

The Constitution

To The Editor, "The Times of India"

SIR,—APROPPOS MESSRS. DIVAN and Joshi's letter on the above subject, it is incorrect to say that our Constitution has been amended every time the judicial decision has gone against the interests of the party in power. When the Supreme Court invalidated S.14 of the Preventive Detention Act, the party in power did not amend the Constitution but properly amended the Act. A political party has no interest apart from the people or any particular section thereof and the proper method of criticism is to find out which interest is sought to be protected and then to attack it.

The proposed amendment is in fact the first of the Constitution and has been necessitated by the judicial pronouncements of various State High Courts invalidating the measures relating to zamindari abolition, nationalisation of road transport and upholding the fundamental right of freedom of speech. It is not legitimate criticism to oppose the amendment merely on the ground that it is motivated by the desire of the party in power to carry out its policy unless it is also suggested that that policy is not in the interests of the common man or is in fact meant to uphold the rights and privileges of the vested class.

There is no inherent sanctity or finality in a Constitution and its utility is to be judged in so far as it can be made to respond to the aspirations and needs of the common citizens in a changing society. Hence a judicial interpretation should not be permitted to come in the way of ameliorating legislation.

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