

## **A REFLECTION ON CONSTITUTION OF INDIA THROUGH JURISPRUDENCE AND LEGAL THEORIES**

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### **Abstract**

Jurisprudence has been defined to be the theory of Philosophy of Law. The Indian Constitution reflect the ideas of various schools of jurisprudence and can be termed to be the synthesis of these ideas. In the Indian legal jurisprudence, the essence of various schools has been applied throughout various intervals of time and it cannot be said that the Constitution follows any single principle of law in totality or absolutely. The framers of the Constitution while deciding the features of the constitution kept in mind that law is a dynamic process and it needs to change in accordance to time and societal need. The Indian Constitution has reflected their intention by the utilisation of the various theories through time and place. Certainly, some schools were given preference in the post-independence era later on those preferences were changed. The same has been reflected by the courts through various judgements on the interpretation of the constitution. The preponderance of various schools of thought of jurisprudence has changed from time to time in the Indian legal sphere and preference given to a particular School has also be a dynamic process. The courts have been the Guardian of the constitution and applied various schools of thought while delivering the judgement. A legal shift from legal positivism to legal realism has been seen in the Indian Constitutional Law.

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### **Keywords:**

**Constitutionalism,  
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## INTRODUCTION

The Constitution of India being written establishes the fundamental law of the land. So, all the laws which are made in the country are in consonance of it. The Indian constitution is a document exhaustively prepared by the framers keeping various principle of law in mind and acceptance and rejection of various ideas in accordance to the schools of jurisprudence which in turn is reflected upon the Constitution. The constitution in Hegel sense can be said to be the synthesis of the ideas of the various school for the better suitability and functionality related to the country. The constitution reflects upon itself through the courts in form Legal Positivism where it provides for the courts to interpret the law. It also reflects upon the area of Distributive Justice where under **Part III** it discusses about the various right related to Justice, Liberty, Equality, Integrity and Dignity. [1] It also reflects the notion of Historical school through it has accorded authority to customs in limited sphere where under certain law they prevail over the enacted legislative law. The Fundamental Right provided by the Constitution are in consonance with that of the Sociological School where the interest of the individual and the society both are protected.

The Indian constitution can be said to be a Constitution with borrowed principle and making those principle exclusive to their appropriated needs. This borrowing feature has led to various academicians to believe that the Indian Constitution is a “C” constitution or “c” Constitution which in turn again is a reflection of the Grundnorm theory given by Kelsen. [2] The Indian Constitution is based on the principle formulated and tested by the then developed nation. Our framers of the Constitution borrowed the Parliamentary form of government and independent judiciary from Britain, the fundamental rights and Judicial Review from the US Constitution, the directive principles from the Irish Constitution, etc. The Indian Constitution is heavily representation of the Indian Government Act, 1935 which was based on the British law. But the Indian Constitution is different from the British counterpart as there is no written constitution in Britain so courts have to interpret the law but not the constitution. But the Indian courts are entrusted by the constitution itself to make an interpretation about it. [3] There is certain principle of law which expressly or implied are thought to be part and parcel of the constitution of India. Some of the Jurisprudential aspect of these principle are stated as follow.

## CONSTITUTIONALISM

Constitutionalism in principle means a state needs a government for several functions but a necessity is required to create checks and balances through the power of the government. These checks and balances, if provided, prove the spirit of Constitutionalism prevalent in that country. In simple terms, it is the synthesis of the principle of limited government given by **John Locke** where he stated the necessity of the state but only to a limited field and promotion of the concept of *laissez faire*. Constitutionalism is termed to be an anti-thesis of arbitrary power. [4] The principle of Constitutionalism derives its roots from the Natural Law school of Jurisprudence where there are certain morals and inherent laws which no one is allowed to abrogate in whatsoever authority. Here it also lays emphasis on the authority that is against the arbitrary use of power by the state. This principle was favoured by **Acquinas, Paine, Locke, Grotius and Rousseau**. The antithesis for constitutionalism is despotism. The Indian Constitution, being a written one having independent judiciary, the power of Judicial Review, the doctrine of rule of law, separation of powers, free and fair elections, accountability of government and Fundamental Rights ensures the presence of Constitutionalism in the country.

