
EVOLVING INTERPRETATION OF CONSTITUTIONAL CHANGE IN INDIA

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ABSTRACT

The nation's constitutional framework is not merely a collection of legal provisions; it is an evolving document growing with time. The progressive interpretation of constitutional amendments and the crucial function of the judiciary in defining this transformation represents the subject of inquiry here. Initially, it was once thought that the authority to alter the Constitution rested solely with the legislature primarily; judicial review particularly by the Supreme Court has increasingly re-defined its contours and boundaries increasingly. A turning point decision in this regard came in the turning point case of *Kesavananda Bharati*¹ (1973)², where the Apex Court ruled that while the legislature possesses the power to modify the Constitution, it cannot do so by destroying its core framework. Foundational values such as democracy, secularism, and basic rights must be preserved. This doctrine, being called the Basic Structure Doctrine has consistently held a crucial position since its inception in Indian constitutional law. The essay also explains how the reasoning of the judiciary balanced granting constitutional reformability with maintaining the intrinsic values inherent in the Constitution. Interpretation of judgments of the judiciary have made the Constitution responsive and meaningful in the new socio-political landscape. The work overall depicts a full scenario of how change of the Constitution in India is not dictated solely by formal change but also by profound and progressive judicial reading of the soul of the Constitution and its basic ideals.

Keywords: Living constitution, judicial interpretation, basic structure, fundamental rights, Indian judiciary, constitutional morality, social change, governance.

¹ (1973) 4 S.C.C. 225 (India).

² Ibid

Introduction

The process of resolving disputes regarding the interpretation and understanding how the Constitution is applied is termed constitutional interpretation.³ As societies progress, the existence of a nation is not unchanging and it is unique, dynamic, and subject to change, with its political, social, and economic conditions in a perpetual state of flux. Social values and objectives evolve, presenting new challenges and necessitating a revaluation of existing ones.⁴ A constitution formulated in one era may not sufficiently address the needs of a different era or context. The Indian Constitution is a dynamic instrument, able to adjust to the changing demands and principles of society. The power of amendment vested in the Indian Parliament is important as it represents the both flexibility and restraint, reflecting the interplay between law and society as they evolve together.⁵ The debate over the most effective approach to constitutional interpretation has given rise to a variety of methodologies. These include a focus on the literal wording of the text, an exploration of the framers' original intentions, and interpretations that align with present-day contexts. Individuals apply these methodologies in diverse ways, leading to varied interpretations.⁶ Ronald Dworkin offers a pertinent perspective, asserting that constitutional interpretation should extend beyond merely seeking the original intent or the plain meaning of the text. Instead, it should aim to identify the most robust principles that embody the community's evolving standards of fairness and justice. Dworkin contends that judges should transcend rigid rules and engage in moral reasoning to ensure that the law remains just and applicable to contemporary society.⁷ This article examines the constitutional principles underlying the Changes to the Indian Constitution, particularly concerning the powers of Parliament, the amendment process, substantive changes, and judicial perspectives. Established in 1950, the Constitution of India⁸ includes provisions for amendments to ensure its adaptability to evolving societal needs.⁹ The Constitution's flexibility necessitates the potential for amendment. A pivotal case, *Kesavananda Bharati*¹⁰, significantly

³ Brest, Paul, *Constitutional Interpretation*, Encyclopedia of the American Constitution (1986)

⁴ Deepali Yadav, *Amendment Power in the Indian Constitution Vis a Vis USA and UK Constitution: A Critical Analysis*, International Journal of Creative Research Thoughts (IJCRT) www.ijert.org

⁵ Maisnam Loyalakpa Meitei & Dr. S. James, *Legal Framework on Constitutional Amendments: A Case Study of the Amending Power of the Parliament of India*, Journal of Emerging Technologies and Innovative Research (JETIR) www.jetir.org

⁶ Apurva Mittal & Vishavjeet Chaudhary, *Law and Literature: Interpretation of the Constitution*,

⁷ Dworkin, Ronald *The Forum of Principle* New York Law Review 56 N.Y.U. L. Rev. (1981)

⁸ Constitution of India (1950).

