise and performance of the powers and duties of his office 5
or for any act done or purporting to be done by him in the exercise and performance of those powers and duties:

Provided that the conduct of the President may be brought under review by any court, tribunal or 10
body appointed or designated by either House of Parliament for the investigation of a charge under article 50 of this Constitution:

Provided further that nothing in this clause shall be construed as restricting the right of any person to 15
bring against the Government of India or the Government of a State such proceedings as are mentioned in Chapter III of Part X of this Constitution.

(2) No criminal proceedings whatsoever shall be instituted or continued against the President or the 20
Governor of a State in any court during his term of office.

(3) No process for the arrest or imprisonment of the President or the Governor of a State shall issue 25
from any court during his term of office.

(4) No civil proceedings in which relief is claimed against the President or the Governor of a State shall be instituted during his term of office in any court in 30
respect of any act done or purporting to be done by him in his personal capacity, whether before or after he entered upon his office as President or Governor of such State, until the expiration of two months next after notice in writing has been delivered to the President or the Governor, as the case may be, or 35
left at his office stating the nature of the proceedings, the cause of action therefor, the name, description and place of residence of the party by whom such proceedings are to be instituted and the relief which he claims.

Interpretation
etc.

303, (1) In this Constitution, unless the context 40
otherwise requires, the following expressions have the

meanings hereby respectively assigned to them, that is to say—

- (a) “agricultural income” means agricultural income as defined for the purposes of the enactments relating to Indian income-tax; 5
- (b) “an Anglo-Indian” means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only; 10
- (c) “an Indian Christian” means a person who professes any form of the Christian religion and is not a European or an Anglo-Indian; 15
- (d) “borrow” includes the raising of money by the grant of annuities, and “loan” shall be construed accordingly; 20
- (e) “Chief Justice” includes in relation to a High Court a Chief Judge;
- (f) “corporation tax” means any tax on income, so far as that tax is payable by companies and is a tax in the case of which the following conditions are fulfilled:— 25
 - (i) that it is not chargeable in respect of agricultural income;
 - (ii) that no deduction in respect of the tax paid by companies is, by any enactments which may apply to the tax, authorised to be made from dividends payable by the companies to individuals; 30
 - (iii) that no provision exists for taking the tax so paid into account in computing for the purposes of Indian income-tax the total income of individuals receiving such dividends, or in computing the Indian income-tax payable by, or refundable to, such individuals; 35
- (g) “corresponding Province” or “corresponding State” means in cases of doubt such Province or State as may be determined 40

by the President to be the corresponding Province or, as the case may be, the corresponding State for the particular purpose in question;

- (h) “debt” includes any liability in respect of any obligation to repay capital sums by way of annuities and any liability under any guarantee, and “debt charges” shall be construed accordingly;

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- (i) “existing law” means any law, Ordinance, order, bye-law, rule or regulation passed or made before the commencement of this Constitution by any legislature, authority or person having power to make such a law, Ordinance, order, bye-law, rule or regulation but does not include any Act of Parliament of the United Kingdom or any Order in Council made under any such Act;

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- (j) “Federal Court” means the Federal Court constituted under the Government of India Act, 1935;

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- (k) “goods” includes all materials, commodities, and articles;
- (l) “guarantee” includes any obligation undertaken before the commencement of this Constitution to make payments in the event of the profits of an undertaking falling short of a specified amount;

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- (m) “pension” means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of any person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or any other Addition thereto, of subscriptions to a provident fund;

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- (n) “public notification” means a notification in the Gazette of India, or, as the case may be, the official Gazette of a State;

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- (o) “securities” includes stock;

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- (p) "taxation" includes the imposition of any tax or impost, whether general or local or special, and "tax" shall be construed accordingly;
- (q) "tax on income" includes a tax in the nature of an excess profits tax; 5
- (r) "railway" includes a tramway not wholly within a municipal area;
- (s) "Union railway" does not include an Indian State railway but, save as aforesaid, includes any railway not being a minor railway; 10
- (t) "Indian State railway" means a railway owned by a State for the time being specified in Part III of the First Schedule and either operated by such State, or operated on behalf of such State otherwise than in accordance with a contract made with that State by or on behalf of the Government of India, or any company operating a Union railway; 15 20
- (u) "minor railway" means a railway which is wholly situate in one State and does not form a continuous line of communication with a Union railway, whether of the same gauge or not; 25
- (v) "Schedule" means a Schedule to this Constitution;
- (w) "Scheduled Castes" means in relation to any State for the time being specified in Part I of the First Schedule such castes, races or tribes or parts of or groups within castes, races or tribes as are specified in the Government of India (Scheduled Castes) Order, 1936, to be scheduled castes for the purposes of the Fifth and Sixth Schedules to the Government of India Act, 1935, in relation to the corresponding Province; 30 35
- (x) "scheduled tribes" means the tribes or communities specified in Parts I to IX of the Eighth Schedule in relation to the States for the time being specified in Part I of the First Schedule to which those Parts respectively relate. 40

