

Introduction:

The literal meaning of the word ‘dynamics’¹ is “The branch of mechanics that is concerned with the effects of forces on the motion of a body or system of bodies, especially of forces that do not originate within the system itself. Also called *kinetics*.” Here we are not concerned about the laws of physics, but the laws of ‘law’, that law that was laid down in 1973 which is considered to be the watermark in the history of judiciary. It is pertinent to tell why the word ‘dynamics’ have been used here. it is because it seems to be the best suitable word which can be used while elucidating the impact of the ‘basic structure doctrine’ i.e. the effect of the forces of this doctrine on the motion of our society as well as on our constitution especially when this force was only recognized after 23 years of the enactment of our constitution.

Our Constitution envisages a true and noble democracy which ensures freedom under law and the dignity of the individual. Part III enumerates the Fundamental Rights and Part IV sets out the Directive Principles of State Policy. There can be no inconsistency or collision between the Fundamental Rights and the Directive Principles, since they are on different planes. While Part IV sets out the directory ends of Government, Part III sets out the permissible means for achieving those ends. There is no conflict between the ends and the means, the only conflict is between the Constitution and those who refuse to accept the discipline of the Constitution. Refusal to accept discipline on the university campus is called student unrest; refusal to accept discipline in the political capitals is called progressive radicalism.

Most modern Constitutions assure the basic human freedoms to its citizens. Citizens need protection against their own representatives, because men dazzled by the legitimacy of their ends seldom pause to consider the legitimacy of the means. Man being what he is, cannot safely be trusted with complete power in depriving others of their rights. The protection of the citizen against all kinds of men in public affairs, none of whom can be trusted with unlimited power

¹ <http://dictionary.reference.com/dic?q=dynamics&search=search>

over others, lies not in their forbearance but in limitations on their power. That is the conviction underlying our Constitution².

For a long time to come, the Indian Judiciary, constitutional scholarship and above all the Indian polity are likely to be consumed by the magnificent obsessions created by the eleven opinions of the Supreme Court in the historic *Kesavananda Bharati case*. The many varied and profound questions it raises—the place of judicial review in a democratic society being the principal among them—will have to be answered with the chill of reason rather than with *the* passion of a moment.

Kesavananda Bharati generates many paradoxes. Although it is in the ultimate analysis a judicial decision, it is not just a reported case on some Articles of the Indian Constitution. Indeed, I believe that it is, in some sense, the Indian Constitution of the future.

Although this is so, paradoxically, the *Case* is likely to create an illiterate Bar in the country. A decision which runs into over seven hundred closely printed pages is unlikely to be read by the majority of the Bar ; and if read only once is unlikely to be fully understood.¹ But a legal profession which misses out on the liberal and legal reading of this decision is thus likely to commit a mayhem upon itself, and thereby upon the future development of the constitutional jurisprudence in this country. As always, the illiteracy of the literate is more pernicious for development than that of the illiterate.³

One needs to understand the importance of this magnificent judgement as well as the repercussions after it. The research paper attempts to throw some light on the same while keeping a bird's eye view on the impeccable piece of judicial pronouncement.

² Palkhivala, N.A., *Fundamental rights case: comments*, (1973) 4 SCC (jour) 47.

³ Bakshi, upendra, *The constitutional quicksands of keshvanad bharti and the twenty-fifth amendment*, (1974) 1 scc(jour) 45.

Before knowing what basic structure is one should be aware of the constitutional history of the article 368⁴ of the constitution of India. What was the article when it was first laid down, what were the amendments that brought about the changes in the articles, what was the view of the court regarding the nature of the article and the power mentioned thereof, what were the cases before the keshavanad bharti case that expressed views regarding the implication of this article, these are the some question that need to be dealt first before discussing the keshavnad bharti case.

⁴ 368. Power of Parliament to amend the Constitution and procedure therefore.

