



SYMBIOSIS LAW SCHOOL, NAGPUR

Constituent of Symbiosis International (DEEMED UNIVERSITY), Pune

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Founder: Dr. S.B. Mujumdar, M.Sc. Ph.D.

Report on

Discussion on 50 Years of Kesavananda Bharati Case- The Legend lives on!

24th April 2023

Symbiosis Centre for Competitive Examinations, SLS, Nagpur organized a discussion on the Kesavananda Bharati case and the Doctrine of Basic Structure to commemorate the completion of 50 years since the decision of this case which was delivered on 24th April 1973. The event was organized under the able guidance of Dr. Sukhvinder Singh Dari, Director, Symbiosis Law School, Nagpur, and Assistant Professor Parth Sharma, Faculty In-charge, Symbiosis Centre for Competitive Examinations, SLS, Nagpur. The discussion commenced at 4.00 PM in the Assembly Hall of Symbiosis Law School, Nagpur.

The enormity of this judgment in letter and spirit makes it very important for Law students to know not only this judgment but the position before and after the pronouncement of the same. The agenda of the discussion was to celebrate the end of precarity in relation to fundamental rights promised by the Constitution of India by the adoption of the 'Basic Structure Doctrine' and analyze the recent developments.

The discussion commenced with a brief address by Mr. Parth Sharma, he discussed the genesis of the Doctrine of Basic Structure and the relevance of the same in keeping the 'dynamic nature of the Constitution of India' intact.

The discussion was taken forward by Shubham, a second-semester student who discussed the facts of the case of Kesavananda Bharati which was decided by a 13-Judge Bench in the ratio 7:6 and the meaning of the Doctrine of Basic Structure and what constitutes the Basic Structure of the Indian Constitution.

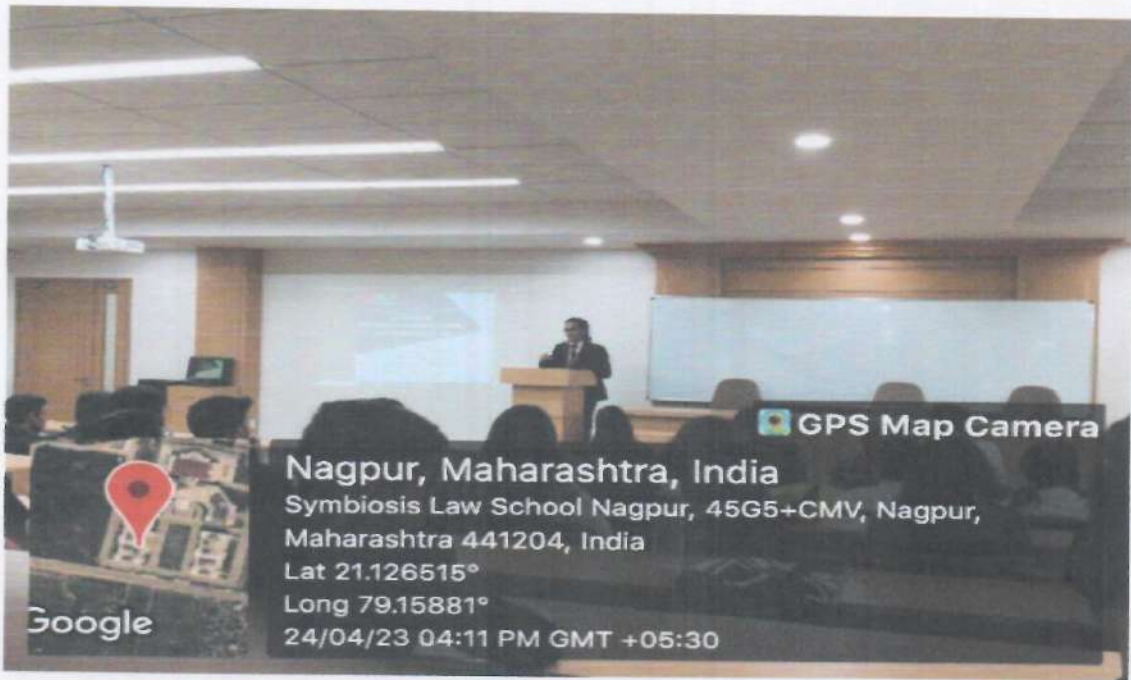
Further, the floor was open for the discussion where questions were raised on the majority opinion of the Judgment which further raised questions on the reliability of the Doctrine of Basic Structure. This question was eventually answered as the discussion went forward.

