

Constitutional validity of 1<sup>st</sup> Amendment Act ( 1951 ) Which curtailed ' Right to Property ' Was challenged

Supreme Court said amendment powers of Parliament under **Article 368** also includes power to Amend FRs

The word ' Law ' in **Article 13** includes only ordinary law not Constitutional Amendment acts ( constituent laws )

Hence Parliament can abridge or take away any FR

**Shankari Prasad Case ( 1951 )**

**Golak Nath Case ( 1967 )**

SC reversed its earlier Decision

Constitutional validity of 17<sup>th</sup> Amendment Act ( 1964 ) Which inserted certain state acts in Ninth Schedule Was challenged

SC ruled that FRs are ' Transcendental & Immutable '

Hence Parliament can not abridge or take away any FR

Constitutional amendment act is also law within meaning of **Article 13**

Parliament reacted by enacting 24<sup>th</sup> Amendment Act ( 1971 )

And declared that Parliament can abridge or take away any FR under Article 368

Such act will not be law under Article 13

## Basic Structure of the Constitution

**Kesavananda Bharati Case ( 1973 )**

**Waman Rao case ( 1981 )**

SC overruled its earlier judgement of Golak Nath Case ( 1967 )

It upheld validity of 24<sup>th</sup> Amendment Act ( 1971 ) & stated Parliament is empowered to abridge or take away any FR

Also laid the Doctrine of ' Basic Structure ' ( 'Basic Feature ' ) of the Constitution

Again Parliament reacted by enacting 42<sup>nd</sup> Amendment Act ( 1976 )

And declared that there is no limitation on power of Parliament

No amendment can be questioned in any court

**Minerva Mill Case ( 1980 )**

SC invalidated this provision as it excluded ' Judicial Review '

Which is a ' basic feature ' of the constitution

Court stated that amendment powers of parliament are limited

Parliament cannot enlarge this powers into absolute power

Limited amending power is one of basic features of the Constitution

SC clarified that the Doctrine of ' Basic Structure ' would apply to constitutional amendments enacted after 24<sup>th</sup> April 1973.

