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W.P(C)No. 546 OF 2000

ITEM No.108

Court No. 1

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (C) No. 546 of 2000

Mirza Rafiullah Baig and Ors.Petitioner (s)

VERSUS

Union of India and Anr.Respondent (s)

With

Writ Petition (C) No. 60 of 2001

Writ Petition (C) No. 132 of 2001

Date : 02/09/2003 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. Shanti Bhushan, Sr.Adv.
Mr. B. Sen, Sr.Adv.
Mr. Ashok Srivastava, Sr.Adv.
Mr. A.P. Dhamija, Adv.
Mr. Pradeep Agrawal,Adv.
Mr. H.D. Thanvi, Adv.
for Mrs. Pratibha Jain, Adv.

For Respondent (s)
No. 1Mr. Raju Ramachandran, ASG
Mr. P.P. Malhotra, Sr.Adv.
Mr. P. Parmeswaran, Adv.
Mr. Rajiv Nanda, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. T.A. Khan, Adv.
Mr. S.N. Terdol, Adv.

No. 2Mr. S. Muralidhar, Adv.
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UPON hearing counsel the Court made the following
O R D E R

By these petitions under Article 32 of the Constitution, the petitioners who are citizens of India and are residing in Tonk, a Parliamentary Constituency, challenges the validity of the Constitution (79th Amendment) Act, 1999 whereby the words 'sixty years' have been substituted in place of 'fifty years' in Article 334 of the Constitution. Learned counsel argues that this amendment is against the basic feature of the Constitution. According to the learned counsel the democracy has been recognised as one of the essential features of the Constitution by this Court and since the Amendment Act deprive the democratic rights of the petitioners, inasmuch as it is violative of Article 14 of the Constitution, it deserves to be struck down. After we heard the matter, we are of the view that these matters are required to be heard by a

Constitution Bench of Five learned Judges, since it involves interpretation of the Constitution.

The matters are, therefore, referred to a Bench of Five learned Judges.

Let this matter be placed before Hon'ble the Chief Justice for appropriate orders.

[Alka Dudeja] [Suraj Parkash]
Court Master Court Master