## RULE OF LAW

Rule of law is attributed to **A. V. Dicey** through his writings in 1885 on the British Constitution. [5] Though the term was first used by Sir Edward Coke during the rule of James I which in turn led to his termination from being Chief Justice. [6] The term 'Rule of Law' was derived from the French phrase "la principe de legalite". Dicey stated that rule of law is the basic principle embedded in the spirit of the Constitution. The rule of law is a collection of principles i.e.

- a) ***Supremacy of Law or Absence of Arbitrary Power;***
- b) ***Equality before Law;***
- c) ***Predominance of Legal spirit or Individual Liberties.***

The Rule of Law provides a supplement to the Constitutionalism principle as making the government accountable and provided for the check by the judge made law where the legislature tries to encroach above its power. The principle though not mentioned expressly in the Constitution of India but is implied and recognised by the court through various judgements [7] hence upholding the Rule of Law in the country. This principle is realised by the power of Judicial Review given to the court.

## **THE REFLECTION OF VARIOUS SCHOOL OF JURISPRUDENCE**

The different school of Jurisprudence have had different impact on the framing of the Constitution of Indian and the same is reflected upon the Constitution by the inculcating of these idea as the spirit of law of land.

## **THE NATURAL LAW SCHOOL**

The Natural School of Jurisprudence being one of the oldest school is still relevant in today's scenario. In fact, most of the nations which have democracy do contains the covenants of Natural Law though modified according to their needs and suitability. The Natural Law School is the forbearer of the rights enjoyed by the individuals and certainly the Human Rights finds their origination from these principles of Natural Law. [8] The Natural School bases its core essence on the concept of morality and dictates that morality is an essential part of the law formation process. [9] The school denoted the intersection of law and morality and their synthesis. On principle the Natural School believes in '**what law ought to be**' rather than '**what law is**'. [10] It circumscribes the principle for the state to ponder and prepare the law of the land in such manner which would in turn help in realisation of the morals and prepare for the future. In Indian Constitution the Directive Principles of State Policy is based on the principle what law ought to be and need to be realised by the government.

The Natural Law School was developed robustly throughout the time until the Analytical Positivism took over it in Britain and led to its decline. The early essence of Natural Law could be attributed to Plato and Aristotle who base their notion of law on the principle of Ethics [11] and Distributive Justice which is still relevant in current situation as the Indian Constitution has incorporated the principle of Distributive Justice. Distributive justice consists of proper division to each person according to his worth. This type of justice relates predominantly but not exclusively to political freedoms. Later **St. Thomas Aquinas** popularised the School by basing the principle of Natural Morality on God's given commands. [12] Still in present times Religious right according to one's own religion is to be respected in the civilised world. The Indian Constitution itself provide for the Religious rights [13] though the Fundamental Rights.

The theory of state and its power thought the essence of **Social Contract** has been given by **Hobbes, Locke and Rousseau** and the limits to the arbitrary power of the state has also been established by these Natural Law theorist. [14] The principle of Constitutionalism, rule of law, due process of law is derived from the principle of limited state. It has become important for the modern state to incorporate the feature as the state has transformed itself from police state to a welfare state. The concept of basic principle of natural law are also a take away from this school and has become so inherent that the process of any matter whether civil, criminal or constitutional has a preponderance of them and any absence would lead to nullifying the matter itself. [15]

In Modern times the greatest contribution from Natural Law school is on the principle of Justice and especially **Distributive Justice**. [16] Justice in essence is related to distribution by one way or other. The current discourse of Justice is generally related to the distribution on the matter of wealth and material goods. The focus of the society is not only on the distribution of the material goods but rather it also takes into the account of the principle by which the relation between the individual and other members of the society could be regulated. Distributive justice is not only concern reading material resources to be distributed but to also establish the legal rights this material resources can be realised. [17] The survival of the Indian state is largely dependent upon how these principles are embedded in the Indian Constitution. The Indian Constitution is a document which realises the importance of distributive justice and has inculcated various provisions for each and every person whether being rich or poor. The benefit has been provided with the notion of common man in mind and it is in the interest of the state that each and every citizen should get what they deserve and if someone is left behind the responsibility lies on the state to protect and provide various mechanism through which justice could be achieved. Indian Constitution being a written constitution has provided for these rights and protected them from the arbitrary powers of the Legislature. [18] The judiciary plays an important role with the power of judicial review and critically examine the powers of the Legislature in regard to the principles of natural justice.

