

I.C. GOLAKNATH v. STATE OF PUNJAB¹

One of India's most important constitutional law cases is *IC Golaknath v. State of Punjab*. It addressed the central query of whether Part III of the Indian Constitution grants Parliament the power to change fundamental rights. A significant precedent was established by this case, which impacted other significant rulings like [Kesavananda Bharati v. State of Kerala](#). In *I.C. Golaknath*, the Supreme Court established the principle of prospective overruling in India and reaffirmed the unalienable nature of basic rights.

The court's judgement established jurisprudence based on the so-called notion of basic structure. In 1967, the court decided that the Parliament could not restrict any of the fundamental rights guaranteed by the Indian constitution.

Facts of the Case

Land reforms were implemented in India after independence in order to guarantee a fair distribution of agricultural land and do away with feudal landholding structures. Various states implemented legislation imposing landholding ceilings, prohibiting large landowners from holding surplus land. One such law that attempted to redistribute land was the Punjab Security and Land Tenures Act, 1953. The petitioners in this case were among the landowners impacted by this law.

The Punjab government disputed the Golaknath family's land in 1962 and declared it to be "surplus" in accordance with its land ceiling regulations. Despite being a fundamental right at the time and being so until the 44th constitutional amendment in 1978, the government slowly undermined the right through a number of changes and amendments.

Land reform measures were immune from judicial scrutiny via the 17th Amendment to the Constitution, 1964 and put in the Ninth Schedule. The Golaknath family contested the amendment under [Article 32](#) on grounds that it infringed upon their fundamental rights under [Articles 14](#) (Right to Equality), [19](#) (Freedom to practice any profession or carry out any occupation), and 31 (Right to Property). The case brought up the broader issue of whether Parliament may change fundamental rights.

Question of Law

The major concerns raised were whether the Golaknath family's property rights under Article 19(1)(f) of the Indian Constitution were infringed by the Punjab Security and Land Tenures Act

¹ AIR 1967 SC 1643

of 1953. Whether the Act violated their right to equal protection under Article 14 and made it more difficult for them to practice their profession. The most crucial issue was if constitutional amendments made under Article 368 are considered "Law" under [Article 13](#) and whether this has an impact on the legality of amendments that restrict fundamental rights.

The constitutionality of the 17th Amendment to the Constitution, which exempted some laws from judicial scrutiny by placing them in the Ninth Schedule was also questioned.

Judgement

The case had one of the largest benches in Indian judicial history and the panel favoured the petitioners in a 6:5 ratio. The majority of the judges panel in the Golakh Nath case expressed skepticism with the parliament's previous trajectory. Since 1950, the parliament has infringed the fundamental rights outlined in Part III of the constitution in various ways by enacting laws and using [Article 368](#). The majority was skeptical that all of the fundamental rights that our constituent assembly had enacted would eventually be altered by amendments if Sajjan Singh remained the law of the land, considering the issue of fundamental rights and the concern that democratic India might turn into a dictatorial one. As a result, the majority overturned [Shankari Prasad](#) and Sajjan Singh.

In order to protect democracy from the autocratic actions of the parliament, the majority held that parliament cannot amend the fundamental rights guaranteed by Part III of the Constitution of India. Since these rights are essential to human growth and development, they are also known as natural rights. The majority further stated that the parliament has no authority to amend the fundamental rights, which are kept outside the purview of parliamentary legislation. Article 368 does not grant the authority to change basic rights; it merely establishes the process for doing so. For the first time in Indian history, the Court used the doctrine of prospective overruling² to avoid instability.

This case was a cornerstone in the judicial history of India and set a precedent for future landmark cases regarding property rights and the Basic Structure of Indian Constitution.

² A legal theory that permits a court to issue a new ruling that only applies to cases in the future and has no bearing on previous rulings or transactions. According to the previous law, this strategy—also referred to as prospective application—is employed to maintain stability, avoid legal upheaval, and safeguard those who acted in good faith.