

Ref. No.

Date 9/6/64.

Dear Sir,

4361

I received your letter of 6th inst. You have asked me as to what points could be raised now. I have been studying the question and I feel an important point can be raised for the consideration of the Supreme Court.

The Supreme Court has already held that the Madras Land Reforms (Fixation of Ceiling on Land) Act has created inequality by its definition of 'family' and by its scheme for land ceilings. The whole Act therefore was struck down as being violative of Article 14 of the Constitution. The Constitution (Seventeenth) Amendment Act, however, has revived the Act in its entirety with all the inequalities therein and so has committed a fraud on the object of the Constitution expressed in its Preamble to the effect that it shall be -

"Equality of status and opportunity."

The Seventeenth Amendment has no reasonable nexus to the object of the Constitution. On the contrary, it is subversive of the Preamble, and has disguised the real intention to abrogate the Fundamental Rights. The Seventeenth Amendment therefore is liable to be declared as ultra vires of the Fundamental Rights, because every colourable legislation will have to stand the test of the Fundamental Rights.

The same view can be advanced in so far as the Preamble assures every citizen -

"Justice, social, economic and political."

There can be no economic justice when citizens
is discriminated against citizens in the quantum
of property that he is permitted to hold.

I think Sir, the above considerations are very
weighty and the Supreme Court will have to
pronounce on them. Similar arguments will hold
good in respect of some of the other Articles now included in the
Ninth Schedule. The Act now awaits the assent of the
President and if we file the petition immediately,
we can ask the Supreme Court to restrain the
Govt from obtaining the assent of the President.

I hope you will encourage us in filing the
petition. One can understand introducing a
legislative Act as against Article 19 (1) (f) etc, but
I am unable to follow how it can be so done as
against Article 14, when Equality is the
bed-rock of Democracy.

With kindest regards,

Yours truly
Rajni
(R. V. S. Rao)

~~Garbled 9 June 9
I feel that it is
very difficult to
put main emphasis
that the~~