

KESAVANANDA BHARATI V. STATE OF KERALA (1973)

Landmark Case in Indian Constitutional Law

BACKGROUND

- **Petitioner:** Swami Kesavananda Bharati (challenged Kerala Land Reforms Act)
- **Main Issue:** Can Parliament amend any part of the Constitution including Fundamental Rights?

SUPREME COURT VERDICT

- **Bench:** 13 Judges (largest ever)
- **Majority:** 7:6
- **Verdict:** Parliament can amend the Constitution but not its Basic Structure



BASIC STRUCTURE DOCTRINE (BSD) – INTRODUCED

- Parliament's power under **Article 368** is limited
- **Cannot destroy the core framework of the Constitution**



ELEMENTS OF BASIC STRUCTURE (ILLUSTRATIVE)

Supremacy of Constitution

Rule of Law

Judicial Review

Secularism

Separation of Powers

Federalism

Democracy

Fundamental Rights

Independence of Judiciary

KEY JUDGMENTS CITED IN KESAVANANDA

Shankari Prasad v. Union of India (1951)

- Parliament can amend FRs under Article 368

Sajjan Singh v. State of Rajasthan (1965)

- Reaffirmed Shankari Prasad

Golak Nath v. State of Punjab (1967)

- Parliament cannot amend Fundamental Rights

JUDGMENTS THAT FOLLOWED KESAVANANDA

Indira Nehru Gandhi v. Raj Narain (1975)

- Election laws struck down using BSD

Minerva Mills v. Union of India (1980)

- Balanced Directive Principles & FRs; protected judicial review

Waman Rao v. Union of India (1981)

- Doctrine applied to post-1973 amendments

SR Bommai v. Union of India (1994)

- Secularism declared part of Basic Structure