⁹ Maisnam Loyalakpa Meitei & Dr. S. James, *Legal Framework on Constitutional Amendments: A Case Study of the Amending Power of the Parliament of India*, Journal of Emerging Technologies and Innovative Research (JETIR) www.jetir.org

¹⁰ (1973) 4 SCC 225 (India).

influenced the concept of constitutional amendments. The Court contended that the term 'amendment' should not be employed to dismantle the essential characteristics of a constitution. The judges pointed out that the Preamble represents the historical context and the people's intent at the time of its enactment, and its principles should remain unaltered. The Court also expressed concern regarding the relative ease with which amendments can be enacted in India, questioning whether they genuinely reflect the people's will, especially in comparison to other nations. This article addresses these judicial perspectives and underscores Parliament's efforts to maintain a balance between the necessity for constitutional adaptability and the need to uphold its fundamental principles.¹¹

EVOLUTION OF THE STUDY

The Constitution is more than a collection of written codes; it is the highest law of the country and a dynamic structure that guides the governance of a country while safeguarding the rights of its people. As the world around us evolves, societies are confronted with new challenges, including technological breakthroughs, emerging environmental concerns, shifts in paradigms of education, and new understandings of human rights. To be fair, pertinent, and effective, the Constitution must possess the capacity to change and evolve in response to contemporary realities. Historically, the interpretation of the constitution necessitated a thorough revaluation through procedural mechanisms, such as amendments sanctioned by parliament. However, the rapid pace of contemporary life renders the formal amendment process increasingly impractical. Consequently, the judiciary, particularly constitutional courts, has assumed a more prominent role in reshaping the Constitution by interpreting its provisions to address changing situations. In India, this process of adaptation has been led by the Supreme Court. A notable development in this context is the Basic Structure Doctrine, which contends that certain essential features of the Constitution, including democracy, secularism, and the rule of law, are so integral that they cannot be abrogated or modified, even by way of constitutional amendments. Another notable example is the interpretation of Article 21¹², the Right to Life. In recent times, the Court has broadened its scope of jurisdiction to include rights to clean air, privacy, healthcare, and human dignity. These rights were not introduced through amendments but were interpreted within the Constitution to align with contemporary societal needs. A

¹¹ Badal Chatterjee & Razit Sharma, The Constitutional Interpretation of the 'Basic Structure' Doctrine by the Indian Judiciary: A Study, [Volume] Int'l J. of Creative Research Thoughts (IJCRT)

¹² The Constitution of India, 1950

similar trend is observed in the United States. In the pivotal case of *Brown v. Board of Education*¹³, the U.S. Supreme Court construed the "equal protection" provision of the 14th Amendment to assert that racial segregation in public education violates the constitution. This ruling was pivotal for the movement for civil rights and equality in the United States. The concept of a living or dynamic Constitution is particularly beneficial for emerging democracies like India. It empowers the judiciary to rectify historical injustices, protect marginalized groups, and align the law with current realities. This approach ensures the Constitution remains adaptable to evolving values and societal aspirations. India's Constitution was crafted to balance flexibility with rigidity. It incorporates elements from various legal systems and combines federalism with a robust central framework, thereby maintaining national unity without undermining state autonomy. This design allows for constitutional revision as necessary, without compromising its core values. Although both the United States and India operate under federal constitutions, their approaches to constitutional amendment and interpretation differ significantly. India adheres to the doctrine of "procedure established by law," which mandates that laws conform to procedural guidelines as specified in the Constitution. In contrast, the United States uses the doctrine of "due process of law," which affords greater flexibility in safeguarding individual rights. Furthermore, amending the U.S. Constitution is a more arduous process, thereby necessitating a more prominent role for the judiciary in interpreting and shaping the law through judicial decisions.

Categories of Constitutional Change: Formal vs. Informal

The constitution of a nation transcends its role as a mere written document, serving as a practical instrument of governance. As society progresses, it is imperative that the constitution evolves to maintain its relevance.¹⁴ Constitutional amendments can be affected through two principal mechanisms:

- De jure (formal amendment) – This entails modifications via the formal amendment procedures delineated within the constitution itself.¹⁵

¹³ 347 U.S. 483 (1954).

¹⁴ Chirag Patel, Amendment of the Constitution in India and US: A Comparative Study, 2 INDIAN J. INTEGRATED RSCH. L. 1 (March-April 2022).

