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KESAVANANDA BHARATI CASE

This article covers "Daily Current Affairs" and the topic details "Kesavananda Bharati case". The topic "Kesavananda Bharati case" has relevance in the Polity section for the UPSC CSE exam.

Relevance of the Kesavananda Bharati case

For Prelims:

What is the Kesavananda Bharati case?

What is the background behind the case?

For Mains:

GS 2: Polity

What is the Kesavananda Bharati case?

What is the significance of the Kesavananda Bharati case?

What are the issues that have come after the Kesavananda Bharati case?

Way forward

Why in the news?

Chief Justice of India (CJI) D.Y. Chandrachud on Monday announced that the Supreme Court has created a special webpage for the Kesavananda Bharati case in which a 13-judge Bench, the largest constituted in the court's history, through a wafer-thin majority of 7:6, held that Parliament cannot amend the "Basic Structure" of the Constitution.

What is the Kesavananda Bharati case?

The Kesavananda Bharati case is a landmark judgment in Indian constitutional law, delivered by the Supreme Court of India on April 24, 1973. The case was named after Kesavananda Bharati, the chief of the Edneer Mutt, a Hindu monastery in Kerala, who challenged the constitutional validity of several amendments to the Indian Constitution made by the Parliament.

What is the significance of the Kesavananda Bharati case?

- **Principle of Basic Structure:** The case is significant because it established the principle of "basic structure" of the Constitution, which means that certain provisions of the Constitution cannot be amended by the Parliament, as they form the basic framework of the Constitution and are essential to its identity.
- **Limitations on the power of the Parliament:** The Supreme Court held that while the Parliament has the power to amend the Constitution, it cannot use that power to alter or destroy its basic structure.

What is the background behind the case?

The cases leading to the final judgement of the Kesavanand Bharati case are as follows:

- **1951 – Sankari Prasad Case**

It held that the amendment power of the parliament is not limited because it can amend any part of the constitution, even Article-368 which provides the power to amend the parliament

- **1967- Golak Nath Vs State of Punjab**

The Supreme Court adopted a new approach and held that the parliament that cannot amend Part III of the constitution and made the fundamental right sacrosanct.

- **1973: Kesavananda Bharati Vs State of Kerala**

It held that parliament can alter and amend any part of the constitution but it cannot amend the basic structure of the constitution.

The court did not define what constitutes basic structure and it is through the various judgments we know what are the elements of the basic structure.

- **Minerva Mills vs. Union of India:**

The court reiterated its position on the basic structure and held that 'the Indian Constitution is founded on the bedrock of the balance between the Fundamental Rights and the Directive Principles.

The Parliament can amend the Fundamental Rights for implementing the Directive Principles, so long as the amendment does not damage or destroy the basic structure of the Constitution.

What is the significance of the Kesavananda Bharati case?

The Kesavananda Bharati case is significant in Indian constitutional law for several reasons:

- **Basic structure doctrine:** The case held that certain provisions of the Constitution cannot be amended by the Parliament, as they form the basic framework of the Constitution and are essential to its identity. This principle has since become a cornerstone of Indian constitutional law.
- **Limits on the Parliament's power:** The case set important limits on the power of the Parliament to amend the Constitution. While the Parliament has the power to amend the Constitution, it cannot use that power to alter or destroy its basic structure. This protects the fundamental rights of citizens and the independence of the judiciary in protecting the Constitution's basic structure.
- **Judicial review:** The case established the principle of judicial review in India, which means that the judiciary has the power to review the constitutional validity of laws passed by the Parliament. This strengthens the independence of the judiciary and ensures that the Constitution is upheld.
- **Significance for federalism:** The case also upheld the federal character of the Indian Constitution and established the principle that the Parliament cannot alter the federal structure of the Constitution without the consent of the states. This ensures that the states have a significant role in the functioning of Indian democracy.

What are the issues that have come after the Kesavananda Bharati case?

There have been several issues that have arisen in the years since the judgment. Some of these issues include:

- **Ambiguity on the contents of 'basic structure':** The Kesavananda Bharati case did not provide a clear definition of what constitutes the "basic structure" of the Constitution, leading to debates and disagreements over what provisions of the Constitution are included in this category.
- **Judicial activism:** Some critics have argued that the Kesavananda Bharati case has led to judicial activism, with the judiciary taking on a more expansive role in interpreting and enforcing the Constitution, sometimes at the expense of the elected branches of government.
- **Disturbed balance of power:** The judgment has given the judiciary a prime position which comes at the cost of the decisions made by the legislature.

Way forward

Overall, the Kesavananda Bharati case continues to be a significant and debated landmark in Indian constitutional law, with ongoing implications for the functioning of Indian democracy.

Sources:

Book: Indian Polity by M Laxmikanth

<https://www.thehindu.com/news/national/kesavananda-bharati-case-sc-creates-webpage-to-host-petitions-judgments-of-the-historic-1973-fundamental-rights-case/article66772804.ece>

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