

Mr. President : The question is:

“That in clause (1) of article 110, the words ‘as to the interpretation of this Constitution’ be omitted.”

The amendment was negatived.

Mr. President : The question is:

“That in clause (2) of article 110, the words ‘as to the interpretation of this Constitution’ be omitted.”

The amendment was negatived.

Mr. President : The question is:

“That in clause (3) of article 110, for the words ‘not only on the ground that any such question as aforesaid has been wrongly decided, but also’, the words ‘on the ground that any such question as aforesaid has been wrongly decided and with the leave of the Supreme Court’ be substituted.”

The amendment was adopted.

Mr. President : The question is:

“That article 110, as amended, stand part of the Constitution.”

The motion was adopted.

Article 110, as amended, was added to the Constitution.

Article 111

Mr. President : The first amendment is No. 1911 by Shrimati Durgabai.

Shrimati G. Durgabai (Madras: General): As the point involved has been covered by Dr. Ambedkar, I do not wish to move it.

Shri Raj Bahadur : Mr. President, Sir, I beg to move:

“That in clause (1) of article 111 the words ‘except the States for the time being specified in Part III of the First Schedule’ be deleted.”

While moving this amendment, I may submit, Sir, that the articles relating to the powers and jurisdiction of the Supreme Court were drafted at a time when the process of integration and democratisation of the Indian States had only commenced and the final shape of things as they have finally emerged was not before the country and before the Drafting Committee. As such we find that the Supreme Court which is the ultimate court of appeal in the land was not vested with jurisdiction in certain cases. Article 109 vests the Supreme Court with jurisdiction in certain matters which relate to disputes between the States *inter se*. But this jurisdiction is limited and restricted to some extent in cases relating to the States mentioned in Part III of the First Schedule. In article 111 a distinction and discrimination has been made between the case of judgments, decrees or final orders in civil proceedings arising from the High Courts in the provinces of India and those arising from the High Courts in Indian States. Similarly a discrimination has again been made against the people living in the Indian States under article 112. It is obvious that the Supreme Court being the final court of appeal should have equal jurisdiction or authority over the entire territory of India. It is only proper that the Indian States where the system of judiciary has not been so well developed and well organised as obtains in the Indian provinces, should be given an opportunity for reorganisation and development of their judiciary under the supervision of the Supreme Court. It is very well known that the administration of justice that the Indian States people have so far been receiving from their judiciaries has yet to come to the level and standard of that available to the people in the Indian

[Shri Raj Bahadur]

provinces. Similarly it is also well-known that we the people of the Indian States have been eagerly looking forward to the day when the Federal Court or the Supreme Court will be empowered to entertain and hear appeals from cases arising from the High Courts situated in the Indian States. When this is the general desire of the people of the Indian States, it is only proper that in articles 111, 112 or for the matter of that in 109, there should be no discrimination against the Indian States. May I submit, Sir, that the inclusion of the words "except the States for the time being specified in Part III of the First Schedule" detracts not only from the jurisdiction and authority of the Supreme Court over the entire territory of India, but also detracts from the fulness of the unity of our country and from the democratic freedom of the Indian States people. To a certain extent it detracts also from the sovereignty of the Sovereign Parliament of the Indian Nation *over* the Indian States. It appears to me that in case we retain these words in the articles concerned, we shall still be keeping alive a sort of lingering and intolerable vestige of the old order in our Constitution. The House and the Government of India stand committed to the principle of fully democratizing the Indian States. We also stand committed to bring the States on a par with the provinces. As such it is only desirable that all distinctions, discriminations and differences should be obliterated. We want no purple patches on the map of India. We want that the process of the integration and unification of our country should be accomplished at as early a date as possible. I may submit further that the Indian States people require greater protection for the vindication of their elementary fundamental rights which are now being secured by the constitution and for other rights than the people living in other parts of the country. It is well-known that feudalism and other forces which react against the fulness of freedom of the States People are still not fully put down in the Indian States and an outlet or opportunity should be there for the people of the Indian States to approach the Supreme Court, if need be, for the vindication of their rights and liberties. I may further mention that "the States specified in Part III of the First Schedule", if we retain the said words, would be invested with a sort of a better or different status, distinct or contrasted from the status given to the rest of the States in the Indian Union. It would place them on a level different from the Indian provinces. The High Court in the Indian States, and not the Supreme Court of the country, would become the final court of appeal for the people of such States. But this position should not be allowed to continue. I commend, therefore, this amendment for the acceptance of the House, in view of the fact that we have accepted the principle of unity and unification of the country, and hence there should be no distinction or discrimination between one part of the country and the other.

