

CONSTITUENT ASSEMBLY OF INDIA

RULES OF PROCEDURE



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CHAPTER I.

Definitions.

1. These rules shall be called the Constituent Assembly Rules. Date of Commencement.
They shall come into force at once.
2. In these rules, unless the context otherwise requires— Definitions.
- (a) "Assembly" means the Constituent Assembly of India;
 - (b) "Chairman" means the person who for the time being presides over the Assembly or any of its Sections or Committees ;
 - (c) "Member" means a member of the Assembly;
 - (d) "President" means the person elected by the Assembly at its preliminary session as the Chairman under the provisions of the Statement and his successors in office ;
 - (e) "Secretary" means the Secretary of the Assembly ;
 - (f) "Section" means a Section of the Assembly referred to in the Statement ;
 - (g) "Statement" means the Statement of the Cabinet Mission to India and H.E. the Viceroy, dated May 16, 1946.

CHAPTER II.

Admission of Members and Vacation of Seats.

3. No member shall take his seat or vote in the Assembly or any Section thereof until he has signed his name in the Register kept for the purpose at a meeting of the Assembly or, if the Assembly is not in session, in the presence of the President. Admission of Members.

4. (1) A member may resign his office by writing under his hand addressed to the President. Resignation.

(2) On the acceptance of the resignation by the President the seat shall become vacant :

Provided that no resignation from the member representing Delhi or Ajmer-Merwara shall be accepted unless he has resigned his membership of the Indian Legislative Assembly.

5. (1) When a vacancy occurs by reason of death, resignation or otherwise in the office of a member of the Assembly, the President shall notify the vacancy and call upon the constituency concerned to elect a person for the purpose of filling the vacancy. Casual vacancies

(2) Upon the occurrence of the vacancy, the President shall ordinarily make a request in writing to the Speaker of the Provincial Legislative Assembly concerned, or, as the case may be, the President of the Coorg Legislative Council, or the appropriate authority in British Baluchistan, for the election of a person, for the purpose of filling the vacancy as soon as may reasonably be practicable.

(3) Where the vacancy is in the office of a member elected by a Provincial Legislative Assembly, the seat shall be filled by election according to the principle of proportional representation with the single transferable vote by the members of the same community whether General, Muslim or Sikh, in the Provincial Legislative Assembly, as had elected him.

(4) A candidate for a vacancy shall be such as could be elected by the constituency concerned under the Statement.

(5) Only an Indian, that is to say, a person domiciled in any part of India, may be nominated for election as a member of the Constituent Assembly.

(6) As soon as may be after the receipt of the request mentioned in sub-rule (2), the Speaker of the Provincial Legislative Assembly concerned shall appoint, by suitable notification,—

- (a) a date, not later than fifteen days after the date of notification, for the nomination of candidates;
- (b) a further date, not later than the third day after the first mentioned date, for the scrutiny of nominations;
- (c) a further date, not later than two days after scrutiny for withdrawal of his candidature by a candidate; and
- (d) a further date, not later than twenty-one days from the date fixed for withdrawal on which a poll shall, if necessary, be taken.

(7) The votes shall be given by ballot and in person :

Provided that, when the Provincial Legislative Assembly is not in session, votes may, at the option of the voter, be given in person or by registered post, provided further that no votes shall be given by proxy.

(8) After the votes are duly counted, the result of the election shall be declared and reported to the President.

(9) Save as otherwise provided in these rules, the elections to the Constituent Assembly shall be held, *mutatis mutandis*, in accordance with the rules and regulations for the time being in force in regard to elections held by the Provincial Legislative Assembly, and, where no such rules and regulations exist, in accordance with the standing orders that may be made in this behalf by the President of the Constituent Assembly.

(10) The foregoing rules shall apply in relation to Coorg, subject to the following modifications, namely,—

- (a) that for "the Provincial Legislative Assembly" there shall be substituted "the Coorg Legislative Council" and for the "Speaker of the Provincial Legislative Assembly" there shall be substituted the "President of the Coorg Legislative Council", and
- (b) that instead of a section of the Provincial Legislature taking part in the election, the non-official members of the Coorg Legislative Council shall take part in it.

