



Mains Practice Question

Q. Explain the concept of the "Basic Structure of the Constitution" as propounded by the Supreme Court. How does it impact the amending power of the Parliament? **(250 Words)**

19 Mar, 2024 GS Paper 2 Polity & Governance

Approach

- Begin the answer by introducing the Basic Structure of the Constitution.
- Discuss the concept of the "Basic Structure of the Constitution" as propounded by the Supreme Court.
- Highlight its impact on the amending power of the Parliament
- Conclude as per the requirement of keywords.

Introduction

The Basic Structure Doctrine, established by the Indian Supreme Court in the landmark case of **Kesavananda Bharati v. State of Kerala (1973)**, holds that certain features of the Constitution are immutable and cannot be altered even through constitutional amendments. This doctrine emerged to safeguard the core principles and values enshrined in the Constitution, ensuring its stability and integrity.

Body

Components of the Basic Structure:

- **Democratic Framework:**
 - The doctrine upholds the democratic principles embedded in the Constitution, including free and fair elections, separation of powers, and the rule of law.
 - These principles form the foundation of India's governance structure and are essential for upholding the rights and freedoms of its citizens.
- **Federalism:**
 - The Basic Structure Doctrine recognizes the federal structure of the Constitution, which ensures a balance of power between the central and state governments. Any attempt to undermine federal principles would violate the basic structure.
- **Secularism:**
 - Secularism, a fundamental feature of the Indian Constitution, prohibits the state from favoring any particular religion.
 - This principle promotes religious harmony and ensures equality among citizens irrespective of their faith.
- **Judicial Review:**
 - The doctrine reinforces the principle of judicial review, empowering the judiciary to strike down laws that violate fundamental rights or deviate from the constitutional framework.
 - This ensures the supremacy of the Constitution and protects individual liberties.
- **Fundamental Rights:**
 - Fundamental rights are considered an integral part of the basic structure, as they safeguard the dignity and freedoms of citizens.
 - Any amendment that dilutes or abrogates these rights would be unconstitutional.

Impact on Parliamentary Amending Power:

While Parliament possesses the **authority to amend the Constitution under Article 368**, the Basic Structure Doctrine imposes limitations on this amending power:

- **Constitutional Limitation:** Parliament cannot amend the Constitution in a manner that violates its basic structure. Any amendment deemed to be in conflict with the basic structure would be null and void.
 - **Indira Nehru Gandhi v. Raj Narain (1975):** In this case, the court upheld the Basic Structure doctrine and struck down the 39th Amendment, which removed the authority of the Supreme Court to adjudicate petitions regarding elections of the President, Vice President, Prime Minister and Speaker of the Lok Sabha.
 - **Minerva Mills v. Union of India (1980):** The court reiterated the Basic Structure doctrine and held that the power to amend the Constitution is not a power to destroy its basic structure or framework.
- **Judicial Oversight:** The judiciary acts as the guardian of the Constitution and has the authority to review constitutional amendments. If a constitutional amendment is challenged in court for violating the basic structure, the judiciary will evaluate its compatibility with the core principles of the Constitution.
 - The Supreme Court, time and again has reiterated in the judgments like IR Coelho case that Judicial Review is part of the basic structure.
- **Evolutionary Interpretation:** Over time, the Supreme Court has expanded the scope of the basic structure to adapt to changing socio-political realities. This ensures that the Constitution remains relevant and resilient in the face of new challenges.
 - **Kesavananda Bharati v. State of Kerala (1973):** This landmark case is the foundation of the Basic Structure doctrine. The court held that while Parliament has the power to amend the Constitution under Article 368, it cannot alter its basic structure.

Conclusion

The Basic Structure Doctrine stands as a bulwark against arbitrary constitutional amendments and ensures the preservation of the foundational principles of the Indian Constitution. While it imposes constraints on parliamentary power, it also reinforces the supremacy of the Constitution and protects the rights and liberties of the people.