

to the rights and obligations which might have accrued under the Government of India Act. Consequently if there are parties who have obtained certain rights under the provisions of the Government of India Act and whose rights have now been extinguished by any rule regarding limitations, it is obvious that some forum must be provided for the adjudication of those rights. It is to meet this contingency *viz.*, of persons who have their rights accrued under the existing Government of India Act and which have not come before a court of law, it is for such contingency that this article is necessary. This matter could have been provided for, I agree, in two different ways, first of all, by amending the language of the article 110 where we have used the word "This Constitution", if we had merely said 'any law regarding the Constitution relating to the Constitution of the country' that probably might have sufficed but the point is that we would have been obliged to repeat this formula in three or four places. Instead of doing that, It was decided that the best way is to put in an omnibus clause to define what this Constitution means. I think this provision is very necessary and ought to remain part of the Constitution.

Mr. President : The question is:

"That with reference to amendment Nos. 1909 and 1926 of the List of Amendments after article 122, the following new article be inserted:—

'122A. In this Chapter, references to any substantial question of law as to the interpretation of this Constitution shall be construed as including references to any substantial question of law as to the interpretation of the Government of India Act, 1935, or of any Order in Council or order made thereunder, or of the Indian Independence Act, 1947, or of any order made thereunder.' "

Interpretation

The motion was adopted.

Article 122-A was added to the Constitution.

Article 123

Mr. President : Article 123.

Shri T.T. Krishnamachari: 123 refers to those portions which were specifically omitted all along. Therefore it might be put to the House and possibly the House might negative it because it is unnecessary.

Mr. President : Yes. The Question is:

"That article 123 stand part of the Constitution."

The motion was negatived.

Article 123 was deleted from the Constitution.

Mr. President : After this we have to go back to the articles dealing with the States. We did up to 170. The subsequent articles deal with the procedure in the provincial Legislatures.

Article 191

Shri T.T. Krishnamachari: May I suggest that we might take up article 191 and the articles that occur thereafter. This and subsequent articles deal with the question of High Courts in the States and it would be easy for the House to deal with them because we have just now dealt with analogous articles relating to the Supreme Court.

Mr. President : If so, I am prepared to take up article 191 and subsequent article because they deal with High Courts, and as we have been dealing with the provisions regarding the Supreme Court and the provisions for the

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High Court are more or less similar, Members may not find it difficult to carry on with the discussion of these articles. So I take up article 191.

(Amendment Nos. 2563, 2564, 2565 and 2566 were not moved.)

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

“That in sub-clause (a) of clause (1) of article 191, for the words ‘the High Court of East Punjab, and the Chief Court in Oudh’ the words ‘and the High Courts of East Punjab, Assam and Orissa’ be substituted.”

Sir, I moved:

“That with reference to amendment Nos. 2567 and 2570 of the List of Amendments, for article 191, the following article be substituted:—

‘191. (1) There shall be a High Court for each State.

(2) For the purposes of this Constitution the High Court existing in any Province immediately before the commencement of this Constitution shall be deemed to be the High Court for the corresponding State.

(3) The provisions of this Chapter shall apply to every High Court referred to in this article.’”

Shri T.T. Krishnamachari: We might take up the discussion of this amendment first because if this is accepted by the House all the other amendments will be unnecessary. This alters the entire contour of the article while, it also simplifies it.

Mr. President : There are some amendments of which I have got notice. I shall run over them and see.

(Amendment Nos. 2568 to 2577 were not moved.)

Mr. President : There is therefore no other amendment except the one moved by Dr. Ambedkar. Does anyone wish to say anything about the amendment or the article?

The question is:

“That with reference to amendment Nos. 2567 and 2570 of the List of Amendments, for article 191, the following article be substituted:—

‘191. (1) There shall be a High Court for each State.

(2) For the purpose of this Constitution the High Court existing in any Province immediately before the commencement of this Constitution shall be deemed to be the High Court for the corresponding State.

(3) The provisions of this Chapter shall apply to every High Court referred to in this article.’ ”

The amendment was adopted.

Mr. President : The question is:

“That article 191, as amended, stand part of to the Constitution.”

The motion was adopted.

Article 191, as amended, was added to the Constitution.

Mr. President : I have left out one thing. There is a proposal by Prof. Shah—amendment 2562—that a new article, 190-A be added. I do not know if it will come at this stage. Does Prof. Shah wish to move it?