(1) Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article

(2) An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of the total membership of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill: Provided that if such amendment seeks to make any change in

(a) Article 54, Article 55, Article 73, Article 162 or Article 241, or

(b) Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or

(c) any of the Lists in the Seventh Schedule, or

(d) the representation of States in Parliament, or

(e) the provisions of this article, the amendment shall also require to be ratified by the Legislature of not less than one half of the States by resolution to that effect passed by those Legislatures before the Bill making provision for such amendment is presented to the President for assent

(3) Nothing in Article 13 shall apply to any amendment made under this article

(4) No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article whether before or after the commencement of Section 55 of the Constitution (Forty second Amendment) Act, 1976 shall be called in question in any court on any ground

(5) For the removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution under this article
PART XXI TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS

Constitutional assembly debates:

Ironically, the draft provision relating to the amending power came in for sharp criticism and it was felt that the procedure for amending the constitution was too difficult. Dr. Ambedkar pointed out that in comparison to the U.S. constitution, the provision to the draft constitution were very simple. He rightly pointed out the need for the two-third majority as a future parliament may not be non-partisan and would have an axe to grind. Prophetic words indeed. Little did Dr. Ambedkar realize that less than 25 years after the constitution came into being, it faced its greatest danger and was on the brink of being totally destroyed.⁵

Different modes of amendment under constitution of india:

Now here it becomes pertinent to point out what are the different modes of amendment that are prescribed under the constitution of india:

The Constitution of India provides for the amendment by way of Amendment Acts in a formal manner. For the purpose of amendment, the various Articles of the Constitution are divided into three categories. The first category is out of the purview of Article 368 whereas the other two are a part and parcel of the said Article. The various categories of amendment to the Constitution can be summarized as follows:

- Amendment by Simple Majority
- As the name suggests, an article can be amended in the same way by the Parliament as an ordinary law is passed which requires simple majority. The amendment contemplated under Articles 5-11 (Citizenship), 169 (Abolition or creation of Legislative Councils in States) and 239-A (Creation of local Legislatures or Council of Ministers or both for certain Union Territories) of the Indian Constitution can be made by simple majority. These Articles are specifically excluded from the purview of the procedure prescribed under Article 368.

⁵ *Constituent assembly debates, Vol. VII, pp.43-44.*

- Amendment by Special Majority Articles which can be amended by special majority are laid down in Article 368. All amendments, except those referred to above come within this category and must be affected by a majority of total membership of each House of Parliament as well as 2/3rd of the members present and voting.

- Amendment by Special Majority and Ratification by States Amendment to certain Articles requires special majority as well as ratification by states. Proviso to Article 368 lays down the said rule. Ratification by states means that there has to be a resolution to that effect by one-half of the state legislatures. These articles include Article 54 (Election of President), 55 (Manner of election of President), 73 (Extent of executive power of the Union), 162 (Extent of executive power of State), 124-147 (The Union Judiciary), 214-231 (The High Courts in the States), 241 (High Courts for Union Territories), 245-255 (Distribution of Legislative powers) and Article 368 (power of the Parliament to amend the Constitution and procedure therefor) itself. Any list of seventh schedule or representation of states in Parliament as mentioned in the fourth schedule is also included.⁶

Procedure For Amendment U/A 368

A Bill to amend the Constitution may be introduced in either house of the Parliament. It must be passed by each house by a majority of the total membership of that house and by a majority of not less than 2/3rd of the members present and voting. Thereafter, the bill is presented to the President for his assent who shall give his assent and thereupon the Constitution shall stand amended. In case, ratification by state is required it has to be done before presenting it to the President for his/her assent.

The power to amend the constitution came into question with the very first amendment of the constitution and it carried on and the chain was made which ultimately led to the Keshavnad Bharti case. Let's go through some of the cases that came before the court for consideration before Keshavanand Bahrti case:

⁶ Raina, Kapil. *Amendability of Indian constitution with reference to fundamental rights*, <http://www.legalserviceindia.com/article/details.asp?id=19>

Shankari Prasad V. Union Of India⁷ :

The validity of the First Amendment Act to the Constitution was challenged on the ground that it purported to abridge the fundamental Rights under Part 3 of the Constitution of India. The inclusion of the property rights in the ninth schedule led to the effect that no one can challenge it. Thus it was argued that by amendment the fundamental right (article 19(1)(f), article 31) have been taken away. Supreme Court held that the power to amend the Constitution, including Fundamental Rights is contained in Article 368. Article 368 does not prescribe any limitation whatsoever. Opening clause says “notwithstanding anything”, thus it has unlimited power. An amendment is not a law within the meaning of Article 13(2). Article 13(2) states that – “The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention to this clause shall, to the extent of the contravention, be void”. An amendment is valid even if it abridges any fundamental Right.

