

KESAVANANDA BHARTI V. STATE OF KERALA¹

The Kesavananda Bharti Case was a landmark case which defined the solidity of the Basic structure of the Indian Constitution. It was crucial in deciding the limit and extent of the Parliament's powers. While it did not specifically limit the Parliament's powers, it stressed on the spirit of the Constitution, also showing the Constitution as a flexible document.

Facts of the Case

The primary petitioner in this case, Kesavananda Bharati, was the head of the Edneer Mutt in Kerala. There were several land parcels in the sect that belonged to him. The Land Reforms Amendment Act, passed by the Kerala State government in 1969, gave the government the authority to purchase a portion of Edneer Mutt's land.

In order to enforce his rights under Article 25 of the Indian Constitution, which grants the freedom to practice and propagate his religion; Article 26 of the Constitution, which guarantees the right to administer religious affairs; Article 14 of the Constitution, which grants the right to equality; Article 19(1)(f) of the Constitution, which grants the freedom to acquire property; and Article 31 of the Constitution, which provides for the compulsory acquisition of property, Kesavananda Bharti filed a writ petition in the Supreme Court on March 21, 1970, under Article 32 of the Indian Constitution. The Kerala government passed the Kerala Land Reforms Amendment Act 1971 while the petition was still pending at the Apex court.

The Parliament in the meantime had also passed the 24th Constitutional Amendment which aimed to restrict the reach of judicial review and the judiciary's authority. Additionally, the 25th Amendment was passed, which aimed to restrict citizens' fundamental rights and grant Parliament the authority to change any provision of the Constitution.

Question of Law

The primary question raised by this landmark case was the extent of amending power conferred upon the parliament by Article 368 apart from Article 13(2). The case also challenged the legality of the Kerala Land Reforms which allowed for the purchase of surplus land from landowners and set a cap on the total amount of property that an individual might own. According to Article 13(2), no law passed by the state may diminish or destroy the fundamental rights outlined in Part

¹ AIR 1973 SC 1461

III of the Constitution. If a law like that is passed, it will be null and void to the extent of the contradiction.

Judgement

The Court reviewed *Golaknath v. State of Punjab* and, by a 7:6 majority, held that Parliament may amend any provision of the Constitution, provided it doesn't conflict with the Basic Structure of the Constitution. The Supreme Court established the doctrine of the Constitution's basic structure, which maintains that the Parliament cannot amend or repeal the elements like the Constitution's supremacy, the rule of law, and the judiciary's independence by passing a constitutional amendment. The court was asked to decide if this idea was a part of the Constitution and whether the Parliament's amendment authority covered it. The Kerala land reforms were held legal by the Supreme Court.

References

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