(2) Unless the context otherwise requires, the General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this Constitution.

(3) Any reference in this Constitution to Acts or laws of, or made by, Parliament or Acts or laws of, 5
or made by, the Legislature of a State for the time
being specified in Part I of the First Schedule shall
be construed as including a reference to an Ordinance
made by the President or, as the case may be, to an
Ordinance made by a Governor. 10

PART XVI

Amendment of the Constitution

Procedure
for
amendment
of the
Constitution.

304 (1) An amendment of the Constitution may be initiated by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President for his assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill: 5 10

Provided that if such amendment seeks to make any change in—

- *(a) any of the Lists in the Seventh Schedule; 15
- (b) the representation of States in Parliament; or
- (c) the powers of the Supreme Court,

the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States for the time being specified in Part I of the First Schedule and the Legislatures of not less than one-third of the States for the time being specified in Part III of that Schedule. 20

** (2) Notwithstanding anything in the last preceding clause, an amendment of the Constitution seeking to make any change in the provisions of this Constitution relating to the ***method of choosing a Governor or the number of Houses of the 25

*The Committee is of opinion that item (a) of the proviso to clause (1) of this article should contain reference to all the Lists in the Seventh Schedule.

**The Committee is also of opinion that provision should be included in this article for enabling the Legislature of a State in Part I of the First Schedule to initiate a Bill for the amendment of the provisions of this Constitution relating to the choosing of the Governor and the number of Houses of the Legislature in such State provided such Bill is passed by an absolute majority of the Legislature of such State and is thereafter ratified by Parliament by an absolute majority, and has added clause (2) to this article for the purpose.

*** The words “the method of choosing a Governor or” should be retained in this clause only if the second alternative in article 131 is not adopted.

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Legislature in any State for the time being specified in Part I of the First Schedule may be initiated by the introduction of a Bill for the purpose in the Legislative Assembly of the State or, where the State has a Legislative Council, in either House of the Legislature of the State, and when the Bill is passed by the Legislative Assembly or, where the State has a Legislative Council, by both Houses of the Legislature of the State, by a majority of the total membership of the Assembly or each House, as the case may be, it shall be submitted to Parliament for ratification, and when it is ratified by each House of Parliament by a majority of the total membership of that House it shall be presented to the President for assent and upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill.

Explanation.—Where a group of States is for the time being specified in Part III of the First Schedule, the entire group shall be deemed to be a single State for the purposes of the proviso to clause (1) of this article.

“Reservation of seats for minorities to remain in force for only ten years unless continued in operation by amendment of the Constitution.

305. Notwithstanding anything contained in article 304 of this Constitution, the provisions of this Constitution relating to the reservation of seats for the Muslims, the Scheduled Castes, the scheduled tribes or the Indian Christians either in Parliament or in the Legislature of any State for the time being specified in Part I of the First Schedule shall not be amended during a period of ten years from the commencement of this Constitution and shall cease to have effect on the expiration of that period unless continued in operation by an amendment of the Constitution.

PART XVII

Temporary and Transitional
Provisions

Temporary power to make laws with respect to certain matters in the State List as if they were matters in the Concurrent List.