Sajjan Singh V. State Of Rajasthan⁸

The validity of the 17th Amendment Act, 1964 was challenged on the ground that one of the acts inserted by the amendment in the 9th Schedule affected the petitioner on the basis that the amendment fell within the purview of Article 368 and the requirements in the proviso to Article 368 had not been complied with. Supreme Court approved the judgment in Shankari Prasad case and held that on Article 13 (2) the case was rightly decided. Amendment includes amendment to all provisions of the Constitution.

In 1965, the doubt was raised by Justice Mudhalkar, whether the basic spirit of the constitution be amended.

⁷ AIR 1951 SC 458

⁸ AIR 1965 SC 845

Golaknath V. State Of Punjab⁹

The Supreme Court prospectively overruled¹⁰ its decision in Shankari Prasad and Sajjan Singh cases and held that Parliament had no power to amend part 3 of the Constitution so as to abridge or take away any of the Fundamental Rights. It also added that Article 368 merely lays down the procedure for the purpose of amendment, power would come in under article 248 of the constitution of India. Further, The Court said that an amendment is a law under Article 13(2) of the Constitution of India and if it violates any fundamental right, it may be declared void.

In effect it laid down the following propositions:

- (1) All the amendments made up to the date the judgment was delivered, were valid.
- (2) The amendment under Article 368 being law, it is subject to the provisions of Article 13 and therefore if the said law takes away or abridges the fundamental rights, except in the manner and to the extent prescribed by Part III, it will be void.
- (3) Parliament can, by the law of amendment or by ordinary law, abridge or restrict the fundamental rights to the extent permitted in Part III.
- (4) Though it cannot take away the fundamental rights, it can add to the list of fundamental rights.

It will be seen from the said propositions that the Supreme Court, as wrongly represented, did not hold that Parliament has no power to amend fundamental rights. On the other hand it held that it

⁹ AIR 1967 SC 1643

¹⁰ Doctrine of prospective overruling (borrowed from American jurisprudence): decisions would have only prospective operations and would not affect the 1st, 4th and 17th amendments which had abridged the scope of fundamental rights.

could amend all the fundamental rights, but it could not, by the process of amendment, take away the fundamental rights or restrict them beyond that sanctioned by Part III.¹¹

Golaknath case equated supreme power with the ordinary power. It brought the fundamental right as the limitation on article 368. In order to come over this difficulty the 24th constitutional amendment was passed.

24th amendment act 1971:

It brought following changes-

- (a) The marginal note was substituted for the words “procedure for the amendment of the constitution”. This was presumably to overcome the judgement of Subba Rao who had held that article 368 only provide for the procedure for amending the constitution and the power had to be found elsewhere.
- (b) Clause (1) was inserted and existing clause (1) was renumbered as clause (2) with the additional change indicated in the square brackets.
- (c) Clause (3) was inserted (with a corresponding amendment to article 13¹²)

Now lets go through the keshvanad bharti case in detail:

Keshavand bharti case:

His holiness swami keshavnanda bharti sri padagalwaru was the head of the math in kerela. Land reform legislation in kerela had affected the property of his religious institution. Subsequently, these changes in the land reform law were placed in the ninth schedule by the 29th amendment. The land reform were initially challenged in 1970 and after the 29th amendment , a fresh petition

¹¹ Subba Rao,k.*The Two Judgments: Golaknath and Kesavananda Bharati*, 1973) 2 SCC (Jour) 1

¹² Article 13 (4): nothing in article 368 shall apply to article 13.

was filed to challenge in 1970 and after the 29th amendment, a fresh petition was filed to challenge the 24th, 25th and the 29th amendment. A five judge bench initially heard the matter in august, 1972 and since the decision in golaknath case consisted of 11 judges, the case was posted before a bench of 13 judges. The decision in this case completely alter the constitutional landscape of india for the generation to come. It was reported that the case was heard from 31st October, 1972 till mid march 1973. It was argued for 70 working days and Mr. Palkhivala alone argued for 33 days.

The decision constitutes the longest reported judgement and covers 594 pages of the all india reporter. The 13 judges gave elaborate reasons and analyzing them critically is extremely strenuous. As far as article 368 is concerned the supreme court held that the parliament could amend the constitution but it could not alter its basic structure or framework. It also upheld the validity of 24th, 25th and the 29th amendment. The 26th amendment, regarding privy purses, was directed to be posted before the constitution bench. The supreme court issued a summary of its views which was signed by nine of the 13 judges.