(11) On and after the date on which these rules come into force, the member who for the time being represents Delhi or Ajmer-Merwara in the Indian Legislative Assembly shall also be the member representing Delhi or Ajmer-Merwara, as the case may be, in the Constituent Assembly, any other seat held by him in the Constituent Assembly being thereupon deemed to be vacant.

CHAPTER III.

The President.

6. (1) The President of the Assembly shall be elected by the Election. Assembly from among its members.

(2) The President shall cease to hold office as such if he ceases to be a member of the Assembly.

(3) The President may resign office by writing under his **Vacation of office.** hand addressed to the Secretary for communication to the Assembly. If the Assembly is in session, the resignation shall be read out to the members; if the Assembly is not in session, it shall be published in the *Gazette of India*; upon being so read out or published, as the case may be, it shall become effective.

7. (1) When, owing to a vacancy in the office of President of **Procedure for filling vacancy.** the Assembly, the election of a President becomes necessary, one of the Vice-Presidents appointed in this behalf by the Steering Committee, shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed, any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating—

(a) the name of the member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as President if elected.

(3) Any member who has been nominated may withdraw his candidature at any time before the Assembly proceeds to hold the election.

(4) On the date fixed for an election, the Vice-President shall read out to the Assembly the names of the members who have been duly nominated and have not withdrawn their candidature together with those of their proposers and seconds, and, if there is only one such member, shall declare that member to be duly elected. If there is more than one such member, the Assembly shall proceed to elect the President by ballot.

(5) Where there are only two candidates for election, the candidate who obtains at the ballot the larger number of votes shall be declared elected. If they obtain an equal number of votes, the election shall be by the drawing of lots.

(6) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election, and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.

(7) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (6) the determination, as between the candidates whose votes are equal of the candidate who is to be excluded shall be by the drawing of lots.

- Functions of the President.** 8. (1) The deliberations of the Assembly shall be presided over by the President, when he is present.
 (2) The President shall be the guardian of the privileges of the Assembly, its spokesman and representative and its highest executive authority.
- Delegation of President's functions.** 9. The President may, subject to such conditions as he may prescribe, delegate to a Vice-President such of his powers and duties as he may think fit.
- Convening of the first meeting of a Section.** 10. The President may convene the first meeting of a Section and appoint, from among the members of the Section, a Chairman to preside over the meetings of the Section until such time as the Section elects its own Chairman.

CHAPTER IV.

Vice-Presidents.

- Vice-Presidents.** 11. The Assembly shall have five Vice-Presidents.
- Election.** 12. (1) Out of the five Vice-Presidents, two shall be elected by the Assembly as a whole from among its members in such manner as the President may prescribe.
 (2) Chairmen elected by the Sections shall be *ex-officio* Vice-Presidents of the Assembly.
13. The President shall fix the date and time for the nomination and election of each of the two Vice-Presidents to be elected under rule 12 (1).
- Vacation of office.** 14. (1) A Vice-President shall cease to hold office as such if he ceases to be a member of the Assembly. A Vice-President may resign office by writing under his hand addressed to the President, and, on acceptance thereof by the President, the resignation shall become effective.
- Procedure for filling vacancy.** (2) Any vacancy in the office of an elected Vice-President of the Assembly shall be filled by election by the Assembly as a whole from among its members at such time and in such manner as the President may prescribe.
- Person to preside over Assembly in the absence of President.** 15. In the absence of the President, such Vice-President as the President may determine shall preside over the Assembly.
 16. If the President is absent and there is no Vice-President present to preside over the Assembly, the Assembly may choose any member to perform the duties of the Chairman.

CHAPTER V.

Office of the Constituent Assembly.

- Head of the Office of the Constituent Assembly.** 17. (1) The President shall be the head of the Office of the Constituent Assembly.
- Organization of Office.** (2) The Office shall consist of two branches, an Advisory Branch and an Administrative Branch.
 (3) There shall be a Constitutional Adviser, to be appointed by the President, who shall be the head of the Advisory Branch.
 (4) There shall be a full-time Secretary, to be appointed by the President, who shall be the head of the Administrative Branch.

