



**Constitution Order 5 - CONSTITUTION (REMOVAL OF DIFFICULTIES)
ORDER NO. II**

THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. II

¹ C. O. 5. dated the 26th January, 1950

In exercise of the powers conferred by clause (1) of Article 392 of the Constitution of India, the President is pleased to make the following Order, namely: --

(1) This Order may be called the Constitution (Removal of Difficulties) Order, No. II.

(2) It shall come into force at once.

2. The Constitution of India shall,--

(a) Until both Houses of Parliament have been duly constituted and summoned to meet for the first session under the provisions of that Constitution, have effect subject to the adaptations directed to be made therein by Part I of the Schedule to this Order;

(b) until the House or Houses of the Legislature of a State specified in Part A or Part B of the First Schedule to that Constitution has or have been duly constituted and summoned to meet for the first session under the provisions of the said Constitution, have effect in relation to that State subject to the adaptations directed to be made therein by Part II of the Schedule to this Order.

3. Where the Schedule to this Order requires that in any specified provision certain words shall be substituted for other words or that certain words shall be omitted, that substitution or omission, as the case may be, shall, unless otherwise expressly provided, be made wherever the words referred to appear in that provision.

THE SCHEDULE

Article	Adaptations
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PART

54	In the proviso, omit "either House of".
55	In this Article, before "The President shall be elected" insert "Subject to the provisions of Article 380"
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58	In clause (1), after "election of the President" insert "under Article 54". In clause (3), after "election of the President" insert "under Article 54".
59	For this Article, substitute; --
61	Resignation by removal of President. "56. (1) The President may, by writing under his hand addressed to the Speaker of Parliament, resign his office.
62	
63	(2) The President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in Article 61."
64--65	
67--69	In sub-clause (c) of clause (1), after "qualified for election" insert "in the case of an election under clause (2) of Article 380, as a member of Parliament and in the case of an election under Article 54,".
70	In clause (1), omit "either House of" , and for "that House" substitute "Parliament or that House, as the case may be,"
71	
75	In clause (1), omit "either House of".
79	In clause (2), for "the House" substitute "Parliament". In clause (3), for "by either House of Parliament, the other House" substitute "Parliament".
² [85	
86	In clause (4), for "the House by which the charge was investigated or caused to be investigated" substitute "Parliament".
87	Omit.
88	To this Article add "to be elected in the manner provided in Article 66 after both Houses of Parliament have been duly constituted under the provisions of this Constitution".
89--92	Omit.
93	Omit.
94	For "Chapter" substitute "Constitution".
95	Omit "or Vice-President".
96	In clause (2), omit "as the case may be,".
97	

98	In clause (3), for "the House of the People" substitute "Parliament".
99	In clause (5), omit "either House of".
100	Before "There shall be a Parliament for the Union" insert "Subject to the provisions of Article 379,"
101	In clause (1), for "each House of Parliament" substitute. "Parliament or each House of Parliament, as the case may be."
102-104	In clause (2), for "the Houses or either House" substitute "Parliament" and omit sub-clause (b).]
105	In clause (1), omit "either House of" and "or both Houses assembled together,".
106	In clause (2), omit "either House of" and for "a House to which any message is so sent" substitute "Parliament".
107	In clause (1), omit "both Houses of" and "assembled together".
108-109	In clause (2), for "either House" ³ * * * * substitute "Parliament".
110	For "either House, any joint sitting of the Houses, and any Committee of Parliament" substitute
111	"Parliament and any committee thereof".
	Omit.
	For this Article, substitute: --
	The Speaker and Deputy Speaker of Parliament "93. So often as the office of Speaker or Deputy Speaker of Parliament becomes vacant, Parliament. shall choose a member thereof to be its Speaker or Deputy Speaker, as the case may be".
	For "the House of the People" substitute "Parliament".
	In clause (c), for "members of the House" substitute "member of Parliament".
	Omit the second proviso.
	For "the House of the People" substitute "Parliament". In clause (2), for "the House" substitute "Parliament".
	For "the House of the People" substitute "Parliament". In clause (2), for "in the House" substitute "in Parliament".
	Omit "to the Chairman and the Deputy Chairman of the Council of States, and" , and for "the House of the People" substitute "Parliament".
	In clause (1), omit "Each House of" and the proviso.
	In clause (2), omit "either House of".

In clause (3), for "the House of the People or the Chairman of the Council of States, as the case may be," and for "the House of the People or the Council of States" substitute "Parliament".

Omit "either House of".

In clause (1), for "either House or joint sitting of the Houses" substitute "Parliament" , and omit "Chairman or".

In clause (2), omit "Either House of".

⁴ [In clause (3), omit "either House of" and for "of the House" substitute "thereof".

In clause (4), for "a House" and "the House" substitute "Parliament".