¹⁵ Ibid

Consider Article 21¹⁶ as a pertinent example. Although the literal wording of this article has remained unchanged, its interpretation has significantly broadened over time. Initially, it safeguarded the fundamental rights¹⁷ to life and personal liberty. However, judicial interpretations have extended its scope to encompass various other rights that contribute to a meaningful existence, such as the rights to breathe clean air, access education, receive medical care, live with dignity, and obtain a prompt and equitable trial. This exemplifies how constitutional provisions can evolve through interpretative processes without altering the original text.¹⁸

- De facto (informal amendment) – These amendments occur through interpretative means, particularly by the judiciary, without altering the constitution's text.¹⁹

The 42nd Amendment²⁰ of 1976 introduced the terms "Secular," "Socialist," and "Integrity" into the Preamble of the Indian Constitution. This modification was accomplished by incorporating new terminology into the Preamble. Similarly, constitutional amendments may also be enacted through the removal of certain words or alterations to existing language.²¹

Informal or indirect constitutional amendments can manifest in various forms:

- a) Through judicial interpretation – Judges, particularly in higher courts, may ascribe new interpretations to existing constitutional provisions to address contemporary needs.
- b) Through legislation – The government may enact new legislation to address gaps or further constitutional objectives without formally amending the constitution.
- c) Through changes in customs or political practices – Over time, new traditions, and practices, known as conventions or usages, may develop, influencing the interpretation or application of the constitution.

¹⁶ The Constitution of India, 1950.

¹⁷ Ibid

¹⁸ WritingLaw.com. (n.d.). Part III of the Constitution of India - Article 12 to 35 - Fundamental Rights. Retrieved April 18, 2025, from <https://www.writinglaw.com/part-iii-12-35-constitution-of-india-fundamental-rights/>

¹⁹ Massey, I. P. "THE PROCESS OF AMENDMENT AND THE CONSTITUTION A STUDY IN COMPARATIVES." *Journal of the Indian Law Institute*, vol. 14, no. 3, Indian Law Institute, 1972, pp. 407-19 <http://www.jstor.org/stable/43950146>.

²⁰ The Constitution of India, 1950

²¹ WritingLaw.com. (n.d.). Part III of the Constitution of India - Article 12 to 35 - Fundamental Rights. Retrieved April 18, 2025, from <https://www.writinglaw.com/part-iii-12-35-constitution-of-india-fundamental-rights/>

The Indian Approach to Constitutional Interpretation

In India, it is challenging to distinctly categorize schools or trends of constitutional interpretation, unlike in the United States, where such approaches have been extensively examined. This difference is largely attributable to the broad and general nature of the U.S. Constitution, which lacks specificity in its provisions on many topics. Consequently, American judges often engage in interpretative efforts to ascertain the definitive meaning of particular words or phrases. For instance, the phrase "due process" has been extensively interpreted by American courts to establish its precise meaning. Unlike the U.S. Constitution, which lacks specific references to significant issues such as "trade and commerce," David Derham, a commentator on law, observes that U.S. judges tend to indulge in interpretative exercises due to the very vagueness of the Constitution. In contrast, the Indian Constitution is characterized by its elaborate and specific provisions, thereby giving judges clearer guidelines in their decision-making processes. Accordingly, Indian judges do not adopt dogmatic modes of interpretation such as the U.S. courts, who tend to take shelter in their own understanding of open-ended terms. Derham appreciates the Australian and Indian Constitutions for the precision and clarity of the drafting process. He believes that judges should not hazard a guess about the purpose behind the Constitution's framers, a tendency prevalent among politicians, but attempt to follow the express words of the Constitution instead. Further, he offers a scathing criticism of the judicial interpretation of Part XIII²² of the Indian Constitution²³ Concerning the liberty of trade and business within the nation. He argues that this interpretation has been inadequate and has not sufficiently respected the explicit intentions of the Constitution's drafters.²⁴ He spoke

“Part XIII²⁵ is an example of such particularity and, it is suggested, the courts have been permitted by that part to behave like mere lawyers and have not been required to assume the larger role except in the traditional interstitial way.”²⁶

²² Constitution of India (1950).

