



# **GOLAK NATH V. STATE OF PUNJAB (1967)**

*Constitutional Interpretation & Basic Structure*

## **PRELIMS SNAPSHOT**

- 📅 Year: 1967
- ⚖️ Case: Golak Nath v. State of Punjab
- 👤 Bench Strength: 11 Judges
- 📖 Key Articles Involved: Article 13, Article 368
- 🧠 Doctrine Evolved: Fundamental Rights are non-amendable
- 💬 Famous Line: "Parliament cannot curtail Fundamental Rights under the guise of amendment."

## **CONTEXT & BACKGROUND**

During the 1950s and 1960s, Parliament passed several constitutional amendments that curtailed property rights. These included the First, Fourth, and Seventeenth Amendments, which were meant to implement land reform laws and place them in the Ninth Schedule beyond judicial review.



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Henry Golak Nath, a former MP and landlord from Punjab, challenged these amendments, arguing that they violated his Fundamental Right to property under Article 19(1)(f) and Article 31. The case raised the critical question of whether Fundamental Rights could be abridged by constitutional amendment.

### **CONSTITUTIONAL ISSUES RAISED**

- Can Parliament amend Part III of the Constitution, which deals with Fundamental Rights?
- Is there a difference between the power to legislate and the power to amend?
- Does Article 368 grant unlimited amending powers?

### **VERDICT & RATIO DECIDENDI**

- Fundamental Rights are sacrosanct and cannot be abridged or taken away by Parliament, even through constitutional amendments
- Article 368 only outlines the procedure to amend the Constitution, but does not confer the power to amend



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- Any amendment violating Fundamental Rights would be void under Article 13(2)

This decision marked the first time the Supreme Court curbed Parliament's amending power, establishing judicial supremacy over constitutional amendments.

### **DOCTRINE / PRINCIPLE EVOLVED**

The Court held that Fundamental Rights are non-amendable, treating constitutional amendments like ordinary laws in the context of Article 13. This interpretation was later overruled in *Kesavananda Bharati* (1973), but it laid the groundwork for the basic structure debate and shaped the trajectory of constitutional law in India.





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## IMPACT & LEGACY

- Temporarily limited Parliament's power to amend Fundamental Rights
- Triggered the 24th Constitutional Amendment (1971), which attempted to restore Parliament's absolute amending power
- Set the stage for the landmark Kesavananda Bharati case
- Though later overruled, it was a critical step in evolving the checks and balances between the judiciary and Parliament



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# MAJOR SUPREME COURT JUDGEMENTS

## RELEVANCE FOR UPSC

- GS Paper 2:
  - Evolution of constitutional interpretation
  - Role of judiciary in protecting rights
- GS Paper 4 (Ethics):
  - Protection of civil liberties
  - Institutional independence
- Essay Paper:
  - Use in essays on Judicial Activism, Limits of Power, Constitutional Supremacy
- UPSC Interview:
  - Useful in debates on judicial review, property rights, and constitutional amendments

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