

# No limitation on power of amendment: govt.

NEW DELHI, March 28: The government, defending the 24th, 25th and 29th constitutional amendments filed written arguments in the Supreme Court today seeking to repudiate the petitioners' contention that the constitution-amending power was subject to implied limitations.

The arguments on behalf of the state of Kerala and the Union of India, who are the respondents, were confined to two fresh authorities relied upon by the petitioners.

The authorities—Mangal Singh's case and Taylor case—did not lay down any implied limitation on the power of amendment, the respondents said.

The respondents contended that Article 4 of the constitution, which was interpreted in Mangal Singh's case, had to be read with Articles 2 and 3.

Article 4 contained a "limited" power of amendment, limited to amending Schedules 1 and IV "as may be necessary" to give effect to a law mentioned in Articles 2 and 3 and of making supplemental, incidental and consequential provisions.

As the power of amendment was expressly limited by the terms of Article 4, the court had to ascertain such limits on a true interpretation of Article 4, the respondents said. And, that was what Mr. Justice Shah did in Mangal Singh's case.

Discussing the Taylor case, the government said the observations relied upon by the petitioner were "obiter". The observations did not involve any theory of implied limitation on the power of amendment.