BLOGS

Kesavananda Bharati v. State of Kerala: The Judgment That Protected India’s Constitution

Adtiya Aryan · 17 Jun 2026

For CLAT aspirants, Kesavananda Bharati v. State of Kerala (1973) is not just another Supreme Court case. It is the case that saved the Constitution from unlimited political power. But to truly understand it, you must first understand who Kesavananda Bharati was, what exactly the government did, how his rights were affected, and why he technically lost the case even after creating history.

Who Was Kesavananda Bharati?

Kesavananda Bharati was a Hindu monk and the head priest (mathadhipati) of the Edneer Mutt, a religious institution in Kerala. Like many temples and mutts in India, this institution owned large areas of land, which were used to:

- Maintain the religious institution
- Fund rituals and daily worship
- Support people dependent on the mutt

This land was not private luxury property. It was closely linked to religious practice and administration.

What Did the Kerala Government Do?

In the 1960s, the Kerala government introduced land reform laws to reduce inequality. These laws fixed a ceiling on how much land one could own. Any land above the limit would be taken by the State and redistributed.

Through amendments to the Kerala Land Reforms Act, 1963, the government:

- Took away a large portion of land owned by the Edneer Mutt
- Limited the mutt’s ability to manage its own property

The government argued that land reform was necessary for social justice and economic equality.

How Were Kesavananda Bharati's Rights Affected?

Kesavananda Bharati believed that these laws directly violated his constitutional rights.

1. Violation of Religious Rights (Articles 25 and 26)

- Article 25 guarantees freedom to practice religion.
- Article 26 gives religious denominations the right to manage their own affairs, including property.

Kesavananda argued that:

- Taking away land weakened the financial base of the mutt
- Without land, the mutt could not properly perform religious functions
- The State was interfering in religious administration

1. Violation of Right to Property (Article 19(1)(f))

At that time, the **right to property was a Fundamental Right**. Kesavananda claimed that:

- His property was taken away unfairly
- The compensation provided was inadequate

1. Loss of Protection Due to Constitutional Amendments

To protect land reform laws from being challenged in courts, Parliament:

- Put them into the Ninth Schedule
- Passed constitutional amendments reducing the scope of judicial review

This meant:

- Even if the laws violated Fundamental Rights, courts could not easily strike them down

This worried not just Kesavananda Bharati, but the entire legal system.

Why Did This Case Become a Constitutional Crisis?

Earlier, in **Golaknath v. State of Punjab (1967)**, the Supreme Court had ruled that **Parliament cannot amend Fundamental Rights**.

To overcome this:

- Parliament passed the 24th Constitutional Amendment, saying it could amend any part of the Constitution
- The 25th Amendment limited property rights
- The 29th Amendment protected Kerala land laws from judicial review

So the real question became:

If Parliament has unlimited power, can it take away fundamental freedoms completely?

The Supreme Court Hearing

The case was heard by a **13-judge bench**, the largest ever in India. The hearings lasted over **two months**.

Two major issues were discussed:

1. Whether Parliament can amend Fundamental Rights
2. Whether there is any limit to Parliament's power under Article 368

What Did the Court Decide?

The Court gave a **7:6 judgment**.

Key Findings

- Parliament can amend Fundamental Rights
- But it cannot destroy the basic structure of the Constitution
- Certain core values must always remain intact

This idea became the famous **Basic Structure Doctrine**.

Did Kesavananda Bharati Win the Case?

Legally, no.

- The Kerala land reform laws were upheld
- The land taken from the Edneer Mutt was not returned
- The constitutional amendments protecting these laws were mostly validated

So Kesavananda Bharati lost his property.

Then Why Is This Called His Victory?

Because the Court **restricted Parliament's power forever**.

If not for this case:

- Parliament could remove judicial review
- Fundamental Rights could be wiped out
- Democracy could be legally destroyed

Kesavananda Bharati **lost his land**, but he:

- Protected future citizens' rights
- Preserved constitutional democracy
- Changed Indian constitutional law permanently

Kesavananda Bharati did not fight for himself alone. He fought so that **no government could ever become bigger than the Constitution**.

That is why, even today, his name stands at the heart of Indian constitutional law