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Kesavananda Bharati Vs. State of Kerala

Case Summary

Writ Petition (civil) 135 of 1970

Written by Khalid Mahmud Bappy

Kesavananda Bharati Vs. State of Kerala case is a landmark case for the Indian Constitution. The case was the longest-running case which started in 1970 and finally gave its judgment after 3 long years on 24th April 1973 by introducing the new principle of Doctrine of Basic Structure by providing more than 800-page long judgment.

Case's Initial Stake Holders and justices

Case No.: Writ Petition (civil) 135 of 1970

Petitioner: Kesavananda Bharati Sripadagalvaru and Ors

Respondent: State of Kerala and Anr

Date Of Judgement: 24/04/1973

Bench (13 Justice):

S.M. Sikri & A.N. Grover & A.N. Ray & D.G. Palekar & H.R. Khanna & J.M. Shelat & K.K. Mathew & K.S. Hegde & M.H. Beg & P. Jaganmohan Reddy & S.N. Dwivedi & Y.V.Chandrachud

Win Ratio: 7:6

Sections, Case, Terms & Principle Mentioned in Entire Case

Regarding Kesavanda Bharati's Land

Article 32, 25, 14, 21, 26, 19 (1) f of Indian Constitution, Land Reform Act 1969,
Land reform act 1971

Regarding 24th Amendment

Article 13, 368, 368 (2) of Indian Constitution

Regarding 25th Amendment

Article 32(2), 19(1) f, 31(c), 39(b), 39(b), 39(c), 31, 14, 19, 31(c), 21 of Indian
Constitution

In Argument (Contentions)

Petitioner's Argument

19(1) of Indian Constitution, and Sajjan Singh Vs. State of Rajasthan Case

Petitioner's Argument

Supremacy of the Parliament, Preamble of Constitution of India

In Judgement

Intra Vires, Ultra Vires, Amount Vs. Compensation

Facts

Kesavanda Bharati was chief of Edeneer Mutt, a religious sect. He held a part of the land under his name by the Mutt. But introducing the Land Reforms Amendment Act, 1969 the land got acquired. Now the aggrieved Kesavanda Bharati filed a suit against the state of Kerala's Land Reform Act 1969 under Article 32, 25, 14, 21, 26, 19 (1) f of the Indian Constitution. In the meantime, another amendment of the Land reform act got introduced which was Land Reform Act 1971 which might get void under article 13 got protection by the central government by placing it in the schedule where no fundamental rights-related issues can affect this law under Article 368.

Issues

1. Is the 24th amendment of the Indian constitution valid?
2. Is the 25th amendment of the Indian constitution valid?
3. What should be the extent of parliament's power in terms of amending the constitution?

Arguments (Contentions)

Petitioner's Argument

Petitioner contended that parliament can't amend the constitution at its will as it takes away the citizen's right which is protected under the constitution which increases the arbitrariness.

The petitioner suggested a statement of Justice Mudholkar from the Sajjan Singh Vs State of Rajasthan (1964)-

"The Parliament cannot exercise its power to amend the constitution by modifying its basic structure."

He also asked for the protection of the property under Article 19(1)f of the constitution which he thinks got violated under the 24th and 25th amendment of the Indian constitution.

Respondent's Argument

The respondent showed the basic principle of the state where it was mentioned that the supremacy of the parliament should stay intact and also provided that, the parliament is authorized to do unlimited constitutional changes.

By providing the reference of Berubari Union Case 1960 where itself arises an issue that preamble should be considered as part of the constitution or not, they mentioned,

"In order to fulfill the socio-economic obligations guaranteed to people by the union in the Preamble; it is essential that the Parliament's authority be unrestricted."

Judgment

Judgment Regarding the Land of Petitioner

Petitioner partially lost as the amended word between Amount and Compensation didn't change however, it was mentioned that the amount which will be provided in return for land should be reasonable if not equal to current market value.

Judgment Regarding Constitutional Amendments

Apex court held with 7:6 majority that-

- I. The Parliament has the authority to amend any clause of the constitution as long as the amendment does not violate the Basic Structure of the Constitution.
- II. The entire 24th Constitutional Amendment Act 1971 but considered the first part of the 25th Constitutional Amendment Act 1972 to be intra vires and the second part to be ultra vires.

New Principle

Doctrine of Basic Structure

In the judgment of *Kesavananda Bharati Vs. State of Kerala*, it was not directly mentioned what should be the Doctrine of Basic Structure rather it was up for court to decide if anything related come in future. Also, it was mentioned, that Article 368 has the authority to amend any law until it's not violating the Doctrine of Basic Structure. Fundamental rights are subject to the basic structure of the constitution. This doctrine overruled the case of *Golaknath* regarding the constitutional amendments.

Analysis & Final Insight

Kesavananda Bharati Vs. State of Kerala is the case that protected the Indian constitution. Despite going through many amendments, it was held that it didn't lose its origin as the American constitution did for case law-based changes. The doctrine of Basic Structure provided a common ground for the legislative body and the judiciary to implement their authority over the state and also protected the citizen with a check and balance as a whole it has supported the Rule of Law.