

Kesavananda Bharati vs State of Kerala (1973): Basic Structure Doctrine Explained

Court: Supreme Court of India (13-Judge Constitution Bench) **Citation:** (1973) 4 SCC 225; AIR 1973 SC 1461 **Date:** 24 April, 1973 **Bench:** S.M. Sikri, C.J., and 12 other judges (7:6 majority)

Facts of the Case

Kesavananda Bharati, head of the Edneer Mutt in Kerala, owned land in his own name. The Kerala Land Reforms Act, 1963 (as amended in 1969) allowed the State to acquire some of this land. On 21 March 1970, he filed a writ petition under Article 32, claiming this violated his rights under Articles 14, 25, 26, 19(1)(f) and 31. While the petition was pending, Kerala passed the Kerala Land Reforms (Amendment) Act, 1971, and the case grew into a challenge against the 24th and 25th Constitutional Amendments and the scope of Parliament's amending power under Article 368.

Issues Before the Court

1. Was the 24th Constitutional Amendment Act, 1971 valid?
2. Was the 25th Constitutional Amendment Act, 1972 valid?
3. Is there any limit on Parliament's power to amend the Constitution under Article 368?

Arguments

The petitioners argued that the 24th and 25th Amendments gave Parliament unchecked power to destroy Fundamental Rights, effectively making Parliament supreme over the Constitution itself. The Union argued that Article 368, especially after the 24th Amendment, gave Parliament full and unqualified power to amend any part of the Constitution, including Part III (Fundamental Rights), and that courts had no basis to read in any implied limitation.

Decision of the Court

By a 7:6 majority, the Court held that Parliament has wide power under Article 368 to amend any part of the Constitution, including Fundamental Rights — overruling *Golaknath vs State of Punjab* (1967). However, this power is not unlimited: Parliament cannot use it to damage or destroy the "basic structure" of the Constitution. The 24th Amendment was upheld in full. The 25th Amendment was upheld in part: the first part of the new Article 31C was valid, but the part ousting judicial review of whether a law truly gave effect to Article 39(b)/(c) was struck down as destructive of the basic structure.

Principle of Law

Parliament's power to amend the Constitution under Article 368 is wide but not unlimited. An amendment is invalid if it damages or destroys the "basic structure" or fundamental framework of the Constitution — its core identity that exists independently of any single provision.

Important Legal Provisions

Article 13 (laws inconsistent with Fundamental Rights); Article 368 (Parliament's power to amend the Constitution, and its procedure); Article 31C (as inserted by the 25th Amendment); Articles 14, 19(1)(f), 25, 26 and 31 (as they stood at the time).

Important Observations

The Court observed that the word "amend" in Article 368 does not mean Parliament can use its amending power to abrogate or repeal the Constitution and replace it with an entirely different one. An amendment implies continuity — the basic identity of the document being amended must survive the amendment. The list of "basic features" was deliberately left open-ended rather than fixed, so it can develop through later cases as new threats to constitutional identity arise.

Simple Explanation

Parliament is like a powerful editor of the Constitution — it can rewrite almost any chapter. But it cannot rewrite the book so much that it stops being the same book. The core identity (basic structure) must survive every edit.

Teaching Notes

Always present this case as the resolution of a three-case sequence: Shankari Prasad (1951) said Parliament has full power → Golaknath (1967) said Parliament has almost no power over Fundamental Rights → Kesavananda Bharati (1973) found the middle path. Students often forget that the 24th Amendment was upheld in FULL while the 25th was only PARTLY upheld — this distinction is a common exam trap.

Key Points for Students

- Largest bench in Indian judicial history: 13 judges.
- Decided by the narrowest possible majority: 7:6.
- Overruled Golaknath vs State of Punjab (1967).
- Created the Basic Structure Doctrine on 24 April 1973.
- The list of "basic features" is open-ended, not closed.
- Still the foundation for every later constitutional amendment challenge in India.

Case-Law Video

Watch the video explanation: <https://www.youtube.com/watch?v=k1uvenR2dNc>