[Mr. President]

There is no other amendment to article 116. I shall put the article to the vote of the House :

The question is:

"That article 116 stand part of the Constitution."

The motion was adopted.

Article 116 was added to the Constitution.

Article 117

Mr. President : We then come to article 117.

(Amendment No. 1945, was not moved.)

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

"That in article 117, for the words 'all courts' the words 'all other courts' be substituted."

So if this is accepted, the article will read thus:

"That law declared by the Supreme Court shall be binding on all other courts within the territory of India."

I have no doubt in my own mind that this article does not seek to bind the Supreme Court by its own judgments. What is intended by the article is, I am sure, that other courts subordinate to the Supreme Court in this land shall be bound by the judgments and the law declared by the Supreme Court from time to time. It will be unwise to bind the Supreme Court itself, because in order to ensure elasticity, in order to enable mistakes and errors to be rectified, and to leave room for growth, the Supreme Court will have to be excluded from the purview of this article. The Supreme Court may amend its own judgments, or its own interpretation of the law which it might have made on a previous occasion and rectify the errors it has committed earlier. Therefore I feel that the intention of this article would be correctly and precisely conveyed by saying that the law of the Supreme Court shall be binding on "all other courts" within the territory of India.

Sir, I move.

(Amendments Nos. 1947 and 1948 were not moved).

The Honourable Dr. B. R. Ambedkar : Sir, there is one point which I should like to mention. It is not certainly the intention of the proposed article that the Supreme Court sould be bound by its own decision like the House of Lords. The Supreme Court would be free to change its decision and take a different view from the one which it had taken before. So far as the language is concerned I am quite satisfied that the intention is carried out.

Shri H. V. Kamath : Then why not say "all other courts"?

The Honourable Dr. B. R. Ambedkar : "All courts" means "all other courts."

Mr. President : The question is:

"That in article 117, for the words 'all courts' the words 'all other courts' be substituted."

The amendment was negatived.

Mr. President : The question is:

"That article 117 stand part of the Constitution."

The motion was adopted.

Article 117 was added to the Constitution.