Various doctrines such as Separation of Powers, Rule of Law, and concepts like Judicial Review, Judicial Activism, Judicial Supremacy, Constitutionalism, Parliamentary form of Government, and system of checks and balances were discussed. Professionals like Prof. Dieter Conrad and Justice Nambiar were mentioned during the discussion.

Major issues for discussion-

- Whether the doctrine of Basic Structure is being used as a tool by Judiciary to limit amending powers of Parliament?
- Whether this doctrine restricts to amendments to the Constitution?
- Whether this Doctrine balances or strikes off the powers of the Parliament?
- Whether there is a need to setup guidelines for what should be included in the basic structure?

Students actively participated in the discussion, making it a great success. Before ending the session, the participants gave their concluding remarks, whereby they mutually agreed that the Basic Structure is evolving and has scope for changes. It was put forward for the benefit of people and hence need not necessarily have a rigid and fixed definition. This was followed by a formal vote of thanks by Garima Mishra, a second-semester student.



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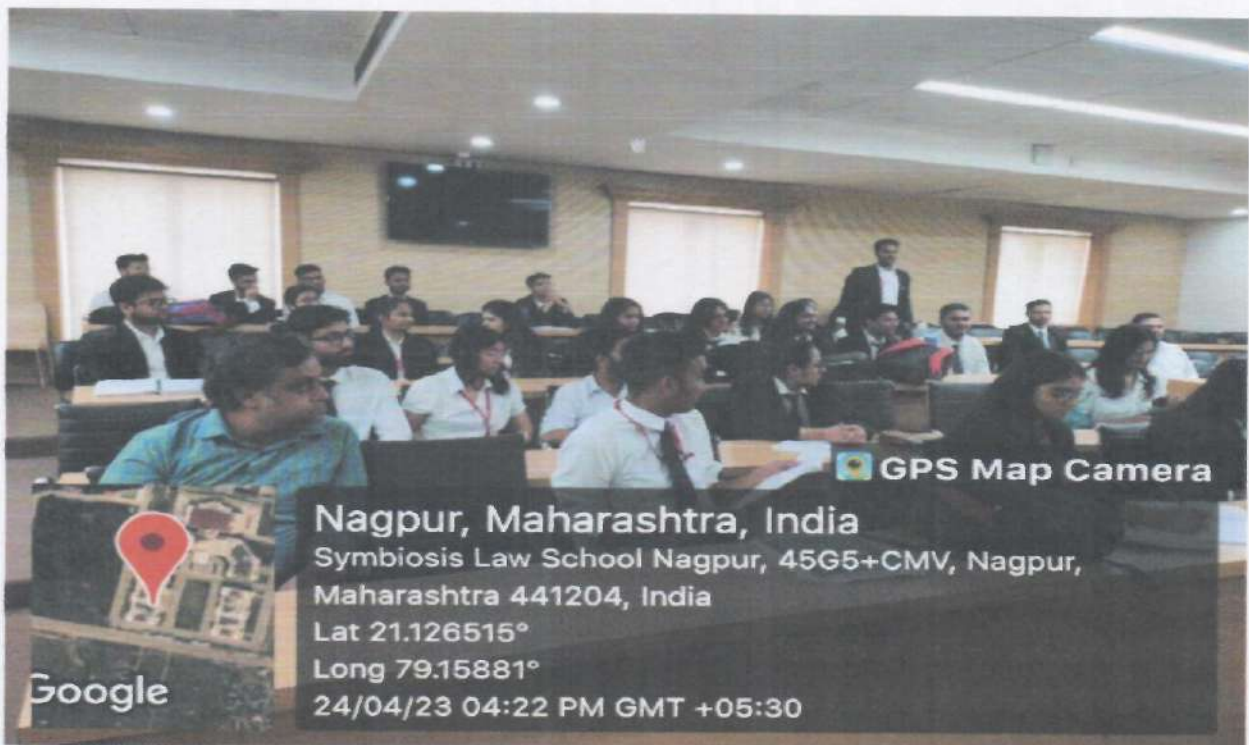
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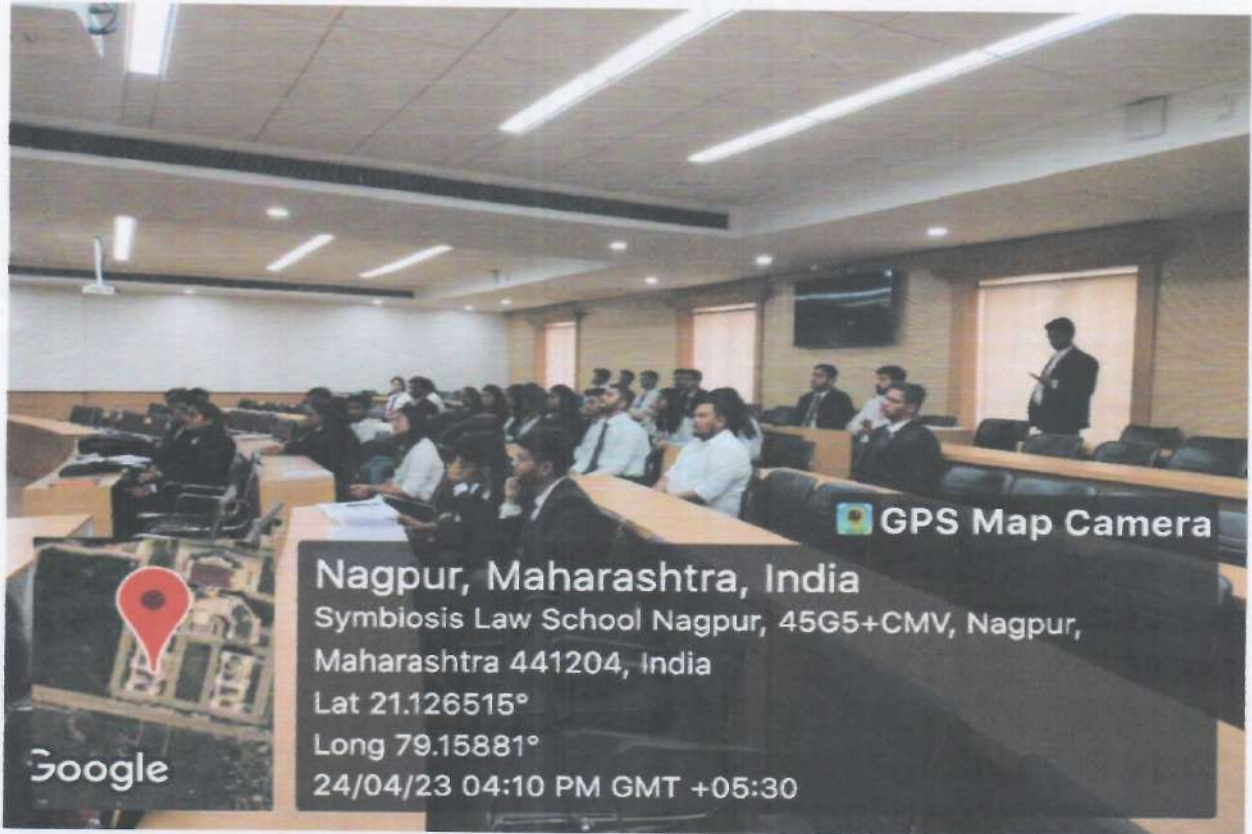
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Parthabha



[Handwritten Signature]
Director
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