²³ Ibid

²⁴ Arvind P. Datar & Rahul Unnikrishnan, Interpretation of Constitutions: A Doctrinal Study, 29 Nat'l L. Sch. India Rev. 136 (2017)

²⁵ articles 301-307, Constitution of India (trade, Commerce and Intercourse within the territory of India).

²⁶ Derham, *supra* note 36, at 562

The Indian Constitution, primarily derived from the Government of India Act²⁷ of 1935²⁸, stands as the world's most extensive written constitution, distinguished by its intricate provisions. The Indian Constitution, being more contemporary than that of the United States, covers a broad spectrum of topics and guidelines. While the U.S. Constitution has a longer history and is less comprehensive, the Indian Constitution²⁹ strives to address numerous areas. However, new situations often arise where the interpretation of certain sections becomes unclear. In such cases, Indian courts especially the Supreme Court step in to offer their interpretation. Courts use various methodologies to interpret the Constitution. One method is literal interpretation, where judges focus solely on the language used and attempt to discern the original intent of the framers. Another method is purposive interpretation, which emphasizes the underlying objectives and intended outcomes of a provision. Over time, the Supreme Court has developed innovative methods for constitutional interpretation. Notably, the concept of "compensatory tax" has emerged from these efforts. More significantly, the Court has articulated the "basic structure doctrine." This doctrine claims that core principles like justice, equality, and democratic values are intrinsic to the Constitution, which cannot be repealed or altered, even by Parliament. Furthermore, the Court has incorporated the principles of integrity and fairness in the interpretation the Article 14³⁰, Which upholds the right to equality. According to this interpretation, laws must ensure equitable treatment and should not be discriminatory or unjust, even if they appear equitable on the surface. In a similar vein, the Court has broadened the interpretation of Article 21³¹, the Right to Life, to encompass essential rights like the right to dignity, privacy, and a pollution-free environment. By employing diverse interpretative methodologies tailored to specific contexts, The Supreme Court has safeguarded the Constitution's continued relevance capable of safeguarding individual freedoms in contemporary society. This innovative and pragmatic interpretative approach serves as a model for how the Constitution can adapt to and address emerging social and legal challenges.

Constitutional Amendments in India

The procedure for amending the Indian Constitution indicates that the framers intended it to be a flexible and evolving document. As Jawaharlal Nehru once said "While we want this

²⁷ The Government of India Act of 1935

²⁸ Ibid

²⁹ Constitution of India (1950).

³⁰ Constitution of India (1950).

³¹ Ibid

Constitution to be as solid and as permanent a structure as we can make it, nevertheless there is no permanence in Constitutions. There should be certain flexibility. If you make anything rigid and permanent, you stop a nation's growth, the growth of a living, vital, organic people. Therefore, it must be flexible.³² The method for revising the Constitution of India is provided in Part XX³³, Article 368³⁴ and in Indian system is more flexible and does not include the public. In India, the authority to amend the Constitution rests entirely with Parliament, some amendments need approval from at least 50% of the state legislatures. A proposal for modification, a Constitutional Revision Bill, may be introduced in either the Lower House or the Upper House by an ordinary Member of Parliament or a government minister, without pre-sanction. To become law, the bill must secure the support of more than 50% of the combined membership of both Houses and ratification by no less than two-thirds of the members who are present and voting. Once approved by both Houses, the bill is submitted to the President. Upon the President's approval, the amendment is enacted and becomes part of the Constitution.³⁵

The Indian Constitution³⁶ establishes three distinct mechanisms for amendment, balancing flexibility with stringent procedural requirements.

- **Simple Majority: Amendments to specific provisions of the Indian Constitution can be made by a simple majority in Parliament**, for example, the passage of ordinary legislation. They are not dealing with the federal character of the country or under Article 368³⁷ provisions. This simpler process is undertaken to amendments dealing with affairs of a practical or administrative nature, for example, Formation of new states, modifications to the boundaries or names of states, or alterations to citizenship rules. It is also undertaken to individual Articles, i.e., 11³⁸, 73(2)³⁹, 172⁴⁰, 221(2)⁴¹, and 343(3)⁴². For passing such an amendment, just majority members voting and present in either House must be obtained without the requirement of special majority or state

³² Zachary Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitution*, (Cambridge University Press, 2009), 81.

