



Shankari Prasad Case and the First Amendment Act

For Prelims: [First Amendment Act, 1951](#), [Right to Property](#), [Ninth Schedule](#), [Zamindari System](#)

For Mains: Land Reforms in India, Fundamental Rights vs. Constitutional Amendments

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Why in News?

The [Shankari Prasad Singh Deo v. Union of India, 1951](#) case was a key moment in Indian constitutional law, challenging the [First Amendment Act, 1951](#), which curtailed the [Right to Property](#).

What was the First Amendment Act, 1951?

- **Key Provisions:**
 - **Ninth Schedule:** The [Ninth Schedule of the Indian Constitution](#), was introduced by the **First Amendment Act, 1951**, lists laws that cannot be challenged in courts, protecting them from [judicial review](#), especially land reform laws. Initially, **13 laws** were added to the schedule.
 - **Protection of Land Reforms:** Articles **31A** and **31B** were inserted into the Constitution, which **shielded land reform laws from judicial review**, particularly laws aimed at the **acquisition of estates**.
 - **Article 31A:** Stated that any law related to land reforms **could not be struck down for violating fundamental rights**, particularly **right to property (Article 31)**.
 - **Article 31B:** Ensures that the laws specified in the **Ninth Schedule**, even if they conflict with fundamental rights, will remain valid and enforceable.
 - **Other Changes:** **Restricted [free speech under Article 19](#)**. Strengthened **caste-based reservations** by allowing laws for social and educational upliftment.
- **Need for Amendment:** This was crucial in the context of **India's post-independence land reform** efforts aimed at reducing the power of large landowners ([zamindars](#)) and redistributing land to the peasants.

What was Shankari Prasad Singh Deo v. Union of India Case, 1951?

- **Case Background:** The case arose when **Sankari Prasad Singh Deo**, a zamindar (landowner) from West Bengal, challenged the **First Amendment Act, 1951**, which had curtailed the **Right to Property**.
 - The first amendment sought to give the government power to acquire land from **zamindars without compensation**, which was contrary to the **fundamental rights (Article 19(1)(f) and Article 31)** granted in the original Constitution.

- **Supreme Court Judgment:** A five-judge Bench of the Supreme Court ruled in favor of the government, upholding the First Amendment.
 - The Court distinguished between **Ordinary law** (which cannot violate fundamental rights) and **Constitutional amendments** (which can alter fundamental rights).
 - **Article 13(2)** states that **no “law” can take away fundamental rights**. The Court ruled that **constitutional amendments are not ordinary “laws”**, so they are exempt from this restriction.
- **Significance:** The SC decision **removed legal barriers to land reforms**, allowing states to proceed with **zamindari abolition**.
- **Implications:**
 - **Continued Legal Challenges:** In *Sajjan Singh v. State of Rajasthan, 1964*, the Court upheld judgement of *Sankari Prasad Case* but two judges questioned whether **fundamental rights should be amendable**.
 - In *I.C. Golaknath v. State of Punjab, 1967* the Supreme Court **reversed its stance**, ruling that **Parliament cannot amend fundamental rights**.
 - In *Keshavananda Bharati v. State of Kerala, 1973* a larger Bench overruled *Sankari Prasad* and introduced the **Basic Structure Doctrine**.
 - The ruling held that **while Parliament can amend the Constitution, it cannot alter its "basic structure"**, including fundamental rights.
 - However, the right to property was **not** considered part of the basic structure, allowing land reforms to continue.
 - **Right to Property as Legal Right:** The 44th Amendment Act of 1978 removed the **Right to Property from the list of Fundamental Rights** by repealing **Article 19(1)(f) and Article 31**.
 - Right to Property was then made a legal right under **Article 300A** (no one can be deprived of their property without the authority of law) of the Constitution.

What was the Zamindari System?

- **About:** The **Zamindari System**, institutionalized under British rule by **Lord Cornwallis** in 1793 through the **Permanent Settlement**, gave zamindars control over land and allowed them to collect rent from peasants.
 - By statutory backing, the British made Zamindari an **exploitative institution** through provisions like **rack-renting (excessive rent)**, causing economic inequality.
 - Land revenue was split, with the government getting 10/11th and zamindars the rest, leaving farmers in poverty.
- **Reasons for Abolishing:** The system led to **land concentration in a few hands**, leaving millions of peasants landless. The abolition aimed to **redistribute land** to cultivators and reduce feudal exploitation.
 - **Article 39(b) and (c)** of the Constitution emphasized equitable distribution of resources. The abolition was in line with India’s goal of creating a **socialist-leaning economy**.
 - Breaking large estates into **smaller landholdings** was expected to improve productivity.
- **Partial Success:** Except in a few states like **West Bengal and Kerala**, Zamindari abolition failed to break the **feudal land monopoly** due to loopholes allowing **benami transactions**.

Drishti Mains Question:

Q. How did the evolution of land reforms and the change in the legal status of the Right to Property reflect the shift towards a socialist economy in India?

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. What is the position of the Right to Property in India? (2021)

- (a) Legal right available to citizens only
- (b) Legal right available to any person
- (c) Fundamental Right available to citizens only
- (d) Neither Fundamental Right nor legal right

Ans: (b)

Q. 'Economic Justice' as one of the objectives of the Indian Constitution has been provided in (2013)

- (a) the Preamble and the Fundamental Rights
- (b) the Preamble and the Directive Principles of State Policy
- (c) the Fundamental Rights and the Directive Principles of State Policy
- (d) None of the above

Ans: (b)

Mains

Q. What was held in the Coelho case? In this context, can you say that judicial review is of key importance amongst the basic features of the Constitution? **(2016)**

Q. Discuss the role of land reforms in agriculture development. Identify the factors that were responsible for the success of land reforms in India. **(2016)**

Q. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into effect from 1st January, 2014. What are the key issues which would get addressed with the Act in place? What implications would it have on industrialization and agriculture in India? **(2014)**