



KESAVANANDA BHARATI V. STATE OF KERALA (1973) (REVISITED FOR BASIC STRUCTURE WRAP-UP)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

◆ 1. Prelims Snapshot (Fact Box)

- 📅 Year: 1973
- ⚖️ Case: Kesavananda Bharati v. State of Kerala
- 👤 Bench Strength: 13 Judges (largest ever in SC history)
- 📖 Key Articles Involved: Article 13, Article 368
- 🧠 Doctrine Evolved: Basic Structure Doctrine—Constitution is amendable, but its core cannot be altered
- 💬 Famous Line: "Amend as you may, but do not destroy the Constitution's soul."

CONTEXT & BACKGROUND

Swami Kesavananda Bharati, head of a Kerala matha, challenged the 24th, 25th, and 29th Constitutional Amendments passed by the Indira Gandhi government that restricted judicial review and curtailed Fundamental Rights, especially in matters of property.



The central question: Can Parliament amend any part of the Constitution, including Fundamental Rights? Or is there a limit to the amending power under Article 368?

CONSTITUTIONAL ISSUES RAISED

- Does Parliament have unlimited power to amend the Constitution under Article 368?
- Can Fundamental Rights and constitutional identity be altered or destroyed?
- Is there an implicit limit to the amending power, even without textual boundaries?

VERDICT & RATIO DECIDENDI

By a narrow 7:6 majority, the Supreme Court held that:

- Parliament can amend any part of the Constitution, including Fundamental Rights
- But it cannot alter or destroy the Basic Structure of the Constitution
- This doctrine is not written explicitly, but is inherent in the supremacy of the Constitution



- Key elements of the Basic Structure include:
- Supremacy of the Constitution
- Rule of Law
- Separation of Powers
- Judicial Review
- Federalism
- Secularism
- Free and Fair Elections
- Sovereignty and Democracy

DOCTRINE / PRINCIPLE EVOLVED

- The Basic Structure Doctrine, which limits Parliament's power to amend the Constitution
- The doctrine ensures the Constitution retains its identity and values across time
- It has been used to protect democracy, independence of judiciary, and fundamental rights



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IMPACT & LEGACY

- Most cited and powerful constitutional doctrine in Indian legal history
- Used in landmark judgments like:
 - Indira Gandhi v. Raj Narain (1975)
 - Minerva Mills (1980)
 - NJAC case (2015)
 - Electoral Bonds case (2024)
- Serves as a shield against authoritarian constitutional amendments
- Reinforces that India is governed by the Constitution, not by temporary majorities



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RELEVANCE FOR UPSC

- GS Paper 2:
 - Constitutional amendments, judicial review, limits of legislative power
 - Separation of powers and rule of law
- GS Paper 4 (Ethics):
 - Constitutional integrity, institutional values
- Essay Paper:
 - Ideal for topics like Safeguarding the Constitution, Balance of Power in Democracy, Limits of Power in a Republic
- UPSC Interview:
- Can be referenced in debates on Constitution vs. Legislature, Emergency provisions, and democratic accountability

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