

READERS' VIEWS

Fundamental Rights

To The Editor. The Times of India

Sir,—Mr. M. Hidayatullah, former Chief Justice of India, has said that the recent amendments to the Constitution have given too much power to Parliament. But the fact is that by the 24th amendment, Parliament has merely asserted its power to amend any provision of the Constitution.

The apprehension that Parliament will abuse that power is misplaced; at least it is not borne out by experience. So far the Constitution has been amended 26 times and Parliament has touched the fundamental rights only in five amendments. One of the amendments widens the scope of the rights of weaker sections of the community. These five amending enactments were the offshoots of judicial pronouncements.

In spite of the 24th amendment which was a sequel to the Golak Nath case the power of the judiciary to declare what a fundamental right is and what restrictions thereon are reasonable, continues. Parliament does not have the power to interpret. Parliament only enacts; the judiciary interprets that enactment on certain accepted principles. Chaos would result, as the late Dr. Ambedkar pointed out in the Constituent Assembly, if Parliament were to legislate on anything and the judiciary were to interpret in any way it likes.

Much has also been made of the exclusion of the President's veto by the 24th amendment. The only reason for doing away with the President's veto is that when Parliament amends the Constitution it does not enact an ordinary bill, it exercises its constituent power which it undoubtedly possessed and possesses. Moreover, a veto is not the President's personal prerogative which he can exercise without the advice of the Council of Ministers under our Constitution. The new provision is a self-denying ordinance so far as the Cabinet is concerned and as such is democratic and welcome.

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New Delhi, February 23.