*306. Notwithstanding anything in this Constitution, Parliament shall, during a period of five years from the commencement of this Constitution, have power to make laws with respect to the following matters as if they were enumerated in the Concurrent List, namely;— 5

(a) trade and commerce within a State in, and the production, supply and distribution of, cotton and woollen textiles, paper (including newsprint), foodstuffs (including edible oil-seeds and oil), petroleum and petroleum products, spare parts of mechanically propelled vehicles, coal, iron, steel and mica; 10 15

(b) relief and rehabilitation of displaced persons;

(c) offences against laws with respect to any of the matters mentioned in clauses (a) and (b) of this article, inquiries and statistics for the purposes of any of those matters, jurisdiction and powers of all courts except the Supreme Court with respect to any of those matters, and fees in respect of any of those matters but not including fees taken in any court; 20 25

but any law made by Parliament, which Parliament would not but for the provisions of this article have been competent to make, shall to the extent of the incompetency cease to have effect on the expiration 30

* The Committee is of opinion that in view of the present conditions regarding the production, supply and distribution of foodstuffs and certain other commodities and the special problem of the relief and rehabilitation of refugee, power should be provided for Parliament to make Laws with respect to these matters for a period of five years, although normally these matters fall in the State List. Similar power was conferred for a limited period by the India (Central Government and Legislature) Act, 1946.

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Continuance in force of existing laws and their adaptation.	<p>of the said period except as respects things done or omitted to be done before the expiration thereof.</p> <p>307. (1) Subject to the other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority.</p>	5
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<p>(2) The President may, by Order, provide that, as from such date as may be specified in the Order, any law in force in the territory of India or in any part of such territory shall, until repealed or amended by a competent Legislature or other competent authority, have effect subject to such adaptations and modifications, whether by way of repeal or amendment, as appear to him to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Constitution and any such adaptation or modification shall not be questioned in any court of law,</p>	<p>10</p> <p>15</p> <p>20</p>
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<p>Explanation I.—The expression “law in force” in this article shall include a law passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that it or parts of it may not be then in operation either at all or in particular areas.</p>	<p>25</p>
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<p>Explanation II.—Any law passed or made by a Legislature or other competent authority in the territory of India which immediately before the commencement of this Constitution has extra territorial effect as well as effect in the territory of India shall, subject to any such adaptations and modifications as aforesaid, continue to have extra-territorial effect.</p>	<p>30</p> <p>35</p>
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Explanation III.—Nothing in this article shall be construed as continuing any temporary Act in force beyond the date fixed for its expiration.

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Judges of the Federal Court to become judges of the Supreme Court and proceedings pending in the Federal Court or before His Majesty in Council to be transferred to the Supreme Court.	308. (1) The judges of the Federal Court holding office immediately before the date of commencement of this Constitution shall, unless they have elected otherwise, become on that date the judges of the Supreme Court and shall thereupon be entitled to such salaries and allowances and to such rights in respect of leave and pensions as are provided for under article 104 of this Constitution in respect of the judges of the Supreme Court.	5
	(2) All suits, appeals and proceedings, civil or criminal, pending in the Federal Court at the commencement of this Constitution shall stand removed to the Supreme Court, and the Supreme Court shall have jurisdiction to hear and determine the same and the judgments and orders of the Federal Court delivered or made before the commencement of this Constitution shall have the same force and effect as if they had been delivered or made by the Supreme Court.	10
		15
	*(3) On and from the date of commencement of this Constitution the jurisdiction of His Majesty in Council to entertain and dispose of appeals and petitions from or in respect of any decree or order of any court within the territory of India including the jurisdiction in respect of criminal matters exercisable by His Majesty by virtue of His Majesty's prerogative shall cease, and all appeals and other proceedings pending before His Majesty in Council on the said date shall be transferred to, and disposed of, by the Supreme Court.	20
		25
		30
	(4) Further provision may be made by Parliament by law to give effect to the provisions of this article.	

*The Committee thinks that all appeals and other proceedings pending before His Majesty-in-Council shall be finally disposed of by the time the Constitution comes into operation. If, however, some appeals or other proceedings remain pending before His Majesty-in-Council at the time of the commencement of the Constitution and any difficulty is experienced with regard to their transfer to, or disposal by, the Supreme Court, the President may pass necessary orders under the "removal of difficulties" clause (article 313).

