

Mr. President : Amendment No. 89 moved by Mr. Jaspat Roy Kapoor has been accepted by Dr. Ambedkar. I will now put it to vote.

The question is:

“That in article 200 after the words ‘at any time’, the words ‘with the previous consent of the President’ be inserted.”

The amendment was adopted.

Mr. President : I will not put to the House amendment No. 2659.

The question is:

“That is article 200, the words, ‘subject to the provisions of this article’ be omitted.”

The amendment was adopted.

Mr. President : Now the question is:

“That article 200, as amended, stand part of the Constitution.”

The motion was adopted.

Article 200, as amended, was added to the Constitution.

Article 201

Mr. President : There are no amendments to article 201. If nobody wants to speak on it, I will put it to vote.

The question is:

“That article 201 stand part of the Constitution.”

The motion was adopted.

Article 201 was added to the Constitution.

Article 202

Mr. President : Article 202 is now for discussion.

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

“That in clause (1) of article 202, for the words ‘to issue directions or orders in the nature of the writs of *habeas corpus*, *mandamus*, prohibition, *quo warrants* and *certiorari*’ the words ‘to issue such directions or orders as it may consider necessary or appropriate’, and for the words ‘and for any other purpose’ the words ‘or for any other purpose’ be substituted respectively.”

If amendment No. 2660 were accepted, clause (1) of article 202 will read as follows :—

“Notwithstanding anything contained in article 25 of this Constitution, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue such directions or orders as it may consider necessary or appropriate, for the enforcement of any of the rights conferred by Part III of this Constitution or for any other purpose.”

The second part is purely verbal but I think this change is necessary. The clause as it stands relates both to the enforcement of the rights conferred by Part III and for any other purpose. If the word ‘or’ is substituted for the word ‘and’, it would make the meaning quite clear, that is to say, that the High Court has power to issue orders not merely when both are affected but on either ground. I think there should be no difficulty in the way of the House accepting this second part of the amendment. I sent in two separate amendments and that is why I am speaking about them separately.

As regards the first part of the amendment, I believe that in the interests of brevity, not however, at the expense of precision or clarity, we can omit the mention of the various writs. The courts should be competent to issue whatever