(5) There shall be under the Constitutional Adviser and the Secretary respectively such other officers and establishments as the President may, on the advice of the Staff and Finance Committee, determine.

(6) The President may make such temporary appointments as are necessary to enable the Sections to meet. Thereafter the Sections may appoint their own Secretaries subject to confirmation by the President and these shall rank as Joint Secretaries in the Office of the Assembly.

(7) The President may, in consultation with the Government of any Governor's Province, appoint a Secretary for the Province, who shall rank as a Deputy Secretary in the Office of the Assembly.

(8) Any member of the Assembly who becomes the Secretary or a Joint Secretary or a Deputy Secretary under this rule shall thereupon be deemed to have vacated his office as member.

(9) The President shall exercise in respect of the Office of the Assembly all powers of appointment, control and discipline, provided that he may delegate to any officer such of these powers as he thinks fit and subject to such conditions as he may prescribe.

18. It shall be among the duties of the Secretary—

- (a) to administer the funds placed at the disposal of the Assembly in accordance with the provisions in the budget accepted by the Assembly;
- (b) to keep and maintain the records relating to the business of the Assembly; and
- (c) to make arrangements for meetings of the Assembly and its Sections and the Committees.

CHAPTER VI.

Business of the Assembly.

19. (1) The business of the Assembly means the business conducted,— Business,

- (i) in the Assembly itself;
- (ii) in the Committee of the whole Assembly;
- (iii) in the Sections;
- (iv) in the Advisory Committee referred to in paragraph 20 of the Statement;
- (v) in the Steering Committee;
- (vi) in the Staff and Finance Committee;
- (vii) in the Credentials Committee;
- (viii) in the House Committee; and
- (ix) in such other committees or sub-committees as may be set up by the Assembly or the Sections or the Advisory Committee or other committees.

(2) The business of the Assembly shall be conducted in New Delhi unless the Assembly resolves otherwise.

(3) The conduct of the business of the Assembly and the procedure thereof shall be regulated by the rules and standing orders and the resolutions of the Assembly and by the rulings given from time to time by the Chairman.

- Dissolution.** 20. The Assembly shall not be dissolved except by a resolution assented to by at least two-thirds of the total number of members of the Assembly.
- Date of meetings.** 21. The Assembly shall sit on such dates as the President, having regard to the state of business of the Assembly, may from time to time direct:
 Provided that the President shall not adjourn the session for more than three days at a time except with the consent of the Assembly:
 Provided further that the Chairman may adjourn the session to the next working day.
- Committee of the whole Assembly** 22. The Assembly may resolve itself into a Committee of the whole Assembly.
- Time of meeting.** 23. Meetings of the Assembly shall commence at 11 A.M. except as otherwise resolved by the Assembly or directed by the Chairman.
- Arrangement of business.** 24. (1) A list of business for the day shall be prepared by the Secretary and a copy thereof shall be supplied for the use of every member before the commencement of the business of the day. The business thus prepared shall be called the "Orders of the Day".
 (2) Save as otherwise provided in these rules, no business, not included in the Orders of the Day, shall be transacted at any meeting without the leave of the Chairman.
 25. The business of the Assembly shall be brought before it or its committees by means of—
 (a) a motion;
 (b) a report of a committee;
 (c) an amendment to a motion or an amendment to an amendment.
- Notice of motion.** 26. (1) Unless otherwise directed by the Chairman, notice of every motion, accompanied by a copy of the motion shall be given at least three clear days before the day on which the motion is to be moved in the Assembly.
 (2) Every notice required by these rules shall be given in writing addressed to the Secretary and signed by the member giving notice and shall be left at the Notice Office, which shall be open for the purpose between the hours of 11 A.M. and 5 P.M. except on Sundays and other public holidays.
 (3) Notices left when the office is closed shall be treated as given on the next open day.
 (4) Where three clear days' notice of a motion has been given, the Secretary shall send a copy of the motion to the members at least two clear days before the day on which it is to be moved; and in other cases, he shall send a copy to them as soon as possible after notice has been received.
 (5) No notice shall be required—
 (a) for a motion for an adjournment of the Assembly;
 (b) for a motion for adjournment of the consideration of the motion which is under discussion;
 (c) for a motion for reference back to a committee;

- (d) for a motion that the Assembly do resolve itself into committee of the whole ; or
- (e) for a motion which, in the opinion of the Chairman, is of urgent and vital importance.