The Government's argument was that, though its power of amending the Constitution, after the 24th Amendment, must be held to be limitless and they can destroy human freedoms under Article 31-C, the legislature will not use the power.

Six senior judges of the Supreme Court (including Chief Justice Sikri, who retired a day after the judgment, and Justice Shelat, Hegde and Grover, who have paid the price of their independence and intellectual integrity by being superseded for the office of the Chief Justice of India) held as follows:

1. Parliament's amending power is limited. While Parliament has the right to abridge any Fundamental Right or amend any provision of the Constitution, the amending power does not extend to damaging or destroying any of the essential features of the Constitution. The Fundamental Rights are among the essential features of the Constitution; therefore, while they may be abridged, the abridgement cannot extend to the point of damage to or destruction of the core of the Fundamental Rights. Thus, it was unnecessary to decide whether Golaknath case was rightly decided or not, since after the 24th Amendment Parliament has the power to abridge any Fundamental Right without damaging or destroying its core.

2. While the property of any person may be taken away on payment of an "amount" which may not be the market value or constitute "compensation" in the eye of the law, the amount or the principles on which it is based must have a reasonable relation to the property.

3. Article 31-C is void since it takes away valuable Fundamental Rights, even those unconnected with property. (The question of severability of the offending provisions of Article 31-C, which was dealt with by one of the judges, is not referred to here for lack of space.)

On the other hand, six other judges held as follows: 1. The power of amendment is unlimited. 2. On a fair construction of Article 31(2) as altered by the 25th Amendment, the State's right to acquire or requisition property on payment of an "amount" must, according to some of these judges, be so exercised that the amount is not illusory and does not constitute a fraud upon the right to property. 3. Article 31-C is valid, even though it damages or destroys the essential features of the Constitution.

Thus, six judges decided the case in favour of the citizen and six in favour of the State. Justice Khanna agreed with none of these 12 judges and decided the case midway between the two conflicting viewpoints. He held that (a) the power of amendment is limited; it does not enable Parliament to alter the basic structure or framework of the Constitution; and (b) the substantive provision of Article 31-C, which abrogates the Fundamental Rights, is valid on the ground that it does not alter the basic structure or framework of the Constitution. But the latter part of Article 31-C, which ousts the jurisdiction of the Court, is invalid.¹³

Thus, by a strange quirk of fate, the judgment of Justice Khanna, with which none of the other 12 judges agreed, has become the law of the land. This result follows from the fact that while Justice Khanna did not agree with the six judges who decided in favour of the citizen, he went a part of the way along with them; and the greatest common denominator between the judgments of the six judges in favour of the citizen and the judgment of Justice Khanna became the judgment of seven judges and thus constituted the majority view of the Supreme Court.

Quoting Jawaharlal Nehru from his speech in support of the First Amendment, Khanna, J., comments that "what Pt. Nehru contemplated by amendment was the varying of the Constitution

¹³ Supra note, 2

'here and there' and not the elimination of its basic structure, for that would necessarily result in the Constitution losing its identity". In his conclusions, the learned Justice states :

"The power of amendment under Article 368 does not include the power to abrogate the Constitution nor does it include the power to alter the basic structure or framework of the Constitution. Subject to the retention of the basic structure or framework of the Constitution, the power of amendment is plenary and includes within itself the power to amend the various Articles of the Constitution, including those relating to fundamental rights as well as those which may be said to relate to essential features. No part of a fundamental right can claim immunity from amendatory process by being described as the essence or core of that right. The power of amendment would also include within itself the power to add, alter or repeal the various Articles."

The effect of the majority judgment of the Supreme Court may be summed up thus: Parliament cannot, in the exercise of its amending power, alter the basic structure or framework of the Constitution. For instance, it cannot abolish the sovereignty of India or the free democratic character of the State; nor can it impair the integrity and unity of India or abolish the States. The amending power cannot be so exercised as to make the Constitution suffer a loss of identity. (The principle that the basic structure or framework of the Constitution cannot be altered gives a wider scope to the amending power than the principle that none of the essential features of the Constitution can be damaged or destroyed). The Court's jurisdiction cannot be ousted as is sought to be done by Article 31-C. If the Court's jurisdiction were ousted, any of the States may pass laws which may in effect be conducive to the disintegration of India. Further, the Government's right to acquire or requisition property must be exercised on the payment of such an amount as does not constitute a fraud on the right to property.

