

Keshvananda Bharti Case

[UPSC Notes]

What was the Keshvananda Bharti Case?

The Kesavananda Bharati & others Versus State of Kerala case, often known as the Fundamental Rights case, is unquestionably one of the most significant decisions in Indian constitutional history, if not the most significant verdict of the post-independence era.

- S.M. Sikri C. J., Hegde J, Mukherjea J, Shehlat J, Grover J, Jaganmohan Reddy J, and Khanna J delivered the majority verdict in the case; Ray J, Palekar J, Mathew J, Beg J, Dwivedi J, and Chandrachud J dissented.
- It is accurate to say that the decision in the current case ended the struggle between the government and the court and saved the nation's democratic structure and framework. The case's final ruling was the outcome of a protracted legal battle between N.A. Palkhivala (who represented the petitioners) and H.M. Seervai, two constitutional heavyweights and legal giants (who represented the State of Kerala). The lengthy hearing in the case lasted for sixty-eight days, and on April 24, 1973, a lengthy judgement of 703 pages was issued.

Recent Update about the Keshvantha Bharathi Case

Kesavananda Bharati, the primary petitioner in the Kesavananda Bharati Sripadagalvaru and Ors v. State of Kerala Case, 1973 (famous for establishing the Supreme Court's basic structure concept), passed away on September 6, 2020, in Idnir Math at the age of 79 from diseases associated with ageing.

Background of the Keshwanand Bharti Case 1973

According to the rulings in the Shankari Prasad case (1951) and the Sajjan Singh case, the Supreme Court gave Parliament unrestricted authority to modify the Constitution (1965).

- The court had reached the conclusion that in both situations, the term "law" in Article 13 must be understood to refer to rules or regulations passed in the course of standard legislative authority instead of amendments to the Constitution made in the course of exercising constituent power under Article 368.
- This implies that any provision of the Constitution, including the Fundamental Rights, may be changed by the Parliament.
 - A law made in violation of Article 13(2), which states that "The State shall not create any law which takes away or abridges the right granted by this Part (i.e. Part-III), and any law made in contravention of this article shall, to the extent of the contravention, be void," is not always complied with.
- However, the Supreme Court ruled in the Golaknath case (1967) that only a Constituent Assembly would have the authority to change the Constitution and that Parliament could not amend Fundamental Rights.
- According to the Court, if an amendment "takes away or abridges" a Fundamental Right granted by Part III, it is void since it constitutes "law" within the meaning of Article 13 of the Constitution.

- The then-government passed significant Constitutional revisions in order to overturn the Supreme Court's rulings in the Golaknath case (1967), the RC Cooper case (1970), and the Madhavrao Scindia case (1970). most prominently
 - The 24th Constitutional (Amendment) Act of 1971 granted Parliament the authority to change any provision of the Constitution.
 - The right to property had been eliminated as a fundamental right by the 25th Constitutional (Amendment) Act of 1972.

Significance of Kesavananda Bharati Case

The judgement is regarded as the second-most significant text after the Indian Constitution.

- The Supreme Court convened its largest-ever bench of 13 judges to hear the case.
- In the Kesavananda Bharati case, relief was requested from two state land reform legislation (under the 9th Schedule) that placed limitations on the management of the holy property and were directed against the Kerala government.
- According to this interpretation, Parliament could change any part of the Constitution as long as the changes did not affect the fundamental design or core principles of the document.
- The late Kesavananda Bharti referred to it as "God's decision": Because the amending power was made subject to the fundamental framework, the seer won the war despite losing the battle.

Important Facts about Kesavananda Bharati v. State of Kerala

Kesavananda Bharati served as the head priest of the Edneer Mutt, a monastic religious organisation having its main office in Kasaragod, Kerala. In the Mutt, Bharati possessed some property. The Kerala state legislature passed the Land Reforms Amendment Act in 1969. This Act gave the government permission to buy a portion of Mutt's lands. In accordance with Section 32 of the Constitution, Bharati filed a Supreme Court petition in March 1970 to uphold the following rights:

1. Article 14: Right to equality
2. Article 19(1)(f): Freedom to acquire property
3. Article 25: Right to practice & propagate religion
4. Article 26: Right to manage religious affairs
5. Article 31: Compulsory acquisition of property

Even as the court was considering the petition, the Kerala state government passed another law, the Kerala Land Reforms (Amendment) Act, in 1971.

