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Jaipur, May 8, The Rajasthan High Court today admitted a writ petition challenging the addition of word "Socialist" in the preamble to the constitution by 42nd constitution amendment Act, 1976.

The petition was filed by Mr. K. C. Kulish, founder Editor of the "Rajasthan Patrika", Jaipur. The division bench comprising of Mr. Justice V. S. Kokje and Mr. Justice Arun Madan while admitting the writ ordered for issuing notice to the Union of India.

The order of the division bench is as follows:

Heard Mr. Raghav. He took us through various decisions of Supreme Court from 1976 afterwards with reference to 42nd amendment of Constitution of India. It appears the question relating to amendment of a preamble of constitution has not been decided finally by Supreme Court, as yet. As it is a question of public importance relating to interpretation of constitution of India, the case deserves to be admitted.

It is admitted. Issue notice to respondents."

The counsel for the petitioner Mr. Mohan Singh Raghav contended before their lordships that the preamble precedes the constitutional provisions. Article 368 empowers the Parliament to amend any provision of the constitution by way of addition, alteration or deletion as per procedure laid down in the article itself but subject to limitations imposed by the Supreme Court in Keshwa Nand Bharti case. The Supreme Court had held in the aforesaid case that the preamble is a basic feature of the constitution. The Supreme Court had further added in it's judgement delivered by a constitution bench of 13 Judges. That the power to amend the basic features of the constitution does not vest in Parliament as such the Parliament is not empowered to amend any provision of the constitution in a way by which any basic feature is abrogated or destroyed.

Mr. Raghav further contended that 42nd constitutional amendment was passed during emergency when Parliament had ceased to represent the national will.

There Lordships while admitting the writ observed that matter pertaining to amendment in the preamble by way of the 42nd amendment has not been decided by the Supreme Court and it is a matter of public importance.