. Sikri, C.J., sets down the following as forming what he calls the "basic structure" or "fundamental features" of the Constitution.³¹

"(1) Supremacy of the Constitution ;

(2) Republican and democratic form of Government ;

(3) Secular character of the Constitution ;

(4) Separation of powers between the legislature, the executive and the judiciary ;

(5) Federal character of the Constitution."

The concept of democratic government would necessitate the retention of a large number of Articles in the Constitution. Most of the fundamental rights will have to be retained, albeit in an attenuated form, though it would tax the ingenuity of man a little too hard to discover possible attenuation in a few instances. Quite a good number of the directive principles may be considered to be inviolable in view of the Preamble which sets out the aims and objects of the Constitution. Articles relating to the Union of States, elections and judicial review cannot be repealed. It may therefore be said that the *Kesavananda* decision has forged more fetters on the powers of Parliament to amend the Constitution.

42nd Amendment Act, 1976 and Article 368:

42nd Amendment Act, 1976 was passed by the Parliament soon after. Amendment added clause 4 and clause 5 to Article 368. Article 368(4) provided that no Constitutional Amendment shall be called in any court on any ground. Article 368(5) provided that there shall be no limitation whatsoever on the constituent power of the Parliament.

Minerva Mills V. Union Of India ¹⁴

Supreme Court struck down clauses (4) and (5) of Article 368 inserted by the 42nd amendment. Justification for the deletion of the said clauses was based on the destruction of 'Basic Structure'. The Court was satisfied that 368 (4) and (5) clearly destroyed the 'Basic Structure' as it gave the Parliament absolute power to amend Constitution. Limitation on the amending power of the Parliament is a part of the 'Basic Structure' explained in *Kesavananda*'s case.

¹⁴ AIR 1980 SC 1789

Indira Gandhi election case¹⁵

The election of Mrs. Indira Gandhi was set aside by the Allahabad HC on ground of corrupt practices. Instead of gracefully waiting for the outcome of her appeal before the SC, parliament passed the 39th amendment act, 1975, taking election of president, vice president, prime minister outside the pale of the judicial review. The amendment was tailor made to nullify the decision of the Allahabad HC. The constitutional validity of the aforesaid amendment came for the consideration under the Indira Gandhi case. Article 329A(4) was held to be constitutionally invalid. As regards basic structure, Chandrachud J, who was the part of the majority referred to five aspects that would constitute basic structure

- (1) Sovereign democratic republic status
- (2) Equality of status of the opportunity of the individual
- (3) Rule of law
- (4) Secularism and freedom of conscience and religion
- (5) Judicial review

RECENT CASES:

In *V.C., Banaras Hindu University vs. Shrikant*¹⁶, the SC held that, when the statutory authority exercises its statutory powers either in the ignorance of the procedure prescribed in law or while deciding the matter takes into consideration irrelevant or extraneous matters not germane therefor, he misdirects himself in law. In such an event, an order of the statutory authority must be held to be vitiated by law. It suffers from an error of law. Such an error of law is capable of being rectified by judicial review. Reasonableness in the order and/or fairness in the procedure can also be gone into by the writ petition.

¹⁵ Indira Nehru Gandhi vs. Raj Narain, AIR 1975 SC 2299.

¹⁶ (2006) 11 SCC 42

In **M nagaraj Vs uoi**¹⁷, the broad issues that arose for determination in this reference to the constitution bench related to the : validity, interpretation, implementation of the 77th, 81st, 82nd and the 85th constitutional amendments acts: and, action taken in pursuance thereof which sought to reverse decisions of the SC in matters relating to promotion in public employment and their application with retrospective effect. The key issue which arose for determination was whether by virtue of the impugned constitutional amendments, the power of the parliament was so enlarged so as to obliterate any or all of the constitutional limitations and requirements.

In **kuldip nayar case**¹⁸, the SC has categorically held that the doctrine of the basic structure would not apply to the legislation but only to a constitutional amendment. The court pointed out the well settled principle that a legislation could be struck down as unconstitutional only on two grounds, violation of fundamental rights and the legislative incompetence. The court relied on the dictum of the dictum of indira Gandhi case. The court summarized its view and held that the basic structure theory imposes a limitation on the power of the parliament to amend the constitution. An amendment to the constitution can be challenged on the ground that it violates the basic structure of the constitution. An ordinary legislation cannot be so challenged.