27. There shall be no motion for an adjournment of the Assembly for the purpose of discussing any matter not included in the Orders of the Day, or not connected with the work of the Assembly. **Motions of adjournment.**

28. The members shall sit in such order as the President may direct. **Seating of Members.**

29. A member desiring to make any observation on any matter before the Assembly shall only speak when called upon to do so, by the Chairman and shall rise when he speaks, except as permitted by the Chairman. If, at any time, the Chairman rises, the member shall take his seat and cease speaking. **Member to rise when speaking.**

30. (1) In the Assembly, business shall be transacted in Hindustani (Hindi or Urdu) or English, provided that the Chairman may permit any member who cannot adequately express himself in either language to address the Assembly in his mother tongue. The Chairman shall make arrangements for giving the Assembly, whenever he thinks fit, a summary of the speech in a language other than that used by the member and such summary shall be included in the record of the proceedings of the Assembly. **Language in the Assembly.**

(2) The official records of the proceedings of the Assembly shall be kept in Hindustani (both Hindi and Urdu) and English.

31. (1) A matter requiring the decision of the Assembly shall be brought forward by means of a question put by the Chairman. **Motions.**

(2) In all matters requiring to be decided by the members of the Assembly, the Chairman shall exercise a vote only in the case of an equality of votes.

(3) Any question relating to a matter referred to in paragraph 19 (vii) of the Statement shall be decided as laid down therein.

(4) Votes may be taken by voices or division and shall be taken by division if any member so desires.

(5) The Chairman shall determine the method of taking vote by division.

(6) The result of a division shall be announced by the Chairman and shall not be challenged.

32. (1) An amendment must be relevant to the motion to which it is proposed. **Amendments.**

(2) An amendment may not be moved which has the effect of being the negative of the original motion.

(3) Except as permitted by the Chairman—

(a) notice of any amendment to a motion must be given at least one clear day before the motion is to be moved in the Assembly, and

(b) notice of any amendment to an amendment must be given before the Assembly meets for the day on which the motion is to be moved.

(4) The Chairman may disallow any amendment which he considers to be frivolous or dilatory.

(5) The Chairman may put amendments to the vote in any order he may choose.

33. No question which has once been decided by the Assembly shall be reopened except with the consent of at least one-fourth of the members present and voting.

Closure.

34. Any time after a motion has been made, any member may move "that the question be now put" and unless it appears to the Chairman that the motion is an infringement of the right of reasonable debate, the Chairman shall put the motion, "that the question be now put"; and if the motion is accepted, no further discussion on the original motion shall be permitted except for a reply by the member who made the original motion.

Decisions on points of order.

35. In all matters relating to procedure or the conduct of business of the Assembly, the decision of the Chairman shall be final:

Provided that when a motion raises an issue which is claimed to be a major communal issue, the Chairman shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision:

Provided further that no Section shall deal with matters which fall within the purview of the powers and functions of the Union Constituent Assembly or vary any decision of the Union Constituent Assembly taken upon the report of the Advisory Committee referred to in paragraph 20 of the Statement.

Decisions upon the report of the Advisory Committee.

36. It shall be the exclusive function of the Advisory Committee referred to in paragraphs 19 and 20 of the Statement to initiate and consider proposals and to make a report to the Union Constituent Assembly upon fundamental rights, clauses for the protection of minorities and the administration of tribal and excluded areas; and the decisions of the Union Constituent Assembly upon such report shall be binding on the Sections and shall be incorporated in the appropriate part of the Constitution.