³³ Constitution of India (1950).

³⁴ Ibid

³⁵ Bharti Khera & Shaurya Sharma, *Federalism in India and Australia: Constitutional Amendment*, 30 SUPREMO AMICUS [224] (2022).

³⁶ Constitution of India (1950).

³⁷ Ibid

³⁸ Constitution of India (1950).

³⁹ Ibid

⁴⁰ Constitution of India (1950).

⁴¹ Ibid

⁴² Constitution of India (1950).

ratification. Such procedure helps in making simple and quick changes to the Constitution without affecting its essential framework.⁴³

- **Special Majority:** Article 368⁴⁴ of the Indian Constitution specifies the method for altering the Constitution under the condition of special majority. For the enactments into law of such an amendment, the bill will have to be ratified by both Houses of Parliament. It contains two concrete specifications: first, most of the total membership in both Houses shall approve the bill; secondly, the bill will be passed if two-thirds of the members voting in both Houses give their approval. The need for a special majority is preserved at both the level of the third reading but indeed at every determinate phase of the passage of the bill in both Houses, according to parliamentary convention, to pass test and approval.⁴⁵
- **Ratification by States:** In amendments to India's federal character, a special majority in Parliament is not sufficient. The amendments also need to receive ratification from at least fifty percent of the state legislatures. Once endorsed by a special majority in Parliament, it will also require approval by a simple majority in legislative assemblies of at least half of Indian states.⁴⁶ Article 368⁴⁷ does not impose a deadline for when a proposed Constitutional amendment must be ratified by the states, nor does it set a timeline for the procedure itself. Consequently, it can be reasonably inferred that the process for amending India's Constitution is quite flexible.⁴⁸

The United States Constitution, like India's, is the Supreme Law of the land. Adopted first in 1789, it had only seven articles and has been amended 27 times ever since. The first 10, the Bill of Rights⁴⁹, were followed by another 17, which were primarily dealing with civil rights. The Constitution begins with the words "We the People," establishing the tone for the thought that the government is to represent and serve its people.⁵⁰ Making an amendment to the United

⁴³ Ibid

⁴⁴ Constitution of India (1950).

⁴⁵ Manshu Sharma & Nitin Sharma, Amendment Procedure of Indian Constitution, All India Legal Forum (Nov. 4, 2020), <https://allindialegalforum.in/2020/11/04/amendment-procedure-of-indian-constitution/>.

⁴⁶ Proviso to Art.368(2) Constitution of India

⁴⁷ Constitution of India (1950).

⁴⁸ Manshu Sharma and Nitin Sharma, Amendment Procedure of Indian Constitution, All India Legal Forum, Nov. 2020 <https://allindialegalforum.in/2020/11/04/amendment-procedure-of-indian-constitution>

⁴⁹ U.S. Const. amend. I-X.

⁵⁰ Ishita Pal, The Amendment Process - A Comparative Study in US and India, 3 INDIAN J.L. & LEGAL RSCH. 1 (December 2021 - January 2022).

States Constitution is provided for in Article V⁵¹. Proposing amendments may be done in two ways. Congress may call for an amendment when approved by two-thirds of both Houses of Congress, or two-thirds of the legislatures of the several states may call a Constitutional Convention to propose amendments. If an amendment is proposed, it is incorporated into the Constitution if ratified by three-fourths of the several states' legislatures. Congress may prescribe the mode of ratification state legislatures or state conventions. There are some significant limitations, however. No amendment to the slave trade clauses (Article I, Section 9, Clauses 1 and 4) could be enacted prior to 1808. Also, no state can be denied its equal representation in the Senate without its consent. Adaptation to change is made while keeping certain fundamentals firm.⁵²