The theory of distributive justice is by large embedded in our Indian constitution. Distributive justice says that, “the procedure established by law must be not only having veneer of the

provenance, but in reality, and practice it must have implication according to changing the values of society and human justice.” [19] Our constitution provides for justice which includes Social Justice economic justice legal system on the dependence of the needs of society and people. The meaning of distributive justice is not Limited to fair distribution of goods and resources but it necessarily includes rights and duties the constitution of India has provided for various needs obvious classes such as women, children, Scheduled Tribe, Scheduled Caste, and other classes which can be reasonably be classified under Right to Equality. [20]

Indian Constitution does not expressly provide for or guarantees the right to speedy justice to the accused of the crime but it recognises it through the principles of natural law and rule of law. The Indian Constitution through **Article 21** in consonance with **Articles 14, 39 and 39A** makes it necessary for the state to provide for distributive justice which itself is under the Preamble of the Constitution. [21] Even further Article 51 of the Constitution states that the international norms and laws must be followed concurrent with. The right to speedy justice being a Human Rights needs to be followed by this principle. Article 21 guarantees that the state shall not deprive any person of his life or personal liberty except according to procedure established by law. [22] The procedure contemplated by this article must be just fair and reasonable one. The procedure recognized by law must be not only having an appearance of these attributions, but in reality, and practice it must have implication according to changing values of society and human justice. The Directive Principles also lays a framework of impact of Natural Law school in Indian Constitution. [23] The recent judgements related to Right to Privacy [24] and Abolishment of Instant Triple Talaq [25] can be seen in furtherance of the Natural Law Principles.

### **THE ANALYTICAL SCHOOL**

The analytical school is related to study of law in an analytical method rather than studying it in an abstract form like that of Natural Law School. The most important facet of analytical School is that it discusses about the relation of law with the state. According to this theory law is treated to be an imperative or command originating from the state. The basic elements of this theory are that it regards ‘what law is’ rather than ‘what law ought to be’. [26] The founder of the school **Jeremy Bentham** gives the idea of law being an assemblage of sign, declaration of volition

conceived or adopted by Sovereign state. [27] He also propounded the theory of ‘**utilitarian individualism**’[28] where he compared the happiness of the society through the concept of pleasure and pain. In the present times his theory has received a univocal criticism but was very relevant when propounded as the nature of the state is provide the maximum happiness to its population. The concept of democracy though not in totality is related to this principle but has the basic essence of it as the majority of people’s will rule over that of minority. Recently the tendency of state governance tending to **Mobocracy** is step closer to his principle of utilitarianism.

In Britain theory of Analytical positive law was popularised by **John Austin** who is also termed to be the father of English jurisprudence. According to Austin, “law is the command of sovereign requiring his subjects to do or forbear from doing certain acts. There is an implied threat of sanction if the command is not obeyed”. [29] Hence Austin basis of law is that it is the command given by the sovereign and if it is not followed then punishment in the form of sanctions follow. This theory has found its relevance in all the laws which were made by the British in India as any action by any subject of the British India were controlled by the sovereign authority. The Courts did not have any authority to review or check the law framed by the sovereign. In the early stages of the constitutional development of India his theory was found to be true by the courts through the judgements of **A. K. Gopalan [31]** and **A.D.M Jabalpur [32]** Supreme Court held that it was the authority of the state to make law, to form the law was the function of the legislature. The courts function was related only to proper implications of these laws and decide upon issue arising out of them. The scenario has changed drastically after the Keshvanand Bharti judgement where the court took the approach of welfare state, Fundamental rights being that of Supremacy [33] which the legislature could not touch upon.

Some criticism to the rule of Austin is provide in the Indian Legal System. India does not have a legally unlimited or indivisible sovereign. Our constitution is supreme, though it can be amended, but basic structure can’t be. Though there is separation of powers, yet occasionally judiciary makes law under **Article 141** (e.g. Vishakha’s case [34]& D.K Basu’s case [35]). We have quasi-federal system. At certain juncture the Union take over the role of the State. [36] Directive Principle of State Policy are not positive law as per Austin. Though Directive

Principle of State Policy are non-justiciable, yet they are important as they govern the guidelines for the society.