Irrelevance or repetition.

37. The Chairman of the Assembly after having called the attention of the Assembly to the conduct of a member, who persists in irrelevance or in tedious repetition, either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech, and the member shall, thereupon, resume his seat.

Power to preserve order.

38. (1) The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) The Chairman may, in the case of grave disorder arising in the Assembly, suspend any sitting for a period not exceeding three days.

Admission to the Assembly Chamber.

39. (1) The admission of persons other than members to the Assembly Chamber and its galleries during the sittings of the Assembly shall be regulated in accordance with the orders of the Chairman:

Provided that when a meeting is held *in camera* no persons other than members and the officers and staff on duty shall be admitted inside the Assembly Chamber or its galleries.

(2) The meetings of the Assembly may, in the discretion of the Chairman, be held *in camera*.

(3) The proceedings of all committees shall be conducted *in camera*.

(4) The Secretary shall cause full reports of the proceedings of the Assembly to be printed and supplied to all members :

Provided that, where any meeting is held *in camera*, such reports shall be marked confidential and for the personal use of the members only.

(5) Where any meeting of the Assembly is held *in camera*, the Chairman may authorise a summary of the proceedings to be issued to the press.

CHAPTER VII.

Committees.

40. (1) A Steering Committee shall be set up for the duration of the Assembly and shall consist initially of eleven members (other than the President) to be elected by the Assembly in accordance with the principle of proportional representation by means of the single transferable vote. Steering Committee.

(2) The Assembly may from time to time elect, in such manner as it may deem appropriate, eight additional members, of whom four shall be reserved for election from among the representatives of the Indian States.

(3) The President shall be an *ex-officio* member of the Steering Committee and shall be its *ex-officio* Chairman. The Committee may elect a Vice-Chairman from among its members to preside over the Committee in the absence of the President.

(4) The Secretary of the Assembly shall be *ex-officio* Secretary of the Steering Committee.

(5) Casual vacancies in the Committee shall be filled as soon as possible after they occur by election by the Assembly in such manner as the President may determine.

41. (1) The Committee shall—

(a) arrange the order of business for the day ;

(b) group similar motions and amendments and secure, if possible, assent of the parties concerned to composite motions and amendments ;

(c) act as a general liaison body between the Assembly and the Sections, between the Sections *inter se*, between Committees *inter se*, and between the President and any part of the Assembly ; and

(d) deal with any other matter under the rules or referred to it by the Assembly or the President.

(2) The President may make standing orders for the conduct of the business of the Steering Committee.

42. (1) A Staff and Finance Committee shall be set up for the duration of the Assembly and shall consist of— Staff and Finance Committee.

(a) the President, who shall be *ex-officio* Chairman of the Committee,

(b) the five Vice-Presidents, and

(c) nine other members to be elected by the Assembly in accordance with the principle of proportional representation by means of the single transferable vote.

Functions of the Committee.

(2) The functions of the Committee shall be—

(a) to advise the President regarding the posts to be created in the Office of the Assembly, and the salaries and emoluments to be attached thereto;

(b) to recommend to the Assembly the allowances to be paid to the officers and members of the Assembly and its committees; and

(c) to frame a budget or supplementary budget for submission to the Assembly.

(3) The President may make standing orders for the conduct of the business of the Committee.

(4) The Staff and Finance Committee shall invite the Auditor-General to audit the accounts of the Assembly.

Credentials Committee.

43. A Credentials Committee shall be set up for the duration of the Assembly for the purpose of dealing with all questions relating to the validity of the title of elected or other members.

44. (1) The Committee shall consist of five members who shall be elected by the Assembly.

(2) The Committee shall have power to co-opt additional members not exceeding two in number.

(3) Casual vacancies in the Committee shall be filled as soon as they occur by election by the Assembly or by co-option, as the case may be.

(4) The Committee shall elect its own Chairman.

(5) The President may make standing orders for the conduct of the business of the Committee.

House Committee.