As seen in *Shankari Prasad v. Union of India* ⁵³1951⁵⁴, In India, the states of Bihar, Uttar Pradesh, and Madhya Pradesh passed laws to end the zamindari system. This system allowed landowners, called zamindars, to own land. The new laws aimed to give land ownership to the farmers who worked the land. Some zamindars were worried about losing their rights and challenged these laws. They said the laws violated their right to property, which is protected by the Constitution. The High Courts had different opinions: The Bihar law was overturned by the Patna High Court, but received backing from the High Courts of Allahabad and Nagpur laws in their states. While these cases were ongoing, Parliament passed the Constitution (First Amendment) Act⁵⁵, 1951.⁵⁶ This amendment introduced Articles 31A⁵⁷ and 31B⁵⁸ to shield land reform measures from being challenged in court. Unhappy with this change, zamindars went to the Supreme Court was approached with the claim that the First Amendment breached constitutional principles and violated their rights. The constitutional validity of the First Amendment Act, 1951, was endorsed by the Supreme Court, upholding that the interim Parliament was competent to amend Under Article 368⁵⁹ of the Constitution. The judgment clarified that the expression 'law' in Article 13(2)⁶⁰ does not cover constitutional amendments, and therefore such amendments could not be struck down for violating Fundamental Rights.

⁵¹ U.S. Const. art. V.

⁵² V.N. Shukla, "Constitution Of India", Tenth Edition, Eastern Book Company, pg 67, 2010.

⁵³ 1951 SCR 89: AIR 1951 SC 458

⁵⁴ Ibid

⁵⁵ The Constitution (First Amendment) Act, No. 1 of 1951, India Code (1951), available at <https://legislative.gov.in/>

⁵⁶ Ibid

⁵⁷ Constitution of India (1950).

⁵⁸ Ibid

⁵⁹ Constitution of India (1950).

⁶⁰ Ibid

The judiciary further stated that Articles 31A⁶¹ and 31B⁶² **did not restrict the jurisdiction of the High Courts or the Supreme Court** but merely saved certain laws from challenge in Part III. **While land is listed as a subject in the State List**, the Court maintained that amendments to the Constitution were in the sole domain of Parliament and consequently the amendment was legally valid.⁶³ In another landmark judgment, *Sajjan Singh v. State of Rajasthan*⁶⁴, the Supreme Court assessed the validity of the Seventeenth Amendment, which introduced 44 laws to the Ninth Schedule and changed Article 31A⁶⁵ to preserve state land reform statutes. The petitioners asserted that Parliament had no jurisdiction to amend Fundamental Rights and that the amendment skipped necessary steps under Article 368⁶⁶, like getting approval from the states. The Supreme Court rejected these arguments, saying the amendment's effect on Article 226⁶⁷ was small and did not need state approval. The Court explained that under Article 368⁶⁸, Parliament holds the power to amend all aspects of the Constitution, including Fundamental Rights. Article 13(2)⁶⁹, which stops laws from affecting Fundamental Rights, does not apply to amendments because they are made using Parliament's special power. The Court also said that putting laws in the Ninth Schedule only protects them from being reviewed by courts, not creating new laws. These laws can still be changed or reviewed in the future.⁷⁰ In the end, the Supreme Court said the Seventeenth Amendment was constitutional and confirmed that Parliament can change the Constitution to respond to new social and economic necessities. In the notable case of *Golak Nath v. State of Punjab*⁷¹, The Supreme Court resolved a legal challenge initiated by the Golak Nath family concerning the Punjab Security of Land Tenures Act⁷², 1953⁷³, Which curtailed the amount of land that could be held by them. The family felt that the Act had infringed upon their rights guaranteed by Articles 19(1)⁷⁴(f)⁷⁵ and 19(1)⁷⁶(g)⁷⁷ of the Constitution and challenged the Seventeenth Amendment that incorporated

⁶¹ Constitution of India (1950).

⁶² Ibid

⁶³ 1951 SCR 89; AIR 1951 SC 458

⁶⁴ (1965) 1 S.C.R. 933 (India).

⁶⁵ Constitution of India (1950).

⁶⁶ Ibid

⁶⁷ Constitution of India (1950).

⁶⁸ Ibid

⁶⁹ Constitution of India (1950).

⁷⁰ (1965) 1 SCR 933 (India).

⁷¹ AIR 1967 SC 1643 (India).

⁷² Punjab Act No. 10 of 1953 (India).

⁷³ Ibid

⁷⁴ Constitution of India (1950).