The theory of Grundnorm was given by **Hans Kelsen** who stated that 'law is an informative science' [37] and believe the legal norm derives its validity from external sources. He created a hypothetical concept known as the Grundnorm from which all the inferior norms derive its source. According to Kelsen there is no difference between public law and private law because both of them derives its source from the Grundnorm. [38] But it has been observed that there is clear cut classification between law being public or private in nature and consequences, where criminal law is a public law and contract being a private law. In India the early jurist widely believed that Constitution of India qualifies as the Grundnorm in India but this proposition fails on two occasions firstly that the constitution could be amended which was against the principle of Grundnorm which can never be amended, secondly the constitution finds its principles to be borrowed from various countries of the world and cannot be termed to be original principle in law. In the Indian Context after the **Keshvanand Bharti Judgement**[39] the Basic Structure doctrine has arrived to pedestal being closer to Grundnorm. The Basic Structure Doctrine is the core of the Constitution on the benchmark of which the validity of the provisions of the Constitution including the amendments made to the Constitution is appraised. If a provision encroaches upon the Basic Structure of the Constitution, then, that provision is considered as null and void.

**H.L.A Hart** propounded the concept of law on the basis of primary rules and secondary rules. According to Hart primary rules lay down the standards of behaviour under rule of obligation. The secondary rules are ancillary to the primary rules in various ways for instance they specify the ways in which the primary rules may be ascertain, introduced, eliminated or varied. [40] To cure the defects of free legal system he gave rules that bring '**rules of recognition**', '**rule of change**' and '**rules of adjudication**'. [41] He differed from Austin in sense that law is not the command of sovereign but it is a rule recognized by the courts and the rule of recognition declares the law as valid. The Indian legal system is developed and it consists of both primary and secondary rules. The rule of recognition has been provided in the Indian Constitution. Primary rules of obligation in the Indian legal scenario included customs and precedents but it



changed after the Independence where the Constitution itself took the authority to define primary rules and a custom is subjected to the Indian Constitution. The Indian Constitution is criticised to be a borrowing from other Nations and being imposed on the people of the country rather than being ratified by the people. Here there is a divergence to the Hart's theory. According to Hart private morality should be made effective by preservation and dialogue and not through coercion which is exercised by state. But the same has been disapproved by the Indian legal system where the private morality is controlled by the way of sanctions in the Indian Constitution under Article 17 [42] and Right to Die [43] under Article 21.

Hart opposed the notion of morality but the Indian Constitution through various judgements and various articles have necessarily incorporated the need of morality in the Constitution. Under the Constitution reasonable restrictions [44] given to Article 19 are subjective to morality, the right to religion is also subject to morality. Even while forming a reasonable classification under Article 14 [45] morality can play a part. Hence in the recent times the notion of analytical School has been on a declining graph and the impact of the same is diminishing in value.

### **THE HISTORICAL SCHOOL**

The Historical school of Jurisprudence is based on the principle that '**Law is found and not made**'. It emphasizes on the evolution of law through history rather than only the legislature being able to make the. The School firmly believes in the orientation of Customs as a reflective over the law framed. Historical jurisprudence, tries to unravel the principles and processes operating behind the origin and development of law and legal institution. [46] The Indian Constitution generally reject the idea of Historical Jurisprudence and has only incorporated few ideas flowing from the school. Indian Constitution is generally a document which has been borrowed from other country so the concept of reflection of Customs of the society is generally rejected by the constitution. Certain prominent example would be the right to equality [47] and right against untouchability [48] which are outright against the idea of Caste System prevalent in India.

According to **Savigny** the founder of the Historical School the law is the reflection of the popular consciousness meaning the **Volkgeist**[49] but there is example in the Indian Constitution which

are reflection against this idea such as Doctrine of Affirmative Action though the concept of Reservation [50] and the inclusion of Uniform Civil Code [51] in the Directive Principles which is also against the popular spirit as in India it is said to be Unity in Diversity. Savigny idea against the Judge made Law is also not well founded in India as the Supreme Court has established various precedents [52] as law and tried to fill up the gap left by the legislatures. Savigny theory has found some emphasis in Indian Constitutional Law as the principle of Federalism and the following of the statutes of the common law of Britain. Here he stated that law can never achieve the status of nationalist that being of federalism being power being divided between state and centre, and further the historical preponderance of India being a British colony is reflected though its law like Law of Contracts, Law of Torts.