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Courts, authorities and officers to continue to function after the commencement of this Constitution subject to the provisions thereof.	309. All courts of civil, criminal and revenue jurisdiction, all authorities and all officers, judicial, executive and ministerial, throughout the territory of India shall continue to exercise their respective functions subject to the provisions of this Constitution.	5
Provisions as to judges of High Courts.	310. The judges of a High Court in any Province holding office immediately before the date of commencement of this Constitution shall, unless they have elected otherwise, become on that date the judges of the High Court in the corresponding State, and shall thereupon be entitled to such salaries and allowances and to such rights in respect of leave and pensions as are provided for under article 197 of this Constitution in respect of the judges of such High Court.	10 15
Provisions as to provisional Legislature of the Union, President, etc.	311. (1) Until both Houses of Parliament have been duly constituted and summoned to meet for the first session under this Constitution, the Constituent Assembly of the Dominion of India shall itself exercise all the powers and perform all the duties conferred on Parliament and may in particular make law for securing the due constitution of the two Houses of Parliament and for providing for all matters relating to or connected with elections to either House of Parliament including the delimitation of constituencies and for such other ancillary and consequential matters as may be deemed necessary for the purpose of giving effect to the provisions of this Constitution.	20 25 30
	Explanation:—For the purposes of this clause, the Constituent Assembly of the Dominion of India includes members chosen to fill casual vacancies in that Assembly in accordance with rules made in that behalf by the Assembly, but shall not include any members representing any territory not included in the First Schedule.	35
	(2) The Speaker of the Constituent Assembly when functioning as the Dominion Legislature under the Government of India Act, 1935, shall	40

continue to be the Speaker of such Assembly functioning under clause (1) of this article.

*(3) Such person as the Constituent Assembly of the Dominion of India shall have elected in this behalf shall be the provisional President of India until a President has been elected in accordance with the provisions contained in Chapter I of Part V of this Constitution and has entered upon his office.

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(4) All persons holding office as ministers for the Dominion of India immediately before the commencement of this Constitution shall after such commencement become members of the Council of ministers of the provisional President under this Constitution.

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Provisions
as to pro-
visional Legis-
lature,
Governor,
etc. in each
State in Part
I of the First
Schedule.

312. (1) Until the House or Houses of the Legislature of each State for the time being specified in Part I of the First Schedule has or have been duly constituted and summoned to meet for the first session under the provisions of this Constitution, the House or Houses of the Legislature of the corresponding Province functioning immediately before the commencement of this Constitution shall exercise the powers and perform the duties conferred by the provisions of this Constitution on the House or Houses of the Legislature of such State.

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(2) Any person holding office as Speaker of the Legislative Assembly or President of the Legislative Council of a Province immediately before the commencement of this Constitution shall after such commencement be the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, of the corresponding State for the time being specified in Part I of the First Schedule while such Assembly or Council functions under clause (1) of this article.

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*Two members of the Committee, the Honourable Dr. B.R. Ambedkar and Shri Alladi Krishnaswami Ayyar, are of opinion that for clause (3) of article 311, the following clause should be substituted :—

“(3) The President of the Constituent Assembly of India shall become the provisional President of India until a President has been elected in accordance with the provisions contained in Chapter I of Part V of this Constitution and has entered upon his office”.

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(3) Any person holding office as Governor in any Province immediately before the commencement of this Constitution shall after such commencement be the provisional Governor of the corresponding State for the time being specified in Part I of the First Schedule until a new Governor has been elected/appointed* in accordance with the provisions of Chapter II of Part VI of this Constitution and has entered upon his office. 5

(4) All persons holding office as ministers in a Province immediately before the commencement of this Constitution shall after such commencement become members of the Council of ministers of the provisional Governor of the corresponding State for the time being specified in Part I of the First Schedule. 10 15

Power of the President remove difficulties.

313. (1) Subject to the Provisions of clause (1) of article 311 of this Constitution, the President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, to the provisions of this Constitution, by Order, direct that this Constitution shall, during such period as may be specified in the Order, have effect subject to such adaptations, whether by way of variation, addition, or repeal, as he may deem to be necessary or expedient: 20 25

Provided that no such order shall be made after the first meeting of Parliament duly constituted under Chapter II of Part V of this Constitution. 30

(2) Every order made under clause (1) of this article shall be laid before each House of Parliament.

*If the second alternative is adopted in article 131, the word "appointed" will have to be used in this clause instead of the word "elected".

PART XVIII

Commencement and Repeals.

Commence- ment.	314. This Constitution shall come into force on	
Repeals.	315. The Indian Independence Act, 1947, and the Government of India Act, 1935, including the India (Central Government and Legislature) Act, 1946, and all other enactments amending or supple- menting the Government of India Act, 1935, shall cease to have effect.	5 10