(Amendment Nos. 1913 to 1916 were not moved.)

Dr. Bakshi Tek Chand : Sir, I move:

"That in sub-clause (1) of clause (1) of article 111, after the words: 'not less than twenty-thousand rupees' the words 'or such amount as may be fixed by law by Parliament' be inserted."

The object of this amendment is very simple. In the article as drafted the value of the cases covered by article 111 (1) (a) and (b), instead of Rs. 10,000 as it is at present for appeals to the Privy Council, is fixed at Rs. 20,000. If the article is passed as it is, and incorporated in the Constitution, this figure will remain as a rigid limit until the Constitution is amended. Conditions in the country may however changed and it may be found that this limit is either too high or that it is too low and that it should be raised or reduced. In that case it will not be possible to make any change unless there is an amendment of the Constitution. That, of course, would be a long and cumbersome

process. The limit is being raised, as the value of property has gone up greatly; what was worth Rs. 10,000 twenty years ago is now worth Rs. 20,000. Circumstances may, however, change. The value may go down again due to various causes and the limit may have to be reduced. Or, the value may rise higher still and it may be necessary to raise the limit from Rs. 20,000 to Rs. 30,000, Rs. 40,000 or more. To meet such a situation power should be given to Parliament by law to make the necessary change in the article. The amendment therefore seeks to introduce in the article the words “or such amount as may be fixed by law by Parliament.”

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

“That with reference to amendments Nos. 1916 to 1919 of the List of Amendments, in sub-clause (a) of clause (1) of article 111, after the words ‘twenty thousand rupees’, the words ‘or such other sum as may be specified in this behalf by Parliament by law’ be inserted.”

(Amendment No. 1918 was not moved.)

Mr. Naziruddin Ahmad : Mr. President, Sir, I beg to move:

“That in sub-clause (a) of clause (1) of article 111, for the words “twenty thousand”, the words ‘fifteen thousand’ be substituted.”

Sir, the present pecuniary limit is rupees ten thousand, but the Draft Constitution proposes rupees twenty thousand. Mine is a *via media* of rupees fifteen thousand. I want to raise it as the money has become cheap. I submit that the standard of appealability must not be very much. That is a very arbitrary standard of justice and that makes a distinction between the rich and the poor. If you have any distinction at all, I should think that the ordinary valuation should be slightly raised. There is a discretion in the Supreme Court which may in proper cases grant special leave; but I totally disagree with the amendment moved by Dr. Bakshi Tek Chand and Dr. Ambedkar leaving the matter in the hands of Parliament. I submit that as we are framing a Constitution and we are introducing a large number of small details—I would not say that they are irrelevant matters as Dr. Ambedkar is accustomed to say—a large number of small details, making the Constitution almost into departmental manual. In a vital matter like this which gives or takes away the right of appeal we must not shirk our responsibility and leave it to Parliament. The difficulty would be that valuation would fluctuate from day to day according to the temper of the House and according to the Constitution of the House. We cannot assume that the present House or the present strength of the various parties will remain the same for ever. Therefore, instead of allowing the limit to fluctuate with the temper of the moment, it should far better be fixed in the Constitution. You may make it ten thousand, fifteen thousand or twenty thousand; but it should be something fixed in the Constitution so that it may not be changed very frequently except by an amendment of the Constitution itself. This should be put on a more permanent basis. This is my reason for moving this amendment.

(Amendments Nos. 1920 and 1921 were not moved.)

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

“That to clause (1) of article 111 the following proviso be added :—

‘Provided that no appeal shall lie to the Supreme Court from the judgment, decree or order of one Judge of a High Court or of one Judge of a Division Court thereof, or of two or more Judges of a High Court, or of a Division Court constituted by two or more Judges of a High Court, where such Judges are equally divided in opinion and do not amount in number to a majority of the whole of the Judges of the High Court at the time being.’ ”

Mr. President : To this, there is an amendment by Pandit Thakur Dass Bhargava No. 151. Are you moving that?

Pandit Thakur Dass Bhargava : Not moving Sir.

Mr. President : We shall stop there and adjourn to Eight of the clock on Monday. The Assembly then adjourned till Eight of the Clock on Monday the 6th June 1949.