Henry Maine has propounded the theory of ‘Status to Contract’ which stated that the progressive societies are moving furtherance of status defined by law to individual capacity of legal negotiation on his part being that of Contract. In simple term he stated that previously in static society the law was the reflection of the status accorded to them by the law of the land but a progressive society has in turn given the power to the people itself to determine what law to be governed by. The theory of Maine has found some relevance with respect to Indian Constitution. The power of Sovereignty residing with the people, the laws related to arbitration are some example where the society has moved toward contract but the modern policy of ‘mixed economy’ has assumed greater control over individual liberty & freedom. The State can impose reasonable restrictions in the interest of the public Art. 19(6). [53] Maine theory fails to establish the personal relation and is limited only to laws of property. [54]

## **THE SOCIOLOGICAL SCHOOL**

The main contribution of the Sociological School of jurisprudence is that it has broaden the scope of jurisprudence. According to the school of thought law is not an isolated creation but it is the part of social reality. According to **Ihering** law is an instrument for social control which balances the individual interest with that of society. [55] The school is generally concentrated on the actual circumstances which effect the society and the reasons which led to bringing up of legal institution. [56] The main contention of the school is that social control is by legal order and to understand it the implications and societal setting is important. This school give

importance to social norms, society, moral values, social facts and conditions. [57] This school of thought basis its presumption that law is made by keeping the society in mind and new laws are framed to adjust to the society and its need. The school of thought was developed by American jurist name **Roscoe Pound** who through the concept of social engineering tried to make law understood in social sense.

As per Pound, there were three types of interest, and they are

- a) ***Individual Interest***
- b) ***Public Interest***
- c) ***Social Interest***

The laws of the society need to establish, respect and protect these Interest. In India, Sociological Jurisprudence has been adopted in the Indian Constitution. Part III of The Constitution of India implicitly deals with the Fundamental Rights of the citizen and people of this country wherein the citizens and the people are provided with certain basic rights. These rights are provided by identifying the public and private interest of the individual.[58] These rights that are provided as Fundamental rights have certain limits to them termed as reasonable restrictions and hence these rights will not be accessible under certain condition and certain circumstances. Hence all the three conditions of Pound are satisfied and these rights has been secured as the Constitution of India says that any law that is in conflict of the Fundamental Rights will be held ultra-vires.[59] There is a list of cases where the concept of Sociological Jurisprudence has been declared and has been taken into deliberation while delivering the judgment.

In *Ashok Kr Gupta & others vs State of Uttar Pradesh*[60] it was held that this court is not bound to accept an interpretation which hinders the progress or encumbers social integration and establish that Social Justice is a Fundamental right. In the case of *Union of India &Anr v RaghbirSingh* [61] the court observed that the aspect of the social conduct and understandings of the ages has to be measured while defining and framing the new laws and norms. In *State of Madras vs Champakam Dorairajan*,[62] the Court held that Article 46, being a directive principle cannot override the fundamental rights. In *N. Adithayan vs Travancore Devaswon Board and Ors*,[63] the court observed that discrepancy based on caste could not be allowed to pervade in the social fabric of the society. Thus, the Court reaffirmed its stand that

discrimination of any sort, leading to untouchability would not be tolerated. The Court in *Bandhwa Mukti Morcha vs Union of India*,[64] held that the Court should abandon the Laissez Faire approach in the judicial process particularly where it involves a question of implementation of fundamental rights and kiln new tools, devise new method and adopt new policies for the resolution of making fundamental rights meaningful for the masses of people. In *SarlaMudgal v Union of India*,[65] the court embracing the concept of Sociological Jurisprudence said that marriage celebrated under one personal law cannot be thawed by application of any other law. This remark matches up with the thought of Pound wherein he said that in case of struggle between interests, the interest of same plane will be considered together.

The concept of the socialism propounded by Marx has found its relevance in the Constitution but the interpretation of that is more inclined to the Gandhian Socialism rather being dependent of Karl Marx one. Here the society can dictate for a change in the law through peaceful procession rather than the violence coupled revolution given by Marx.

