



How basic is the basic structure of the Indian Constitution ?

- Tazmeen Shafique • Srishti Roy • Sana Bano
- Prabha Kumar

Received : November 2014

Accepted : March 2015

Corresponding Author : Prabha Kumar

Abstract : *The Basic Structure Doctrine has been described as a judicial innovation in India. Since its inception in the famous Kesavanand Bharti case in 1973, the doctrine of Basic Structure has played a vital role in the constitutional, legal, political, social and economic development of India. Thereafter, a great number of cases provided a firm conceptual basis for the doctrine. Now all the constitutional amendments have to pass the Basic Structure filter created by the Supreme Court. The court empowered itself to judge the constitutionality of amendments and revoke any that*

compromises the basic features of the constitution. But the introduction of Basic Structure also resulted in conflict between the Parliament and the Judiciary for supremacy. The present research work aims at making an inquiry into the legitimacy of the Basic Structure Doctrine which requires answers to three fundamental questions – Is any restriction upon Parliament's power of constitutional amendment justified? If yes, then is judiciary the correct organ to impose such a restriction? If yes, then what is the precise meaning and content of the Basic Structure Doctrine. On the basis of the qualitative analysis of data, attempts have been made to assess the role of Basic Structure in strengthening the capacity and integrity of the Indian Constitution.

Tazmeen Shafique

B.A. III year, Political Science (Hons.), Session: 2012-2015,
Patna Women's College, Patna University, Patna,
Bihar, India

Srishti Roy

B.A. III year, Political Science (Hons.), Session: 2012-2015,
Patna Women's College, Patna University, Patna,
Bihar, India

Sana Bano

B.A. III year, Political Science (Hons.), Session: 2012-2015,
Patna Women's College, Patna University, Patna,
Bihar, India

Prabha Kumar

Assistant Professor, Department of Political Science,
Patna Women's College, Bailey Road,
Patna – 800 001, Bihar, India
E-mail :

Key words: *Basic Structure, Amendment, Separation of Powers, Null and Void, Judicial Review.*