

Kesavananda Bharati v. State of Kerala

Constitutional Law · (1973) 4 SCC 225 · 1973

Facts

Challenge to constitutional amendments affecting fundamental rights and land reform.

Issues

Extent of Parliament's amending power under Article 368.

Arguments

Implied limitations vs. plenary power.

Decision

Basic Structure Doctrine established.

Legal Principles

Parliament cannot alter the basic structure of the Constitution.

Ratio Decidendi

Article 368 does not authorise destruction of the Constitution's essential features.

Obiter Dicta

Identification of specific 'basic features' left to future cases.

Important Quotes

- The basic structure of the Constitution cannot be destroyed.

Exam Notes

Cornerstone of Indian constitutional law. Remember: 7:6 majority; 13 judges; basic structure vs. essential features.

Interview Notes

Discuss the tension between parliamentary sovereignty and constitutional supremacy.

Precedents

- Golaknath (partly overruled)
- Sajjan Singh

Articles / Sections

- Article 368
 - Article 13
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