



swatantra party
national headquarters

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General Secretary's Letter No. 270

August 3, 1971

Sub : 24th Constitution Amendment Bill

Dear Friend,

Enclosed please find --

- (a) Copy of a Press Statement issued by me, and
- (b) a Note containing Talking Points.

Will you please ensure that for the next six weeks maximum effort is made at your State, district and Primary levels to organise public opinion against the 24th Constitution Amendment Bill. Please note that the main objective of the whole exercise is to ensure that the Bill does not get the requisite majority at the level of your State legislature.

This objective should be achieved in the following manner--

- (i) For the next six weeks, a full-time Worker should go around your State creating the necessary atmosphere against the Bill based on the attached Talking Points.
- (ii) Leading members of our Party and active workers should meet leaders of Scheduled Castes, Scheduled Tribes, Backward Classes, Muslims, Christians and other religious minorities. They should urge upon these leaders to oppose this Bill and prevent it from being passed at the State legislature level.
- (iii) Party leaders should meet MLAs of all political parties to secure the same objective.
- (iv) Press publicity should be arranged through statements, reports of meetings, letters to editors and articles based on the Talking Points.
- (v) Public meetings should be arranged wherever possible throughout the State, not necessarily on a grand scale but on a smaller scale to save cost. At such meetings, it should be ensured that the audience principally consists of representatives of religious minorities, and backward classes.
- (vi) You should ask the Youth Wing in your State to help so that they can activate their members for this purpose.
- (vii) An earnest effort must be made to hold a non-Party conference consisting of eminent leaders of Muslims, Christians, Backward Classes, Scheduled Castes, Scheduled Tribes as well as prominent intellectuals like college principals and editors of dailies and journals, leading lawyers and other professional people to mobilise opposition to the Bill.
- (viii) You should seek the cooperation of all other democratic opposition parties in an effort to hold an all-Party

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political conference to oppose the Bill on the basis of its adverse implications on the weaker sections of Society.

Yours sincerely,

R C Cooper
(R. C. Cooper)

General Secretary

Encl: 1. Talking Points
2. Press Statement



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FOR FAVOUR OF PUBLICATION

August 2, 1971

Dr. R. C. Cooper, General Secretary, Swatantra Party, has issued the following Statement to the Press :

" It now seems certain that the Constitution 24th Amendment Bill, which seeks to provide, by amendment of Article 368, that the Parliament can amend the Fundamental Rights enshrined in the Constitution, will be carried through the Parliament with steam-roller majority.

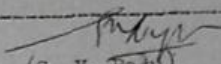
Surprisingly, most political parties who claim to stand for protecting the interests of the Scheduled Tribes, Scheduled Castes and Minorities, are maintaining an almost ominous silence over the measure fraught with grave consequences.

As aptly pointed out by Mr. Motilal Nehru in 1928, "It is obvious that our first care should be to have our fundamental rights guaranteed in a manner which will not permit their withdrawal under any circumstances. Another reason why great importance attaches to a declaration of rights is the unfortunate existence of communal differences in the country. Certain safeguards are necessary to create and establish a sense of security among those who look upon each other with distrust and suspicion. We could not better secure the full enjoyment of religious and communal rights to all communities than by including them among the basic principles of the Constitution.

The minorities in this country depend on the Fundamental Rights for their security. It was not an accident that the Sub-Committee on Minorities created by the Constituent Assembly, before expressing its own views, gave careful consideration to the findings of the Fundamental Rights Sub-Committee. A pledge to the minorities implicit in the Fundamental Rights cannot be withdrawn in the name of the supremacy of Parliament".

Since the politicians have obviously failed in their duty towards the Minorities and other weaker sections of the Society, it is for the people themselves to safeguard their own interest. Even though the 24th Amendment Bill may be passed through the Parliament in indecent haste, the people of India will have one more opportunity to save the situation if they will. The Bill has to be approved by atleast 50 per cent of the State Legislatures. The Fundamental Rights Front under the Presidentship of Mr. K. Subba Rao, Ex Chief Justice of the Supreme Court, and leaders of the Scheduled Classes, Scheduled Tribes and other Minorities would do well to use all their energies to inform their followers to see that this does not go by default merely through ignorance. "

Not to be published :


(S. V. Raju)

Executive Secretary

Talking Points on the Constitution 24th Amendment Bill

1. The object of the Bill is to amend Article 368 of the Constitution of India to arm Parliament with the power to amend the fundamental rights enshrined in the Constitution. It will be recalled that in the Golaknath Case, the Supreme Court of India, has held that Parliament, being a creature of the Constitution, has no right to amend the chapter on Fundamental Rights in the Constitution, although Parliament has power to amend other articles of the Constitution.

It seems that this has greatly affected the ego of Members of Parliament and therefore they have come together, irrespective of Party affiliations to support the 24th Amendment which restores the power of Parliament to amend even the chapter on Fundamental Rights.

2. In view of the above, it now seems almost certain that the Constitution 24th Amendment Bill will be passed by Parliament with a steam-roller majority.
3. It is essential however that before this Bill can be assented to by the President of India and becomes law of the land, at least 50 % of the State legislatures of the country must pass resolutions supporting this Amendment.
4. The greatest adverse effect of the Constitution 24th Amendment Bill will be on the weaker sections of the community particularly the Muslims, Christians, Scheduled Castes and Tribes and other backward classes. The Constitution, at present, gives protection to these weaker sections of society and to religious minorities in various forms. Once the bill is passed, the present Parliament or any subsequent Parliament can make amendments to the Constitution whereby all or most of the safeguards protecting minorities and the backward classes may be abolished thus aggravating their plight further.
5. It is surprising that most political parties who claim to stand for protecting the interests of the Scheduled Tribes, Scheduled Castes, other backward classes and religious minorities are maintaining complete silence over this measure which is fraught with the gravest consequences.
6. It is therefore most essential for the Swatantra Party, although it may be in a minority, to come forward immediately in a big way to educate the Muslims, Christians, other religious minorities, Scheduled Castes, and Tribes and other backward classes of the society against the dangers of this Constitution Amendment Bill and to organize them to secure country-wide opposition to the passing of this Bill. If this is done in a systematic manner, it would be possible to obtain country-wide opposition to the proposed Amendment Bill whereby it will fail to obtain the assent of 50 % or more of the State Legislatures.

In your campaign for this purpose, you can, besides that has been mentioned above, make use of the following quotations :

"It is obvious that our first care should be to have our fundamental rights guaranteed in a manner which will not permit their withdrawal under any circumstances... Another reason why great importance attaches to a declaration of rights is the unfortunate existence of communal differences in the country.

Certain safeguards are necessary to create and establish a sense of security among those who look upon each other with distrust and suspicion. We could not better secure the full enjoyment of religious and communal rights to all communities than by including them among the basic principles of the Constitution." (Motilal Nehru, 1927)

"The minorities in this country depend on the Fundamental Rights for their security. It was not an accident that the Sub-Committee on Minorities created by the Constituent Assembly, before expressing its own views, gave careful consideration to the findings of the Fundamental Rights Sub-Committee. The Indian National Congress, the Liberals, moderates of all shades and the religious minorities like the Muslims, Christians and Sikhs, all considered the Fundamental Rights to be not only desirable but essential, both for the protection of the rights of the minorities and for infusing confidence in the majority community. A pledge to the minorities implicit in the Fundamental Rights cannot be withdrawn in the name of the supremacy of Parliament".

(Frank Anthony, MP, in the last Lok Sabha while speaking on Mr. Nath Pai's Bill).
