

Article 118

Mr. President : Article 118.

(Amendments No. 1949 and 1950 were not moved.)

Mr. President : The question is:

“That article 118 stand part of the Constitution.”

The motion was adopted.

Article 118, was added to the Constitution.

Article 119

Mr. President : Amendment No. 1951 is ruled out.

Shri H. V. Kamath : Sir, the point which I wish to raise in my amendment No. 1952 is a simple one. The article contemplates that the Supreme Court should report to the President its opinion or in its discretion it may withhold its opinion. I believe what is meant is that when once the President refers the matters to the Supreme Court for its opinion there is no option for the Supreme Court. If that is not meant then the language is right. But if it is meant that once the President refers a matter to the Supreme Court, it must report its opinion thereon to the President, then the word “shall” must come in. I wanted a clarification on that point.

The Honourable Dr. B. R. Ambedkar : The Supreme Court is not bound.

Shri H. V. Kamath : Then I do not move my amendment.

Mr. President : Amendment No. 1953 is ruled out and 1954 is verbal.

Shri H. V. Kamath : Sir, I move:

“That in clause (2) of article 119, for the word ‘decision’ the word ‘opinion’ and for the words ‘decide the same and report the fact to the President’, the words ‘submit its opinion and report to the President’ be substituted respectively.”

Sir, I originally sent this as two separate amendments but they have been listed as one. If this is accepted by the House the relevant clause of this article would read as follows:—

“The President, may notwithstanding anything contained in clause (i) of the proviso to article 109 of this constitution refer a dispute of the kind mentioned in the said clause to the Supreme Court for opinion, and the Supreme Court shall thereupon, after giving the parties and opportunity of being heard, submit its opinion and report to the President.”

If we read carefully clause (i) it will be found that what is referred to is the “opinion of the Supreme Court” on any matter which the President may deem it necessary or fit to refer to that court.....

The Honourable Dr. B. R. Ambedkar : May I request you, Sir, to hold over this article 119, because it has also reference to articles 109 to 114 which we have decided to hold over.

Shri H. V. Kamath : Then, Sir, I shall reserve my right to move the amendment later on.

Article 120

(Amendments Nos. 1956 and 1957 were not moved.)

Mr. President : The question is:

“That article 120 stand part of the Constitution.”

The motion was adopted.

Article 120 was added to the Constitution.