### **THE SCHOOL OF LEGAL REALISM**

The school of legal realism recognises that only Courts can make the law as the law laid down by the Parliament or legislature stays on the paper and it is the duty of the court to enforce such law by interpretation. This school came as a reaction to all other schools of jurisprudence as the others schools tried to establish the validity of law which was either from the nature or from the sovereign or from the Society and Customs but this form of thought has taken a realist approach where the interpretation of law is dependent on courts so does the process of declaring law. The underlying principle which led to the flourishing of legal realism is the principle of judicial review which in turn has accumulated the power up judicial interpretation. The Concept of Judicial Review was first propounded by the United Stes Supreme Court in the case **Marbury v Madison**. [66] The growth of the legal realism School is also contributed to concept of Judicial Independence where the interpretation of law can be done by the Judiciary with no fear of interference from either of executive or legislature. In India the application of legal realism principles was absent in the preliminary phase of the constitution where the courts interpreted law with strictness towards the statues like in *A. K. Gopalan* [67] and *R.K. Garg* [68] case but it was radically change after the *Golak Nath* [69] & *KeshvanandBharti*[70] judgement where the

Court took upon itself to preserve the constitution through the concept of Basic Structure. Several features of law are the sections propounded by judges such as Public Interest Litigation, the doctrine of basic structure, the concept of Due Process of law, the Collegium system, Curative Petition, etc.

The Concept of Judicial Activism is a result of this Jurisprudence where the Courts are seen to be the preserver of the law right and duties of the individual and society. The whole Environmental Jurisprudence in India is reflection of the impact of Legal Realism in the country. It has provided as saviour and guardian to the constitution but at certain times this Activism has resulted to Judicial Overreach where the Court are interpreting and pronouncing law [71] which is not their primary Function. So, a balance needs to be maintained between the powers. This school of thought does not act independently from other school but asserts that the law of the land is flourished by the judicial pronouncement. The courts by judgement could hold up the validity of any school of Jurisprudence in our Constitution and also deny the same through other pronouncement. Recent trends have shown an inclination towards the Natural Law School but a recent Judgement by the Kerala High Court has asserted that Morality is an Elusive concept. [72] The progress towards the legal realism has been apparent by the courts in the declaration of unconstitutionality of NJAC [73] where it found upon itself the act to be an encroachment on the principles of separation of Powers.

## **CONCLUSION**

The Constitution of India is reflective document for various theories of Jurisprudence. The implication of these theories can be asserted either expressly or impliedly in the Constitution. The Principle on which the Constitution finds its very existence is the concept developed by the different school of Jurisprudence from time to time. The Constitution through time has been the replication of various concept of these school being that of Distributive Justice, Socialism and the notion of Judicial Activism. The preponderance of thought of any school of Jurisprudence has changed dynamically with period and the understanding of the constitution has changing also. Where in the early stages it was strictly being treated as a Positivist Law which changed drastically towards the notion of Natural Law School and Sociological Jurisprudence. In the recent times the concept of Legal Realism school of thought could be attributed to the

development of the Constitution. The reflection can be seen through the Judgement delivered by the court in different period of the Indian development to Constitution.

In the Indian legal system, the Supreme Court in *A.K. Gopalan v. State of Madras* and *A.D.M., Jabalpur v. Shivakant Shukla* maintained a strict positivist attitude, whereas in *Golak Nath v. State of Punjab*, *Maneka Gandhi v. Union of India* and in *Royappa v. State of Tamil Nadu* it adopted the natural law tone and has in Article 14 and Article 21 introduced criteria like "reasonableness", "anti-arbitrariness" and "due process" for testing the validity of laws which can be called external criteria. Recently in the Triple Talaq Case, Right to Privacy and that of NJAC the approach of the court has been seen toward that of Legal Realism. So to conclude it could appropriately be establish that Constitution is a reflection on the various theories of Jurisprudence and the function and legitimacy of any Constitutional Action finds its roots in these school of thought.

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- [43] *P. Rathinam vs Union of India* 1994 AIR 1844.
- [44] Article 19 (2) to (6) of the Constitution of India, 1950.
- [45] *Chiranjit Lal v. Union of India* AIR 1981 SC 41.
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- [50] Article 15 (3), (4), (5) and Article 16 (3), (4), (4-A), (4-B) of the Constitution of India, 1950.



- [51] Article 44 of the Constitution of India, 1950.
- [52] Vishakha and others v State of Rajasthan AIR 1997 SC 3011., DK Basu v State of West Bengal (1997) 1 SCC 416.
- [53] Article 19 (6) of the Constitution of India, 1950..... “Nothing in sub clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions ....”.
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