In clause (3), after "member" insert "of the provisional Parliament or" and for "the Chairman or the Speaker, as the case may be" substitute "the Speaker of the provisional Parliament".

In clause (4), omit "either House of" and for "the House" substitute "Parliament".

Omit "either House of".

In clause (2), omit "either House of".

In clause (3), omit "each House of" and for "committees of each House" substitute "committees thereof". In clause (4), omit "a House of".

Omit "either House of".

For this Article, substitute: --

Provision as to pending Bills. "107. A Bill pending in Parliament shall not lapse by reason of the prorogation of Parliament."

Omit.

For "the House of the People" substitute "Parliament".

In clause (4), omit "when it is transmitted to the Council of States under Article 109, and".

Omit "the Houses of" for "the Houses" substitute "Parliament" and for "they will reconsider" substitute "Parliament will reconsider".

112	In clause (1), omit "both the Houses of".
113	In clause (3), for sub-clause (b) substitute : --
114	"(b) the salaries and allowances of the Speaker and the Deputy Speaker of Parliament ;".
115	In clause (1), omit "either House of".
116	In clause (2), For "the House of the People" substitute "Parliament".
117	In clause (1), for "the House of the People" substitute "Parliament".
118	In clause (2), omit "either House of".
119	In clause (1), omit "both the Houses of" , and for "the House of the People" substitute "Parliament".
120	In clause (1), for "the House of the People" substitute "Parliament".
123	In clause (1), omit "and a Bill making such provision shall not be introduced in the Council of States".
124.	
151	In clause (3), omit "either House of" , and for "that House" substitute "Parliament".
158	In clause (1), omit "Each House of".
⁵ [249	In clause (2), for "the Chairman of the Council of States* or the Speaker of the House of the People, as the easel may be" substitute "the Speaker of Parliament". Omit clauses (3) and (4). Omit "each House of" and "a House of". In clause (1), for "the Chairman of the Council of States or Speaker of the House of the People" substitute "the Speaker of Parliament" and omit ", as the case may be,". In clause (1), for "both Houses of Parliament are in session" substitute "Parliament is in session". In clause (2), omit "both Houses of" , and for "resolutions" , disapproving it are passed by both Houses, upon the passing of the second of those resolutions substitute "a resolution disapproving, it is passed by Parliament, upon the passing of that resolution", and omit the Explanation. In clause (4), omit "each House of", and for "that House" substitute "Parliament". In clause (1), omit "each House of". In clause (1), omit "either House of" and for "that House" substitute "Parliament or that House, as the case may be". In clause (1), for "the Council of States" substitute "Parliament".]

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274	In clause (1), omit "either House of".
281	Omit "each House of".
312	In clause- (1), omit "if the Council of States has declared by resolution supported by not less than
320	two-thirds of the members present and voting that it is necessary or expedient in the national interest so to do,".
323	In clause (5), for "each House of Parliament" and "both Houses of Parliament" substitute
329A	"Parliament".
(new)	In clause (1), omit "each House of".
338	In Part XV, after Article 329, insert : --
340	Certain provisions of this part not to apply to provisional parliament and provisional legislatures.
348	"329A. The provisions of Article 325 shall not apply in relation to the Legislatures of States
352	functioning under Article 382 or Article 385 and the provisions of Article 326 and clause (b) of Article 329 shall not apply in relation to the provisional Parliament functioning under Article 379 and such Legislatures of States."
354	In clause (2), omit "each House of".
356	In clause (3), omit "each House of".
357	In sub-clause (b) of clause (1), for "either House of Parliament" substitute "Parliament".
359	In clause (2), omit "each House of" , for "resolutions of both Houses" substitute "a resolution" and
361	omit the proviso.
368	In clause (2), omit "each House of".
Second Schedule	In clause (3), omit "each House of" , for "resolutions of both Houses" substitute "a resolution" and omit the proviso.
Third Schedule	In clause (4), for "second of the resolutions" substitute "resolution" , in the first proviso omit "both Houses of" , and omit the second proviso.
	In clause (1), for "the House of the People" substitute "Parliament".
	In clause (3), omit "each House of".
	In clause (1), omit "either House of".
	Omit "either House of" and "in each House" ; and for "that House" substitute "Parliament".
	In paragraph 7, for "the House of the People" substitute "Parliament" omit "and the Chairman of the Council of States" and "and to the Deputy Chairman of the Council of States" and for "salaries"

substitute "salary".

In Form III, for "the Council of States (or the House of the People)" substitute "Parliaments the Council of States" and "and to the Deputy Chairman of the

Seventh In List I--

Schedule For entry 73, substitute:--

"73. Salaries and allowances of the Speaker, the Deputy Speaker and members of Parliament."

In entry 74, for "each House of Parliament" and "each House" substitute "Parliament".

PART II

168 In clause (1), for "For every State there shall" substitute "Subject to the provisions of Article 382, there shall for every State".

