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The Gazette



of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, MAY 21, 1949

GOVERNMENT OF INDIA

CONSTITUENT ASSEMBLY OF INDIA

NOTIFICATIONS

New Delhi, the 19th May, 1949.

No. GA/37/Cons./49.—The following amendments made by the Constituent Assembly of India in the Constituent Assembly Rules on 18th May, 1949 are published for general information. The amendment adding the new rule 61A shall have effect from 8th May, 1949.

AMENDMENTS.

(1) After sub-rule (2) of rule 28 A of the said Rules the following sub-rule shall be added:—

"(3) In this rule, the reference to the Government of India Act, 1935, includes reference to any enactment amending or supplementing that Act, and, in particular, reference to the India (Central Government and Legislature) Act, 1948."

(2) In Chapter X of the said rules, after rule 61 the following rule shall be added:—

"Execution of orders as to costs. 61A. Any order made by the President under rule 61 as to costs may, except where such costs are wholly payable out of the sum deposited as security under rule 54, be produced before the principal Civil Court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, or, where such place is within the local limits of the ordinary original civil jurisdiction of a High Court, before the Court of small Causes having jurisdiction there, and such Court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit."

New Delhi, the 20th May, 1949

No. CA/37, Cons./49.—The following is published for general information:—

WHEREAS the provisions made under rule 63 of the Constituent Assembly Rules and published with the Constituent Assembly Notification No. CA/76/Com/BR/48 dated 2nd August, 1948 have been included in the Constituent Assembly Rules by amendment of those Rules by the Constituent Assembly of India;

Now, therefore, in exercise of the power conferred by the said rule and of all other powers enabling him in that behalf, the President of the Assembly hereby directs that the said provisions shall cease to have effect except as respects things done or omitted to be done before the publication of this notification in the Gazette of India.

By Order,
S. N. MUKERJEE,
Joint Secretary.

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of India

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NEW DELHI, SATURDAY, MAY 28, 1949

GOVERNMENT OF INDIA

CONSTITUENT ASSEMBLY OF INDIA

NOTIFICATION

New Delhi, the 27th May 1949

No. OA/37/Cons./49.—The following amendment made by the Constituent Assembly of India in the Constituent Assembly Rules on 27th May, 1949 is published for general information:—

Amendment

"After paragraph 4 of the Schedule to the said rules, the following paragraph shall be inserted, namely:—

'4A. Notwithstanding anything contained in paragraph 4, all the seats in the Assembly allotted to the State of Kashmir (otherwise known as the State of Jammu and Kashmir) may be filled by nomination, and the representatives of the State to be chosen to fill such seats may be nominated by the Ruler of Kashmir on the advice of his Prime Minister.' "

By Order,

S. N. MUKERJEE,

Joint Secretary.

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To be published
in the Gazette
of India Extra-
ordinary dated
17.10.1949.

New Delhi, the 15th October, 1949.

CONSTITUENT ASSEMBLY OF INDIA

No. CA/37/Cons./49.- The following amendment made by the
Constituent Assembly of India in the Constituent Assembly Rules on
15.10.1949 is published for general information:-

Amendment

shall) That for rule 38-R of the Constituent Assembly Rules,
the following rules be substituted:-

articles,
clauses
and sub-
clauses

"38-R. (1) When a motion that the Constitution be
Revision of the Constitution taken into consideration
by the Drafting Committee has been carried and
and the consideration of the the amendments to the
amendments recommended by them. Constitution moved have
been considered, the
President shall refer
the Constitution as amended to the Drafting Committee
referred to in sub-rule (1) of rule 38-L with instructions
to carry out such re-numbering of the clauses, such
revision of punctuation and such revision and completion
of the marginal notes thereof as may be necessary; and
to recommend such formal or consequential or other
necessary amendments to the Constitution as may be
required.

(2) After the Constitution has been referred
to the Drafting Committee, the report of the Committee
shall be presented to the Assembly by the Chairman or
any other member of the Drafting Committee and there-
after the Chairman or other member of the Committee
may move that the amendments recommended by the Committee
in the Constitution so referred to them be taken into
consideration.

five) Provided that no such motion shall be made
until after the report of the Drafting Committee together
with the copies of the Constitution as revised by them
has been made available for the use of members and that
any member may object to any such motion being made
unless the report and the copies of the Constitution as
so revised have been made available ~~three~~ clear days
before the date on which the motion is made, and such
objection shall prevail unless the President in his
discretion allows the motion to be made.

(3) While making any motion referred to in sub-
rule (2), the mover shall confine himself to an
explanatory statement and at this stage there shall be
no debate, and the President may, after such statement
has been made, put the question.

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(4) After the motion referred to in sub-rule (2) has been carried, any member may move an amendment which is either formal or consequential upon an amendment recommended in any provision of the Constitution by the Drafting Committee after the Constitution was referred to them under sub-rule (1) but shall not be allowed to move any other amendment.

(5) If notice of a proposed amendment has not been given two clear days before the day on which the motion referred to in sub-rule (2) is to be taken up for consideration, any member may object to the moving of the amendment, and such objection shall prevail unless the President in his discretion allows the amendment to be moved.

(6) Notwithstanding anything in these rules, all the amendments recommended by the Drafting Committee, after the Constitution was referred to them under sub-rule (1), shall be deemed to have been moved, and it shall not be necessary for the President to put each of these amendments separately to vote.

(7) The provisions of sub-rules (2) and (3) of rule 38-P shall apply to every amendment of which notice has been given under sub-rule (5), and notwithstanding anything in these rules it shall be in the discretion of the President to disallow any amendment of which notice has been so given.

