

**Article 122**

**Shri T. T. Krishnamachari :** Mr. President, Sir, I move.

“That in article 122A, after the words ‘In this Chapter’, the words and figures ‘and in Chapter VII of Part VI of this Constitution’ be inserted.”

This deals with a very simple matter. Article 122A deals with interpretation of the Constitution in so far as the Supreme Court is concerned. What is now sought to be done is that this clause in so far as it refers to interpretation of the constitution in reference to any substantial question of law shall apply to the Chapter relating to High Courts as well. It is a lacuna that was not noticed at the time this article was passed and is not a matter which really involves any substantial change. It is only filling up a lacuna which exists.

**Mr. President :** The question is

“That in article 122A, after the words ‘In this Chapter’ the words and figures ‘and in Chapter VII of Part VI of this Constitution’ be inserted.”

The amendment was adopted.

**Article 130**

**Mr. President :** We proceed to article 130.

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

“That in clause (1) of article 130, for the words ‘may be exercised by him’, the words ‘shall be exercised by him either directly or through officers subordinate to him’ be substituted.”

Sir, the House to day passed after some discussion a similar-amendment in respect of article 42 which relates to the President. We have been seeking to import the same wording in respect of the executive powers of the Governor.

**Mr. President :** There was an amendment by Mr. Kamath to the other article. Probably there is similar amendment to this. Is it necessary to have a discussion on this?

**Shri H. V. Kamath :** My views, are that they are simply repeating the mistake I do not move my amendment.

**Mr. President :** The question is :

“That in clause (1) of article 130, for the words ‘may be exercised by him’ the words ‘shall be exercised by him either directly or through officers, subordinate to him’ be substituted”.

The amendment was adopted.

**Article 169**

**Mr. President :** We take up article 169.

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

“That for clause (3) of article 169, the following clause be substituted :—

- ‘(3) In other respects, privileges, immunities and powers of a House of the Legislature of a State and of the members and the committees of a House of such Legislature shall be such as may from time to time be defined by the Legislature by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom and of its members and committees at the commencement of this Constitution. ’ ”

This follows the line of similar amendment moved to clause (3) of article 85 and the House has accepted it and this merely seeks to put in the same set of provisions in respect of powers of the Houses of Legislature, the powers and privileges and immunities of members of the Committees of Houses of Legislatures.

**Mr. President :** We have just passed a similar provision with regard to Parliament. This relates to the Legislatures of the States.

The question is :

“That for clause (3) of article 162, the following clause be substituted:—

‘(3) in other respects, privileges, immunities, and powers of a House of the Legislature of a State and of the members and the committees of a House of such Legislature shall be such as may from time to time be defined by the Legislature by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom and of its members and committees at the commencement of this Constitution.’ ”

The amendment was adopted.

#### Article 213-A

**Mr. President :** We go to article 213-A.

**Shri T. T. Krishnamachari :** I move:

“That in clause (1) of article 213-A for the words ‘for the purpose of this Constitution’ the words ‘for all or any of the purposes of this Constitution’ be substituted.”

This amendment relates to High Courts in State in Part II of the First Schedule and the words are merely an amplification of the original phraseology and there can be no objection to such amplification. I am advised that this is necessary by our legal advisers and that is why this amendment is being moved.

**The Honourable Shri K. Santhanam :** I am afraid we are going in for too many superfluous amendments.

**Mr. President :** Does anyone wish to say anything ? Mr. Santhanam thinks it is unnecessary and so does Pandit Bhargava. Mr. Krishnamachari, do you wish to say anything ?

**Shri T. T. Krishnamachari :** In this matter I am afraid we have to be guided by our Advisers.

**The Honourable Shri K. Santhanam :** Even if they have committed any mistake in the original draft, unless it is indispensable no amendment should be brought before us now.

**Shri T. T. Krishnamachari :** I am afraid we have committed another mistake in another article if I should accept the argument of my honourable Friend Mr. Santhanam. We have committed the mistake in 303 clause (1) item (11) sub-item (2). It says in the definition :—

“any other court in the territory of India which may be declared by Parliament by law to be a High Court for all or any of the purposes of this Constitution.”

If we have a definition of the High Court using these words, however, unnecessary it might appeal to some honourable Members of this House, I thought that it is best to bring it into line with the definition which will really be the governing factor in the interpretation of the article of this House.

**An Honourable Member :** If these are absolutely necessary, they can be brought in the Third Reading.

**Mr. President :** I do not think there is any real opposition to this but some Members consider it unnecessary.

The question is :

“That in clause (1) of article 213-A for the words ‘for the purposes of this Constitution’, the words ‘for all or any of the purposes of this Constitution’ be substituted.”

The amendment was adopted.

#### Article 215-A

**Mr. President :** We go to 215-A.