172 A(new) After Article 172,insert : --

Certain provisions not to apply to provisions not to apply to provisional

Legislatures of States.

"172A.The provisions of Articles 169 to 172 (both inclusive) ⁷ [, clause(a) of Article 173 and sub-clause (d) of clause (1) of Article 191 shall not apply in relation] to the House or Houses of the Legislature of any State functioning under Article 382."

⁸ [174 In clause (2), omit sub-clause (b).]

178 For this Article, substitute : --

The Speaker and Deputy Speaker of the Legislative Assembly.

"178.So often as the office of Speaker or Deputy Speaker of the Legislative Assembly of a State becomes vacant, the Assembly shall choose a member thereof to be its Speaker or Deputy Speaker, as the case may be."

179 Omit the second proviso.

182 For this Article, substitute : --

The Chairman and Deputy Chairman of the Legislative Council

"182.So often as the office of Chairman or Deputy Chairman of the Legislative Council of a State becomes vacant, the Council shall choose a member thereof to be its Chairman or Deputy Chairman, as the case may be."

⁹ [190 To clause (3), add : --

In the application of this clause to a person who is chosen a member of a House of the Legislature of a State at the first elections held under this Constitution, the expression "the Speaker or the Chairman, as the case may be" means the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, of that State functioning under the provisions of Part XXI.'].]

238 For clause (6) substitute: --

"(6) In Article 164--

(i)for the proviso to clause (1), the following proviso shall be substituted, namely : --

Provided that in the State of Madhya Bharat there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.' ;

(ii)the following clause shall be added at the end, namely : --

(6)The provisions of clauses (2) and (4) shall not apply in relation to a State having no House of the Legislature."

In clause (7), for "For every State there shall" substitute "Subject to the provisions of Article 385, there shall for every State".

After clause (7), insert : --

"(7a)In Article 172A, for the word and figure ' Article 382' the word and figure 'Article 385' shall be substituted."

¹⁰ [After clause (8), insert : --

(8a)In sub-clause (b) of clause (3) of Article 190, after the words "as the case may be" , the words "or, if there is no such officer, to the Rajpramukh,"shall be inserted.]

After clause (11), insert : --

"(11A)After Article 212, the following shall be inserted, namely : --

Special provisions for certain States.

Certain provisions not to apply to States having no House of the Legislature.

212A.(1) The provisions of Articles ¹¹ [175] to 189 (both inclusive), 193to 199 (both inclusive), the first proviso to Article 200, the proviso to Article '201, clauses (1) and (2) and sub-clause (b) of clause (3) 01 Article202 '[Articles 203 to 207 (both inclusive) and Articles 209 to 212 (both inclusive)] shall not apply to

any State which has no House of the Legislature but clauses (2) and (3) shall apply in relation to such States in place of the said provisions.

(2)The Rajpramukh or other authority exercising the legislative powers in any such State as aforesaid under Article 385 shall prepare such Bills as may be deemed necessary, and the Rajpramukh shall declare as respects any Bill so prepared either that he assents to the Bill or that he withholds assent therefrom or that he reserves it for the consideration of the President.

(3)Any expenditure from the Consolidated Fund of any such State incurred after the 31st day of March, 1950. whether expenditure charged by this Constitution on such Fund or not, shall be deemed to have been duly authorised if it is included in an Appropriation Act made under clause (2) providing for the appropriation out of the Consolidated Fund of the State of all moneys required to meet such expenditure.

(4)Any reference in this Constitution to Acts or laws of, or made by, the Legislature of a State shall be construed as including a reference to Acts made under this Article.'

(11B)To Article 213, the following clause shall be added, namely : --

(4)The provisions of this Article shall not apply in relation to a State having no House of the Legislature.'

238A(new) In Part VII, after Article 238, insert :--

Certain provisions not to apply to States having on House of the Legislature.

"238A.Any provisions of this Constitution which relate to the laying of any regulation, report or other paper before, the Legislature of a State specified in Part B of the First Schedule shall not apply in relation to any such, State having no House of the Legislature."

267In clause (2), add at the end--

"or by law made under Article 212A".

333A(new) After Article 333, insert : --

Certain provisions not to apply to States having on House of the Legislature.

"333A.The provisions of Articles 332 and 333 shall not apply in relation to the Legislatures of States. functioning under Article 382 or Article 385."

1.This Order ceased to be in force from June 1952.

2. Substituted by C. O. 31.

- 3.The words and "the House" were rep. by C. O. 31.
 - 4.Substituted by C. O. 37.
 - 5.Substituted by C. O. 20.
 - 6.Entries relating to Articles 251 and 252 were omitted by C. O. 20.
 - 7.Substituted by C. O. 11.
 - 8.Substituted by C. O. 31.
 - 9.Inserted by C. O. 37.
 - 10.Inserted by C. O. 36.
 - 11.Substituted by C. O. 36.
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