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PADMAKAR D. KAMERKAR
ADVOCATE

New Shingne Building,
100, Girgaum Road,
Bombay-400 004.

List of Cases.

Preamble.

Keshavananda v/s. State of Kerala

AIR 1973 SC 1461

Emmel Weer v/s. Union of India

AIR 1979 SC 25

Adam Prakash v/s. Union of India

AIR 1986 SC 859

Nakara v/s. Union of India

AIR 1983 SC 130

Minerva Mills v/s. Union of India

AIR 1980 SC 1789.

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Article 14.

Babulal v/s. Collector of Customs
AIR 1957 SC 877.

Article 19.

Mameta v/s. Union of India
AIR 1978 SC 597

Bonnette Coleman v/s. Union of India
AIR 1973 SC 106

Januena Prasad v/s. Lachmi Ram
AIR 1954 SC 686

Kedarnath v/s. State of Bihar
AIR 1962 SC 955

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Virendra vs. State of Bihar
AIR 1957 SC 896.

Rama Rao vs. Peluga Desam
AIR 1984 AP 353

Kulkarni vs. State of Bombay
AIR 1957 SC 73

O.K. Ghosh vs. Joseph
AIR 1963 SC 812

State of Madras vs. V.G. Rao
AIR 1952 SC 196

Madhu Limaye
AIR 1971 SC 2486.

Ramesh Thapar vs. State of Madras
(1950) SCR 594.

Preamble.

Basic Structure.

Keshavenanda Vs. State of Kerala
A 1973 SC 1461

Exel Wear Vs. UOR.
A 1979 SC 25

Adom Prakash Vs. State of Haryana
A 1988 SC 859.

Nakara Vs. UOR.
A 1983 SC 130

Minerva Mills Vs. UOR.
A 1980 SC 1789.

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Art. 14.

Equal Protection.

Babulal v/s. Collector of Customs.
A 1957 SC 877.

Sakharat v/s. State of Orissa
(1955) 1 SCR 1004

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Ramesh Thapar vs. State of Madras.
(1950) SCR 594.

Hamdani Dastkhana vs. Union of India.
(1960) 2 SCR 671

~~Manata vs. Union of India~~
~~Bennett Coleman vs. Union of India~~

A 1978 SC 597 (640-41 = 644-45)

Bennett Coleman vs. U.O.P.

A 1972 SC 106

A 1975 SC 223

A 1978 SC 2015

Summa Prasad vs. Lachmi Ram
(Election) A 1954 SC 686.

Sup. Keabernath vs. State of Bihar
A 1962 SC 933

Vivendhra vs. State of Bihar
A 1957 SC 896.

Rama Rao vs. P. V. Narasimham
A 1984 AP 353

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Art 19. Const.

State of Bihar vs. Shukla

(1952) SCR 654.

Abbas vs. Union of India

A 1971 SC 441

Virandra vs. State of Punjab.

A 1958 SC 986

Bennette Coleman vs. U.O.I.

A 1968 Bom 321

Deek - Rajubhai vs. UOI.

A 1962 SC 262

Kulkarni vs. State of Bombay

A 1954 SC 71.

Sup. O.K. Gosh vs. Joseph

A 1963 SC 812

E.R.E. Congress vs. General Manager

A 1965 Cal. 389

State of Madras vs. V.G. Rao

A 1952 SC 196

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Apr 19.

Madhu Limaye

A1971 SC 2486.

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Ramesh Thapar vs. State of Madras.
(1950) SCR 594.

Hamdard Dairies vs. Union of India.
(1960) 2 SCR 671

~~Manaka vs. Union of India~~
~~Bennette Coleman vs. Union of India~~
A 1978 SC 597 (640-41-644-45)

Bennette Coleman vs. U.O. 2.
A 1972 SC 106
A 1975 SC 223
A 1978 SC 2015

Simura Prasad vs. Lachmi Ram
(Election) A 1954 SC 686.

Sup. Keabernath vs. State of Bihar
A 1962 SC 955

Vivandhra vs. State of Bihar
A 1957 SC 896.

Rama Rao vs. Taluqa Dargam
A 1984 AP 353

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Art 19. Const.

State of Bihar v/s. Shrivastava
(1952) SCR 654.

Abbott v/s. Union of India
A 1971 SC 481

Vironadra v/s. State of Punjab.
A 1958 SC 986

Bennette Coleman v/s. U.O.I.
A 1988 Bom 321

Deek - Raghunath v/s. UOI.
A 1962 SC 263

Kulkarni v/s. State of Bombay
A 1954 SC 73.

Imp. O.K. Ghosh v/s. Joseph
A 1963 SC 812

ERE Congress v/s. General Manager
A 1965 Cal. 389

State of Madras v/s. V.G. Rao
A 1952 SC 196

Arguments

- Petitioner's party is a political party, in existence since 1958
- In 1988 the Rep. of People Act was amended and each political party is required to register itself with Election Commission.
- Since 1988 the Petr sought clarification from E.C. that whether it is necessary for party to affirm affidavit to show allegiance to principles of socialism as the party does not believe in socialism but believe in Free Enterprise.

The party has full faith in Constitution of India, Sovereignty of India and wishes to work

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as political party within the
framework of Constitution.
However whether party being a
political party has right to
criticise Socialism by registering
itself as recognised political
party.

Representation of People Act
compels the party to attain
incorrect attitude to which
fact the party doesn't believe.

The Constitution has granted
fundamental right to citizen to
form association and to freedom
of expression ~~subject to~~ unless it
threatens the sovereignty and security
of the nation.

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The term socialism is too vague and neither defined in the Constitution nor in Rep. of People Act.

Today existing parties have their different ideologies including Communal one and they have their own socialistic ideas.

However the Petition for revision stated in the Petition submit that if the Constitution guarantees fundamental rights, Rep of People Act cannot compel a citizen to accept socialism. Socialism is an ideology which has proved its utility in the world and being a citizen of India Party has right to advocate its own ideology which is within the framework of Constitution.