

Evolution of the 'Basic Structure' Doctrine

1st Amendment

- Added Art. 31A + 31B (9th Sch.)
- Impact: Right to Property was curtailed to implement Zamindari Abolition Acts

1951

Shankri Prasad Case

- Parliament has full authority to amend constitution
- It can abridge FRs to implement DPSPs
- **Harmonious Construction** - DPSP don't conflict FRs

17th Amendment

- Added compensation provisions in Art 31A
- Added more acts in 9th schedule

1964

Golaknath Case

- 17th Amendment was challenged in Supreme court
- FRs are Transcendental & Immutable
- All laws, including amendments, that are inconsistent with FRs are void under Art. 13

1967

24th Amendment

- Amended Art. 368 & 13 giving unrestricted amendment power to the Parliament.
- Made it mandatory for President to give assent on Constitutional Amendment bills

1971

Kesavananda Bharati Case

- Art. 368 allows amendment to any part including FRs
- **Preamble is Integral Part of the Constitution & envisages socio-economic justice.**
- **Basic Structure** - Amendment can be done within broad contours of the Constitution.
- **Art 31C upheld**, but parts which stopped Judicial Review were struck down.

1973

25th Amendment

- Added Art 31C- giving primacy to 39 (b) & (c) over the FRs enshrined in Art 14, 19 & 31

42nd Amendment

- Amended Art 31C- giving primacy to all DPSPs over the FRs enshrined in Art 14, 19 & 31
- Made Parliament's amendment powers unrestricted.
- Prevented Courts from Judicial Review of Amendments.

1976

Minerva Mills Case

- **'Judicial Review' is Basic Structure of the Constitution**
- Parliament's power to amend the Constitution is not to destroy the constitution.
- **Constitution limits the power of the Parliament; it can't grant itself unlimited power.**

1980



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