⁷⁵ Ibid

⁷⁶ Ibid

⁷⁷ Constitution of India (1950).

the Act into the Ninth Schedule and hence took it out of the ambit of judicial review. The case posed two basic questions of law: whether amendments of these are recognized as 'laws' under Article 13(3)⁷⁸(a)⁷⁹ of the Constitution and hence subject to judicial review, and whether Parliament can amend Fundamental Rights under Article 368⁸⁰. According to the petitioners, Fundamental Rights, being central to the Constitution, cannot be modified by way of amendments. The Supreme Court, with a narrow majority of 6:5, held that constitutional amendments under Article 368⁸¹ are indeed "laws" under Article 13(3)(a)⁸² and hence must be in accordance with Fundamental Rights. The Court reaffirmed the immutability of such rights, determining that Parliament could not modify them. Consequently, the Seventeenth Amendment was struck down for the purpose of putting certain laws beyond judicial review. A novel feature of the judgment was Chief Justice Koka Subba Rao's innovation of the principle of prospective overruling, which allowed the judgment to apply only in respect of future cases and thereby avoid disruption of earlier transactions. The dissenting judges criticized this course of action, holding that decisions given by courts must have retrospective effects to provide uniformity. Despite the dissent, the majority stressed the protection of Fundamental Rights against constitutional amendments.⁸³

In the **24th Amendment**⁸⁴ to the Constitution of India⁸⁵, passed in **1971**, The authority of Parliament was curtailed to limit its absolute control. To assert its authority, Parliament enacted several amendments to the Constitution. **The Constitution (Twenty-Fourth Amendment) Act was enacted on November 5, 1971.** This amendment aimed to overturn by **Supreme Court's verdict in the case of I.C. Golak Nath v. State of Punjab**⁸⁶, Where the court concluded that Parliament was not empowered to amend or constrain Fundamental Rights. An 11-judge bench revisited this issue. The government argued that the previous ruling impeded its ability to act in accordance with the Directive Principles of State Policy⁸⁷, which occasionally conflicted with Fundamental Rights. The Twenty-Fourth Amendment modified

⁷⁸ Ibid

⁷⁹ Constitution of India (1950).

⁸⁰ Ibid

⁸¹ Constitution of India (1950).

⁸² Ibid

⁸³ AIR 1967 SC 1643 (India).

⁸⁴ The Constitution (Twenty-Fourth Amendment) Act, 1971, No. 56, Acts of Parliament, 1971 (India).

⁸⁵ Constitution of India (1950).

⁸⁶ AIR 1967 SC 1643 (India).

⁸⁷ Constitution of India (1950).

Articles 13⁸⁸ and 368⁸⁹, granting Parliament the discretion to revise Fundamental Rights without restrictions. Previously, any law contravening Fundamental Rights was deemed unconstitutional under Article 13⁹⁰. In the *Golak Nath*⁹¹ case, The Supreme Court had adjudicated that constitutional amendments were subject to judicial review and could not infringe upon Fundamental Rights. The Twenty-Fourth Amendment removed this limitation. The significant changes included the addition of a new provision in Article 13⁹², stating that Article 13⁹³ does not extend to modifications under Article 368⁹⁴. The heading of Article 368⁹⁵ was amended to "Power of Parliament to amend the Constitution and Procedure." A new rule was introduced in Article 368⁹⁶, permitting Parliament to revise any part of the Constitution, in accordance with the prescribed procedure. The President was required to sanction any constitutional amendment, with no option to withhold sanction. A new provision was added in Article 368⁹⁷, reiterating that Article 13⁹⁸ does not pertain to modifications under Article 368⁹⁹. In the initial years of the 1970s, the Supreme Court of India commenced a reinterpretation of the Constitution, particularly focusing on Part III, which pertains to Fundamental Rights.¹⁰⁰ The Court adopted a more expansive interpretation of these rights, moving away from narrow or literal interpretations. This new approach was grounded in certain implicit principles of the Constitution. A significant milestone was achieved in the *Kesavananda Bharati*¹⁰¹ case (1973)¹⁰², By which the Supreme Court determined that Parliament has the authority to amend the Constitution by incorporating, altering, or removing its provisions and it cannot undermine or erase the core structure of the Constitution. This ruling suggests that core principles like democracy, legal supremacy, the division of powers, and basic rights must remain intact. As senior advocate Fali Nariman aptly articulated, the "basic structure doctrine" emerged from an aspect not clearly specified in the Constitution. While the Constitution permits amendments, it

⁸⁸ Ibid

⁸⁹ Constitution of India (1950).