The arguments put up by the petitioners highlighted the legitimacy of certain modifications that the Parliament introduced to overturn the results of Golaknath v. State of Punjab. The legitimacy of three constitutional amendments—the 24th, 25th, and 29th Amendments—was specifically contested by the petitioners.

Kesavananda Bharati Case Summary

Issues before the Court	1. Whether the following is legal under the Constitution? Constitutional Amendment Act of 1971, Section 24
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	<p>1972's 25th Constitutional (Amendment) Act</p> <p>The scope of the Parliament's ability to use its constitutional amendment authority. The issue that was at issue in the case additionally included: Was Parliament's ability to change the Constitution unrestricted? In other words, could Parliament change, amend, or even repeal any part of the Constitution to the point that all essential rights were eliminated?</p>
<p>Contentions of the Petitioners</p>	<p>Petitioners argued that because the Parliament's authority to alter the Constitution is constrained, they are unable to do it in the way they would like. In accordance with the ruling made by Justice Mudholkar in the case of Sajjan Singh v. State of Rajasthan, the Parliament is not permitted to rewrite the Constitution in order to alter its fundamental design.</p> <p>They claimed that the Article 19(1) Fundamental Right was violated by the 24th and 25th Constitutional Amendments (f).</p>
<p>Contentions of the Respondents</p>	<p>According to the State, the supremacy of the Parliament is the fundamental tenet of the Indian legal system, and as such, it has unrestricted authority to modify the Constitution. The respondents emphasised that the Parliament's unrestricted ability to modify the Constitution must be upheld if it is to fulfil its socioeconomic commitments.</p>
<p>Landmark Principles on Kesavananda Bharti case</p>	<p>In the Kesavananda case (1973), the Supreme Court established some landmark principles as,</p> <p>The 24th Amendment Act was upheld.</p> <p>It affirmed the first provision of the 25th Amendment Act but declared the second clause unconstitutional on the grounds that judicial review is a fundamental aspect of the Constitution and that, as a fundamental structure, 31C must be subject to judicial review and cannot, therefore, be eliminated.</p> <p>Golak Nath's decision was overturned, and it was found that: Parliament can amend the Constitution, but only in accordance with its fundamental principles; Fundamental Rights can be changed.</p> <p>It was decided to adhere to the basic structure doctrine.</p> <p>It was claimed that judges could review court decisions.</p>

Kesavananda Bharati Case 1973 Judgement

The historic ruling, handed down on April 24th by a razor-thin 7:6 vote, held that any provision of the Indian Constitution may be amended by the Parliament in order to fulfil the socioeconomic guarantees made to the people in the Preamble, so long as the amendment did not fundamentally alter the Constitution.

- However, the minority's dissenting opinion cautioned against handing the Parliament unrestricted amending power.
- The 24th Amendment to the Constitution was completely legal, according to the court. However, it determined that the second section of the 25th Constitutional Amendment was unlawful.
- Because judicial review is a fundamental component and cannot be removed, the Supreme Court determined Article 31C to be illegal and unlawful.
- The court maintained the legislation that eliminated the fundamental right to property despite the court's decision that Parliament cannot violate fundamental rights.
 - According to the court, the modification wouldn't go against the "fundamental structure" of the Constitution in spirit.

The Doctrine of Basic Structure

The concept of the Doctrine of Basic Structure has been explained in the points below;

- The German Constitution, which was altered to protect some fundamental laws following the Nazi era, is where the basic structure philosophy has its roots.
- As a result of that experience, the new German Constitution placed significant restrictions on Parliament's ability to change certain provisions it deemed to be "fundamental legislation."
- The fundamental structure theory has served as the cornerstone of judicial examination of all laws enacted by Parliament in India.
- No law may alter the fundamental framework. But there has been ongoing discussion on what the fundamental structure should be.
- The list is not all-inclusive, but courts uphold secularism, parliamentary democracy, and fundamental rights as the essential framework.
- The Judiciary is in charge of determining what the fundamental elements of the structure are.