

TITLE: Kesavananda Bharati v. State of Kerala (1973)

SITE

Education desk note ? Advocate Adesh Kumar ? <https://advadeshkumar.com/>

CITATION

(1973) 4 SCC 225 | Supreme Court of India | 1973

CASE

Kesavananda Bharati v. State of Kerala

FACTS

Challenge to constitutional amendments affecting property and rights, heard by a historic 13-judge Bench, after earlier amending-power cases (Shankari Prasad, Sajjan Singh, Golaknath).

LEGAL ISSUES

Can Parliament amend the Constitution so as to destroy its basic structure?

LAW / PROVISIONS

Article 368; fundamental rights; basic structure doctrine.

HOLDING

Parliament may amend the Constitution under Article 368, but cannot abrogate its basic structure. Judicial review of amendments on basic-structure grounds was cemented.

KEY TAKEAWAYS

1. Amending power is wide ? not unlimited.
2. Basic structure is the hard limit on constitutional change.

SIGNIFICANCE

The most cited structural judgment in Indian constitutional law.

PRIMARY SOURCE

<https://indiankanoon.org/doc/257876/>

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