45. (1) A House Committee shall be set up for the duration of the Assembly for the purpose of dealing with all questions relating to housing and accommodation of members, to provide for and to supervise over facilities for food, medical relief, entertainments, and reading room and library during their stay.

(2) The Committee shall consist of eleven members, who shall be elected by the Assembly, one representing each Governor's Province in the manner to be prescribed by the President.

(3) The Committee shall have power to co-opt additional members and to appoint sub-committees to deal with various items of their work.

Other Committees.

46. (1) Any other committee may be set up by a motion in the Assembly or a Section according as the business of the committee relates to the Assembly or the Section.

(2) The members of every such committee shall, unless the motion by which the committee is set up otherwise provides, be elected according to the principle of proportional representation by means of the single transferable vote.

(3) Unless the motion by which a committee is set up otherwise provides, the committee shall appoint one of its members as Chairman who shall regulate the work of the committee.

47. Subject to the provisions of these rules, the Secretary of the Assembly shall be *ex-officio* Secretary of every committee, unless the motion by which the committee is set up otherwise provides; and the Secretary of any Section shall be *ex-officio* Secretary of every committee set up by that Section, unless the motion by which the committee is set up otherwise provides. Secretary of Committees.

48. The motion by which a committee is to be set up shall state the quorum necessary to constitute a meeting of the committee and may fix the time within which the committee shall present its report, if any.

49. The report of a committee shall be presented to the Assembly or to the Section concerned, as the case may be, by the Chairman of the committee unless the committee otherwise provides, and a copy thereof shall be forwarded to the Office of the Assembly.

CHAPTER VIII.

Budget.

50. (1) A statement of the estimated expenditure of the Assembly Budget shall be prepared by the Staff and Finance Committee and placed before the Assembly for sanction.

(2) Supplementary statements may be similarly placed before the Assembly in accordance with the directions of the President.

CHAPTER IX.

Salaries and Allowances.

51. (1) Allowances of the members shall be fixed by the Assembly on a motion approved by the Staff and Finance Committee. The Committee may make standing orders providing for special allowances to members in particular cases as well as for allowances to non-members engaged on the work of the Assembly. Salaries and Allowances.

(2) The salaries and allowances of the servants of the Government of India or any Provincial Government or any other authority whose services are placed at the disposal of the Assembly shall be such as may be agreed upon between the Government or other authority concerned and the President acting on the advice of the Staff and Finance Committee. The Salaries and allowances of all persons recruited directly shall be such as may be fixed by the President on the advice of the Staff and Finance Committee.

CHAPTER X.

Doubts and Disputes as to Elections.

52. In this Chapter, unless there is anything repugnant in the Definitions, subject or context,—

(a) "Candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused;

(b) "Returned Candidate" means a candidate whose name has been _____ in the _____ Official Gazette as a duly elected member of the Assembly.

- Election petition.** 53. No election shall be called in question except by an election petition presented in accordance with the provisions of this Chapter.
- Presentation of petition.** 54. (1) An election petition against any returned candidate may be presented to the President by any candidate or elector on the ground of any irregularity or corrupt practice :
- (i) in the case of the first elections to the Assembly, within fifteen days from the date on which these rules are published in the *Gazette of India* ;
- (ii) in the case of subsequent elections within thirty days from the date on which the results of the elections are published in the appropriate Official Gazette.
- (2) An election petition shall be deemed to have been presented to the President when it is delivered to the President or to any officer appointed by him in this behalf :
- (a) by the person making the petition ; or
- (b) by a person authorised in writing in this behalf by the person making the petition ; or
- (c) by registered post.
- Deposit of Security.** 55. At the time of the presentation of the petition, or, in the case of any petition presented before the date on which these rules come into force, within fifteen days from the date on which these rules are published in the *Gazette of India*, the petitioner shall deposit the sum of rupees one thousand in cash or in Government promissory notes of equal value at the market rate of the day as security for the costs of the case.
- Reference to Credentials Committee.** 56. (1) If the provisions of rule 54 or rule 55 are not complied with, the President shall dismiss the petition :
- Provided that if the person making the petition satisfies the President that sufficient cause existed for his not presenting the petition within the period prescribed in rule 54, the President shall have discretion to condone the failure to comply with that rule.
- (2) If the petition is not dismissed under the preceding sub-rule, the President shall, if he is satisfied that sufficient grounds exist for such action, refer the petition to the Credentials Committee.
- Inquiry into petition.** 57. The Credentials Committee shall, with due despatch, inquire into the allegations made in the petition and, subject to the provisions of the next succeeding rule, submit a report to the President.
58. The Credentials Committee may, if they think fit, recommend to the President that an election tribunal be appointed to inquire into the petition.
59. Where such a recommendation has been made, the President shall appoint an election tribunal consisting of one or more than one person to inquire into the petition.
60. On the conclusion of the inquiry, the election tribunal shall make a report to the President.
61. (1) If in the opinion of the Credentials Committee or of the election tribunal, as the case may be, the election of the returned candidate has been vitiated by a corrupt practice of the kind specified in the Indian Legislative Assembly Electoral Rules or has been materially affected by the improper acceptance or refusal of any nomination or by the improper reception or refusal of a vote or the reception of any vote which is void, or if the election has