⁹⁰ Ibid

⁹¹ AIR 1967 SC 1643 (India).

⁹² Constitution of India (1950).

⁹³ Ibid

⁹⁴ Constitution of India (1950)

⁹⁵ Ibid

⁹⁶ Constitution of India (1950).

⁹⁷ Ibid

⁹⁸ Constitution of India (1950).

⁹⁹ Sujitha S, Legal Implications of the 24th Constitutional Amendment with Relevant Judgments, School of Excellence in Law, Chennai, available at , <https://blog.ipleaders.in/>

¹⁰⁰ Arvind P. Datar & Rahul Unnikrishnan, Interpretation of Constitutions: A Doctrinal Study, 29 Nat'l L. Sch. India Rev. 136 (2017)

¹⁰¹ (1973) 4 SCC 225

¹⁰² Ibid

does not authorize its complete destruction or rewriting. Consequently, the Court addressed this gap by introducing the basic structure principle, an example of what legal scholars like Aharon Barak refer to as "purposive interpretation," which balances the framers' intent with the evolving needs of society. This broadened interpretative principle was subsequently adhered to in a series of landmark cases. For instance, in the *Maneka Gandhi*¹⁰³ case, The Court ruled that "procedure established by law" in Article 21¹⁰⁴ should be equitable, rational, and impartial, in alignment with the fundamental tenets of natural justice, thereby expanding the scope and accessibility of Article 21.¹⁰⁵ In *Mohinder Singh Gill*¹⁰⁶, The Court adopted a liberal interpretation of Article 324¹⁰⁷, concerning the Election Commission, holding that this Article is intended to ensure free and fair elections in a timely manner. Other significant cases that embraced this progressive trend include *Ramana Dayaram Shetty*, which emphasized equal opportunity in government contracts; *E.P. Royappa*¹⁰⁸, which elaborated on the concept of equality under Article 14¹⁰⁹; *Hussainara Khatoon*¹¹⁰, which accorded the right to a speedy trial to undertrial prisoners; and *Minerva Mills*¹¹¹, Where the Court sustained the balance between fundamental rights and directive principles, thus reaffirming the doctrine of the Constitution's basic framework.¹¹²

Conclusion

The Indian Constitution, first established as a solid framework, has undergone substantial transformation through judicial interpretation. Alterations to the Constitution in India are not exclusively the product of formal legislative processes; they also emerge through judicial reinterpretation, often described as the "living constitution" approach. The Supreme Court has been pivotal in the evolution and defense of fundamental rights, as evidenced by landmark rulings such as *Kesavananda Bharati*¹¹³, *Maneka Gandhi*¹¹⁴, and *Navtej Singh Johar*.¹¹⁵

¹⁰³ (1978) 1 SCC 24

¹⁰⁴ AIR 1978 SC 597

¹⁰⁵ The Constitution of India, 1950

¹⁰⁶ (1978) 1 S.C.R. 272 (India).

¹⁰⁷ Ibid

¹⁰⁸ (1974) 4 CC 3.

¹⁰⁹ AIR 1974 SC 555

¹¹⁰ (1980) 1 SCC 98.

¹¹¹ Ibid

¹¹² Arvind P. Datar & Rahul Unnikrishnan, Interpretation of Constitutions: A Doctrinal Study, 29 Nat'l L. Sch. India Rev. 136 (2017)

¹¹³ AIR 1973 SC 1461 (India).

¹¹⁴ AIR 1978 SC 597 (India).

¹¹⁵ (2018) 10 SCC 1 (India).

Through its basic structure doctrine, the Court safeguards key principles like secularism, equality, and the rule of law, remain intact. This interpretative approach allows the Constitution to remain pertinent to contemporary societal needs without necessitating textual revisions. India's constitutional interpretation system integrates both formal amendments under Article 368¹¹⁶ and informal amendments through judicial review and evolving practices, reflecting a balance of continuity and change. This flexibility not only safeguards individual rights and upholds democratic values but also stimulates discourse on the judiciary's role within a democratic framework.

¹¹⁶ The Constitution of India, 1950