

Article 195

The Honourable Dr. B. R. Ambedkar : I move:

“That in article 195 for the words ‘a declaration’ the words ‘an affirmation or oath’ be substituted.”

It is a very formal amendment.

Mr. President : The question is:

“That in article 195 for the words ‘a declaration’ the words ‘an affirmation or oath’ be substituted.”

The amendment was adopted.

Mr. President : The question is:

“That article 195, as amended, stand part of the Constitution.”

The motion was adopted.

Article 195, as amended, was added to the Constitution.

Article 196

The Honourable Dr. B. R. Ambedkar : Sir, I move:

“That for article 196, the following article be substituted:—

‘196. No person who has held office as a judge of a High Court after the commencement of this Constitution shall plead or act in any court or before any authority by a person before any authority within the territory of India.’ ”

It is simply a rewording of the same.

(Amendments Nos. 87 and 2627 to 2631 were not moved.)

Shri Prabhu Dayal Himatsingka : In view of the amendment moved by Dr. Ambedkar now, my amendment (No. 2632) is not necessary.

(Amendments Nos. 2633 to 2637 were not moved.)

Sardar Hukam Singh : (East Punjab: Sikh): Sir, I beg to move:

“That in article 196, for the words ‘within the territory of India’ the words ‘within the jurisdiction of that High Court’ be substituted.”

It is not necessary for me, Sir, to make a speech as the amendment is self explanatory.

Shri H. V. Kamath : Sir, article 196 has now been brought in an amended form before the House by the Chairman of the Drafting Committee. To my mind even the amended article imposes too sweeping a restriction on persons who have held office as judges of high courts. We had visualised that a person could be appointed as a high court judge either for a long tenure or a very short tenure too. I suppose the amendment that has been moved by Dr. Ambedkar does not do away with the possibility of a person acting or holding office as a high court judge for a few months. Suppose a person has held office as a high court judge for a few months, six or nine months, do we seek to impose a restriction upon him, a man who has acted as a temporary judge for a short time? Do we seek to debar him from pleading or practising not merely in any court but even before any authority within the territory of India? It passes my comprehension why a person who has sat on the high court bench for a short while should not be allowed to appear before any court or authority within the whole of India. There would have been some meaning, as my Friend Sardar Hukam Singh has suggested, if the judge was precluded from appearing