

MINERVA MILLS v. UNION OF INDIA¹

A keystone in the development of Indian constitutional jurisprudence, especially with regard to the theory of the fundamental structure of the Constitution, is the *Minerva Mills Ltd. & Ors. v. Union of India & Ors.* case. In this historic ruling, the Supreme Court's Constitution Bench contested the constitutionality of the Emergency era 42nd Amendment Act of 1976. Article 31C, one of the major alterations brought about by the amendment, attempted to supersede the Fundamental Rights protected by Articles 14 and 19 in favor of the Directive Principles of State Policy. The lawsuit proved to be a pivotal event in defending the core values that form the basis of the Indian Constitution.

Facts of the Case

In August 1970, the Indian government, in accordance with the Industries (Development Regulation) Act, 1951, sought an investigation into Minerva Mills, which was a private company, for low productivity. Claiming that Minerva Mills' operations were being run in a way that was seriously against the interests of the public, the government gave the National Textile Corporation Ltd. permission to take over management of the company on October 19, 1971. The company was soon after nationalized under the Sick Textile Undertakings (Nationalization) Act, 1974. The petitioner contested the Sick Textile Undertakings (Nationalization) Act's constitutionality. Additionally, they contested the legality of the [42nd Amendment](#)'s Sections 4 and 55.

Question of Law

The major issues raised by this were the constitutionality of the Section 4 of the 42nd Constitutional Amendment Act, which gave the parliament power, under Article 368 to amend the Constitution as necessary to uphold Directive Principles of State Policy and while doing so, give primacy to DPSP over Fundamental Rights. The court was faced with the question of supremacy of DPSP over Fundamental rights.

Along with this the validity of Section 55 was also questioned, which sought to ebb the judiciary's power of Judicial Review, effectively asserting Parliament's unrestricted authority to change any part of the Constitution.

Judgement

¹ AIR 1980 SC 1789

In a majority ruling written by Chief Justice Y.V. Chandrachud, the Supreme Court invalidated both of the contested amendments, thus reinforcing and bolstering the Doctrine of basic structure, initially advanced in the *Kesavananda Bharati case* (1973).

According to this Court's ruling in the Keshvanand Bharati case, they violated the restrictions placed on the parliament's ability to amend. It was decided that the Parliament could not destroy the fundamental elements of the Constitution by extending its amending powers.

The Court ruled that by giving Directive Principles absolute precedence over Fundamental Rights under [Articles 14](#) and [19](#), the amended Article 31C damaged the fundamental framework of the Constitution. The Court underlined that the harmonious balance between Directive Principles and Fundamental Rights forms the foundation of the Constitution. They are both described by the court as 'wheels of the chariot of social justice'.

References

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