

Mr. President : The question is:

“That article 113 stand part of the Constitution.”

The motion was negatived.

Article 113 was deleted from the Constitution.

Article 114

Mr. President : Article 114. There is one amendment by Mr. Gupte.

(The amendment was not moved.)

Does anyone wish to speak?

The Honourable Dr. B. R. Ambedkar : My attention has been drawn by my Friend Shri Alladi Krishnaswami Ayyar that the articles of this Draft Constitution dealing with powers of the Supreme Court do not expressly provide for appeals in income-tax cases. I wish to say that I am considering the matter and if on examination it is found that none of the articles could be used for the purpose of conferring such an authority upon the Supreme Court, I propose adding a special article dealing with that matter specifically. But this article may go in.

Mr. President : The question is:

“That article 114 stand part of the Constitution.”

The motion was adopted.

Article 114 was added to the Constitution.

Mr. President : We have already dealt with 115, and 116 to 120.

Article 119

Shri T. T. Krishnamachari : We have not dealt with 119.

Mr. President : Yes, 119. There is an amendment of which notice has been given by Mr. Kamath in 1952.

(Amendments 1952 to 1955 were not moved.)

There is another amendment No. 41.

Shri T. T. Krishnamachari : May I point out that 41 is substantially the same as 1953 and if nobody moves 1953, and if Mr. Kamath moves 1955, then 41 can be moved.

Mr. President : Neither 1953 has been moved nor is Mr. Kamath in a position to move 1955. He is busy otherwise. I understand it was moved on the 27th May. So we can take up 41.

Shri T. T. Krishnamachari : Sir, I move:

“That with reference to amendment No. 1955 of the List of Amendments, clause (2) of article 119 be deleted.”

Mr. President : The question is:

“That with reference to amendment No. 1955 of the List of Amendments, clause (2) of article 119 be deleted.”

The amendment was adopted.

Mr. President : The question is:

“That article 119, as amended, stand part of the Constitution.”

The motion was adopted.

Article 119, as amended, was amended to the Constitution.

Article 121

Mr. President : 120, we have passed 121. There are several amendments to this. No. 1958.

Mr. Z. H. Lari (United Provinces : Muslim) : Sir, I move :

“That in clause (1) of article 121, the words ‘with the approval of the President’ be deleted.”

This article deals with certain provisions which are necessary to be made by the Supreme Court in the discharge of its duties and functions. If you look to the article, the main purpose of the article is that there must be such rules as shall govern persons practising before the Court, and the number of judges which shall hear particular kinds of cases, and rules as to granting of bail and the like. All these are such as should be left to the entire discretion of the Supreme Court. The necessity of having the approval of the President is in a way interference by the Executive with the Judiciary. I think that in all these matters, which really relate to internal arrangement by the Supreme Court, there should be no hand of the President therein, and as such, I think that these words are entirely superfluous. The Supreme court shall be competent enough to frame all the necessary rules and there is no necessity of securing the previous approval of the President.

I hope that this House will accept this amendment which is really intended to make the Supreme Court entirely immune from the influence of the Executive.

(Amendments Nos. 1959 to 1961 were not moved.)

Shri T. T. Krishnamachari : Sir, Dr. Ambedkar has gone out for the moment. May I move it ?

Mr. President : Yes.

Shri T.T. Krishnamachari : Sir, with your permission I move amendment 1962 standing in the name of the Honourable Dr. Ambedkar:

“That in sub-clause (b) of clause (1) of article 121, the words ‘and the time to be allowed to advocate appearing before the Court to make their submissions in respect thereof’ be deleted.”

Mr. President : There is another amendment with reference to this amendment. It is No. 42.

Shri T. T. Krishnamachari : Sir, I move:

“That with reference to amendments Nos. 1959, 1960 and 1962 of the List of Amendments, after sub-clause (b) of clause (1) of article 121, the following new sub-clause be inserted :—

‘(bb) rules as to the procedure for the review of any judgment pronounced or order passed by the Court including the time within which applications to the Court for such review are to be entered;’ ”

This amendment is necessary in view of the fact that the House has already accepted a new clause moved by Dr. Ambedkar in respect of conferring powers on the Supreme Court to make rules for the purpose of reviewing its own decisions. This is a corollary to that amendment which the House has accepted.

(Amendment No. 1963 was not moved.)