(8) The President shall allot not more than two days for the consideration by the Assembly of all amendments after the motion referred to in sub-rule (2) has been carried and shall, at the time appointed by him for the close of the sitting of the Assembly on the last of the allotted days, forthwith put every question necessary to dispose of all the outstanding matters in connection with those amendments, and in the case of amendments recommended by the Drafting Committee as such, he shall put only the question that the amendments so recommended be made or that the amendments so recommended as modified by any amendment or amendments adopted by the Assembly be made, as the case may be.

(9) For the purpose of bringing to a conclusion any proceedings relating to such amendments on the last of the allotted days, the President shall have power to select the amendments to be proposed.

38-AP. (1) When the amendments to the Constitution referred to the Drafting Committee under sub-rule (1) of rule 38-R have been considered, any member may move that the Constitution as settled by the Assembly be passed, and to a motion so made no further amendment shall be allowed to be moved.

(2) The President may fix a time-limit for speeches during the debate on a motion made under sub-rule (1).

(3) The President may in relation to any proceeding in connection with the passing of the Constitution under rule 38-A or this rule relax or suspend any of these rules.

By Order,
S.N. Mukerjee,
Joint Secretary.

To

The Manager, Government of India Press, New Delhi, for Notification in the issue of the Gazette of India Extraordinary dated the 17th October, 1949. After publication 750 copies of the

The Gazette



of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, MONDAY, OCTOBER 17, 1949

GOVERNMENT OF INDIA

CONSTITUENT ASSEMBLY OF INDIA

New Delhi, the 15th October, 1949.

No. CA/37/Cons./40.—The following amendment made by the Constituent Assembly of India in the Constituent Assembly Rules on 15th October 1949 is published for general information:—

AMENDMENT

That for rule 38-R of the Constituent Assembly Rules, the following rules shall be substituted namely:—

38-R. (1) When a motion that the Constitution be taken into consideration has been carried and the amendments to the Constitution moved have been considered, the President shall refer the Constitution as amended to the Drafting Committee referred to in sub-rule (1) of rule 38-L with instructions to carry out such re-arranging of the articles, clauses and sub-clauses, such revision of punctuation and such revision and completion of the marginal notes thereof as may be necessary, and to recommend such formal or consequential or necessary amendments to the Constitution as may be required.

(2) After the Constitution has been referred to the Drafting Committee, the report of the Committee shall be presented to the Assembly by the Chairman or any other member of the Drafting Committee and thereafter the Chairman or other member of the Committee may move that the amendments recommended by the Committee in the Constitution so referred to them be taken into consideration;

Provided that no such motion shall be made until after the report of the Drafting Committee together with the copies of the Constitution as revised by them has been made available for the use of members and that any member may object to any such motion being made unless the report and the copies of the Constitution as so revised have been made available five clear days before the date on which the motion is made, and such objection shall prevail unless the President in his discretion allows the motion to be made.

(3) While making any motion referred to in sub-rule (2), the member shall confine himself to an explanatory statement and at this stage there shall be no debate, and the President may, after such statement has been made, put the question.

(4) After the motion referred to in sub-rule (2) has been carried, any member may move an amendment which is either formal or

consequential upon an amendment recommended in any provision of the Constitution by the Drafting Committee after the Constitution was referred to them under sub-rule (1) but shall not be allowed to move any other amendment.

(5) If notice of a proposed amendment has not been given two clear days before the day on which the motion referred to in sub-rule (2) is to be taken up for consideration, any member may object to the moving of the amendment, and such objection shall prevail unless the President in his discretion allows the amendment to be moved.

(6) Notwithstanding anything in these rules, all the amendments recommended by the Drafting Committee, after the Constitution was referred to them under sub-rule (1), shall be deemed to have been moved, and it shall not be necessary for the President to put each of these amendments separately to vote.

(7) The provisions of sub-rules (2) and (5) of rule 38-B shall apply to every amendment of which notice has been given under sub-rule (5), and notwithstanding anything in these rules it shall be in the discretion of the President to disallow any amendment of which notice has been so given.

(8) The President shall allot not more than two days for the consideration by the Assembly of all amendments after the motion referred to in sub-rule (2) has been carried and shall, at the time appointed by him for the close of the sitting of the Assembly on the last of the allotted days, forthwith put every question necessary to dispose of all the outstanding matters in connection with those amendments, and in the case of amendments recommended by the Drafting Committee as such, he shall put only the question that the amendments so recommended be made or that the amendments so recommended as modified by any amendment or amendments adopted by the Assembly be made, as the case may be.

(9) For the purpose of bringing to a conclusion any proceedings relating to such amendments on the last of the allotted days, the President shall have power to select the amendments to be proposed.

38-B. (1) When the amendments to the Constitution referred to the Drafting Committee under sub-rule (1) of rule 38-B have been considered, any member may move that the Constitution as settled by the Assembly be passed, and to a motion so made no further amendment shall be allowed to be moved.

(2) The President may fix a time-limit for speeches during the debate on a motion made under sub-rule (1).

(3) The President may in relation to any proceedings in connection with the passing of the Constitution under rule 38-B or these rules relax or suspend any of these rules."

By Order,

S. N. MUKERJEE,

Joint Secretary

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No. CA/37/Cons./49.
CONSTITUENT ASSEMBLY OF INDIA

Council House,
New Delhi, the 7th November, 1949

Dear Sir,

I am desired to forward herewith for your use a copy of
notification, No. CA/37/Cons./49, dated the 15th October, 1949,
containing the amendment made by the Constituent Assembly of India
to rule 38-R of the Constituent Assembly Rules on 15.10.1949.

Yours truly,

(S.N.Mukerjee)
Joint Secretary.

To
All members of the Constituent Assembly.

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