In **I R Coelho vs. state of TN**¹⁹, the SC held that the majority judgement in keshvanad bharti read with election case, 1975 supp scc 1, requires the validity of each new constitutional amendment to be judged on its own merit.[para 151(ii)]

The relevance of election case, Minerva mills case, (1980) 3 scc 625 and woman rao case, (1981) 2 scc 362, lies in the fact that every improper enhancement of its own power by the parliament, be it article 329-A(4) or article 368 (4) or (5) or section 4 of the 42nd constitutional amendment, has been held to be incompatible with the doctrine of basic structure as they introduced new elements which altered the identity of the constitution or deleted the existing

¹⁷ (2006) 8 scc 212.

¹⁸ Kuldip nayar vs. union of india, (2006) 7 SCC 1.

¹⁹ (2007) 2 SCC 1.

elements from the constitution by which the very core of the constitution is discarded. They obliterated important elements like judicial review. They made directive principles en bloc a touchstone for obliteration of all the fundamental rights and provided for insertion of laws in the ninth schedule which had no nexus with the agrarian reform.

The impact of the basic structure doctrine can be seen from the cases mentioned above. After going through the constitutional history one can trace that, there was the concept of unlimited power of the parliament before the pronouncement of the Golaknath case, i.e. till 1967. After the Golaknath case there existed the concept of the limited power till 1971 until the 24th amendment was passed and then again for two years the concept of unlimited power was there until the landmark decision in the Kesavananda Bharti case, which by 7-6 majority laid down the concept of limited power of the parliament to amend the constitution.

Conclusion:

Oxford's Dictionary of Law says "Amendment means changes made to legislation, for the purpose of adding to, correcting or modifying the operation of the legislation."

Black's Law Dictionary defines 'Amendment' as "A formal revision or addition proposed or made to a statute, Constitution, pleading, order, or other instrument" AND "In Parliamentary law, it means a 'motion that changes another motion's wording by striking out text, inserting or adding text, or substituting text'".

But Kesavananda Bharti V. State of Kerala provided the best explanation as to the scope and definition of the word 'Amendment'. It purported that "A broad definition of the word 'Amendment' will include any alteration or change. The word 'amendment' when used in connection with the Constitution may refer to the addition of a provision on a new and independent subject, complete in itself and wholly disconnected from other provisions, or to some particular article or clause, and is then used to indicate an addition to, the striking out, or some change in that particular article or clause".

the ruling of the six learned judges, who decided in favour of the citizen, represents the correct position in law. But there is hope for the survival of liberty and the rule of law in India even on the narrower view which represents the law laid down by the Supreme Court, provided the law is administered by judges whose only commitment is to the Constitution and not to any ideology or the philosophy of any ruling party. In the last analysis, the final guarantee of the survival of the citizen's rights is not the Constitution but the personality and intellectual integrity of our Supreme Court judge

The amendment process was incorporated in the Constitution by the Draftsmen of the Constitution to help India adapt itself to the changing circumstances. Society is never stagnant. It is ever- changing. Therefore the amending procedure was made partly flexible so as to make it easy for the Legislature. But the Parliament started thinking that it has unlimited amending power. It assumed itself to be the supreme law when the Constitution is the supreme law of the land. The Parliament started making amendments which were destroying the basic structure of the Indian Constitution. But after the landmark decisions of Keshavnand Bharati and Minerva Mills the Court by its power of judicial review has curtailed the amending power of the Parliament. The amendments made by the Parliament can no more affect the basic structure of the Constitution. But, looking at the ease with amendments can take place depending on the whims and fancies of the ruling government and the POLITICS IN THE POLITICS OF INDIA we cannot say how long the rights of the citizens are safe and unobstructed.

The constitution is the holy book of law in india. The provisions elucidated are the one that retains the character of it . Parliament cannot change it according to its whims and fancies. The judiciary is the guardian of it and will always remain. Voluminous quantity of pages are incompetent to describe the importance of this juggernaut judgment that is not only the history but also the present and will shape the future of our country. This can be attributed by the stands taken by the court after keshvanand bharti case. This shows india still has constitutional supremacy and it will always prevail.

