

Article 213-A

Mr. President : Then we go to article 213-A.

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

“That after article 213, the following new article be inserted:—

‘213 (1) Parliament may by law constitute a High Court for a State for the time being specified in Part II of the First Schedule or declare any Court in any such State to be a High Court for the purposes of this Constitution.

- (2) The provisions of Chapter VII of Part VI of this Constitution shall apply in relation to every High Court referred to in clause (1) of this article as they apply in relation to a High Court referred to in article 191 of this Constitution subject to such modifications or exceptions as Parliament may by law provide.
- (3) Subject to the provisions of this Constitution and to any provisions of any law of the appropriate Legislature made by virtue of the powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of this Constitution in relation to any State for the time being specified in Part II of the First Schedule or any area included therein shall continue to exercise such jurisdiction in relation to that State or area after such commencement.
- (4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court in any State for the time being specified in Part I or Part III of the First Schedule to, or from, any State for the time being specified in Part II of that Schedule or any area included within that State.”

Sir, it will be remembered that when the House discussed the constitution of States in Part I, it was decided that every State should have a High Court. States in Part II are also States; consequently the provision which applies to States in Part I, namely, that each State should have an independent High Court, must also apply to States in Part II. Unfortunately, this provision had not been made in the Draft as it stands now. Consequently it has become necessary to introduce this article 213-A in order to provide that even in States included in Part II there shall be a High Court, or if there is a High Court that High Court shall be treated as a High Court. Provision is also made in clause (3) of this article that if there is no High Court and if it is not possible to create a High Court exclusively for any particular area included in States in Part II, it will be open for Parliament to declare that a certain other Court situated in any adjacent area may be treated as a High Court for purposes of that particular area. That is the purpose of this article.

Mr. President : There is no amendment to this article. Does anyone wish to say anything on it ? Then I shall put it to vote.

The question is :

“That new article 213-A stand part of the Constitution.”

The motion was adopted.

Article 213-A, was added to the Constitution.

Article 214

Mr. President : Article 214. There is an amendment by Shri Brajeshwar Prasad.

Shri Brajeshwar Prasad : Sir, I am not moving my amendments.

Mr. President : Then we will take up amendment No. 52 standing in the name of Dr. Ambedkar.

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

“That with reference to amendment No. 2728 of the List of Amendments, for article 214 the following article be substituted:—

- ‘214. (1) Until Parliament by law otherwise provides, the constitution, powers and functions of the Coorg Legislative Council shall be the same as they were immediately before the commencement of this Constitution.
- (2) The arrangements with respect to revenues collected in Coorg and expenses in respect of Coorg shall, until other provision is made in this behalf by the President by order continue unchanged.’ ”

There is nothing new in this article except that the two parts in this are separate while they were lumped together in the original article.

Mr. President : Then amendment No. 142 standing in the name of Shri Brajeshwar Prasad.

Shri Brajeshwar Prasad: Sir, I am not moving it.

Mr. President : Then there are amendments Nos. 181 and 190 standing in the name of Prof. Shibban Lal Saksena. He is not present in the House.

There are no other amendments to article 214. Does anybody wish to say anything about this article ?

I will put the article to vote. The question is:

“That proposed article 214 stand part of the Constitution.”

The motion was adopted.

Article 214, was added to the Constitution.

Article 275

Mr. President : Then we go to article 275. Amendment No. 111, Dr., Ambedkar.

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

“That for article 275, the following article be substituted :—

5. (1) If the President is satisfied that a grave emergency exists whereby to security of India or of any part of the territory is threatened, whether by war or external. aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect.
- (2) A Proclamation issued under clause (1) of this article (in this Constitution referred to as ‘a Proclamation of Emergency’)—
- (a) may be revoked by a subsequent Proclamation;
 - (b) shall be laid before each House of Parliament;
 - (c) shall cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses, of Parliament;