



KESAVANANDA BHARATI V. STATE OF KERALA (1973)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

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

CONTEXT & BACKGROUND

In the early 1970s, the Indira Gandhi government enacted a series of constitutional amendments aiming to:

- Expand the powers of Parliament
- Curtail property rights
- Limit the scope of judicial review



Swami Kesavananda Bharati, the head of a mutt in Kerala, filed a petition challenging the 24th, 25th, and 29th Amendments. The case quickly escalated into a pivotal debate: Can Parliament alter the core identity of the Constitution?

CONSTITUTIONAL ISSUES RAISED

- Does Parliament have unlimited power to amend the Constitution under Article 368?
- Can Fundamental Rights be curtailed or removed through amendments?
- Are there implicit limitations on Parliament's power to amend the Constitution?

VERDICT & RATIO DECIDENDI

In a 7:6 split verdict, the Supreme Court held that:

- Parliament can amend any part of the Constitution, including Fundamental Rights
- However, it cannot alter or destroy the "Basic Structure" of the Constitution



- This Basic Structure limitation, although unwritten, is essential to preserve the Constitution's identity

A powerful line from the judgment captures its spirit:

"The Constitution is not what Parliament says it is—it is what the judiciary interprets it to be, within constitutional limits."

DOCTRINE / PRINCIPLE EVOLVED

Basic Structure Doctrine: Certain fundamental features of the Constitution are inviolable. These include:

- Sovereignty and integrity of India
- Secularism and federalism
- Judicial review and rule of law
- Separation of powers
- Free and fair elections

These elements cannot be amended out of existence, even by a constitutional majority.



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IMPACT & LEGACY

- Became the bedrock of constitutional democracy in India
- Placed effective limits on Parliament's amending power
- Strengthened the role of the judiciary as guardian of the Constitution
- Invoked in key future cases such as:
 - Minerva Mills v. Union of India (1980)
 - NJAC case (2015)
 - Sabarimala (2018)
 - Electoral Bonds case (2024)

The doctrine continues to act as a constitutional firewall protecting democratic values from majoritarian overreach.



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RELEVANCE FOR UPSC

- GS Paper 2:
 - Constitutional amendments
 - Doctrine of judicial review
 - Separation of powers
- GS Paper 4 (Ethics):
 - Constitutional morality
 - Institutional integrity
- Essay Paper:
 - Themes like "Safeguarding Democracy", "Limits of Power", "Role of Institutions"
- UPSC Interview:
 - Can be used in responses related to governance checks, federalism, or judiciary's role in democracy

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