not been a free election by reason of the large number of cases in which undue influence or bribery of the kind described in the aforesaid Legislative Assembly Electoral Rules has been exercised or committed, the Committee or the tribunal, as the case may be, may recommend in the report that the election be declared void.

(2) The report of the Credentials Committee, or the election tribunal, as the case may be, shall include a recommendation as to the total amount of costs which are payable and the persons by and to whom such costs should be paid as well as a recommendation whether any costs should be paid out of the sum deposited as security under rule 55 and whether the said sum should be returned.

62. On receipt of the report of the Credentials Committee or the election tribunal, as the case may be, the President shall issue orders in accordance therewith.

CHAPTER XI.

Consideration of draft Constitutions.

63. (1) The Assembly shall, before finally settling the Union Constitution, give an opportunity to the several Provinces and States through their legislatures to formulate, within such time as it may fix, their views upon the resolutions of the Assembly outlining the main features of the Constitution or, if the Assembly so decides, upon the preliminary draft of the Constitution. Consideration of draft Constitutions.

(2) Before the Constitution of any Province is finally settled, or the decision to set up a Group Constitution for the Section in which the Province is included is finally taken, an opportunity shall be given to the Province concerned through its Legislature to formulate, within such time as may be fixed for the purpose, its views—

- (a) upon the resolutions outlining the main features of the Constitution or, if the majority of the representatives of the Province in the Assembly so desire, upon the preliminary draft of such Constitution, and
- (b) upon the preliminary decision of the Section concerned as to whether a Group Constitution shall be set up for the Provinces included in the Section and, if so, with what provincial subjects the Group should deal.

CHAPTER XII.

Miscellaneous.

64. All elections in the Assembly to be held on the principle of proportional representation by means of the single transferable vote shall be conducted *mutatis mutandis* in accordance with the regulations in force in this behalf in the Indian Legislative Assembly. Regulations regarding elections on the principle of proportional representation.

65. Subject to the requirement of a quorum prescribed by or under these rules, the Assembly and any committee set up by the Assembly shall have power to act notwithstanding any vacancy in the membership thereof. Power of Assembly or any Committee to act notwithstanding vacancies.

- Amendment of rules.** 66. No new rule shall be made nor shall any of these rules be amended or deleted except after a reference of the proposal so to make, amend, or delete the rule to the Steering Committee which shall report to the Assembly within two weeks of the receipt of the reference.
- Rules of Procedure for Sections.** 67. Save as otherwise provided in these rules, the provisions thereof shall apply *mutatis mutandis* to the Sections and the Committees of the Assembly. The Sections may make standing orders not inconsistent with these rules.
- Removal of difficulties.** 68. Where, in the opinion of the President, any difficulty arises in the carrying out of these rules, or in respect of any matter for which no provision is made in these rules, the President may, notwithstanding anything contained therein, make such provision as he thinks fit for the purpose of removing the difficulty.