

## Coelho Case - Important SC Judgements for UPSC

Many Supreme Court judgements have left a deep impact on Indian law and polity. These landmark SC judgements are very important segments of the [UPSC syllabus](#). In this series, we bring to you important SC judgments explained and dissected, for the benefit of IAS aspirants. In this article, you can read all about the Coelho case, also known as the 9th Schedule case. Get a list of [landmark SC judgements for the UPSC exam](#) in the linked article.

### Coelho Case

#### *Case Summary - I.R. Coelho v State of Tamil Nadu*

Also known as the *Ninth Schedule Case*, this unanimous judgement delivered by a 9-judge bench led by Chief Justice Sabharwal upheld the validity of the *Doctrine of Basic Structure* propounded in the [Kesavananda Bharti case](#). Moreover, the Court also upheld the power of the Judiciary to review any such law which in its opinion would in any way destroy the basic structure of the Constitution. Thus in effect, this case put an end to any controversy that was left behind regarding the validity and implementation of the [basic structure doctrine](#).

The case arose because of the reference made by a 5-judge Constitution Bench in 1999 after the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969 was struck down by the Supreme Court in *Balmadies Plantations Ltd. & Anr. v. State of Tamil Nadu*.

- The Constitution Bench, in its referral, noted that according to the Waman Rao Case, insertion of amendments in the Constitution after the Kesavananda Bharti case by inserting new laws into the Ninth Schedule, can be challenged on the ground that they are violative of the fundamental rights provided in Articles 14, 19 and 31.
- Therefore, the referral asked the 9-judge bench to relook into the Waman Rao judgement and determine whether it needs to be overruled or not.

#### Issue before the Court

- The basic issue before the Court was whether it was permissible for the Parliament to insert laws into the Ninth Schedule post-Kesavananda Bharati case in order to make them immune from [judicial review](#) on the basis of the basic structure doctrine.
- It is pertinent to mention here that since the Ninth Schedule was inserted, various pieces of agrarian reform legislation were placed in it but with the advent of time, various other pieces of legislation were arbitrarily and indiscriminately placed in the Ninth Schedule to make them immune from judicial review despite the fact that most of them had nothing to do with the agrarian or socio-economic reforms.
- It was amply clear that the legislature in the guise of the Ninth Schedule was trying to escape not only the limitations imposed by the basic structure doctrine but also bypass the judicial review of legislation that were manifestly ultra vires to the Constitution.

#### Ruling

The Court unanimously held that it was not permissible for the legislature to escape the scrutiny of the Basic Structure doctrine by finding manifestly cunning ways to get around it.

- The basic structure doctrine is the very essence of the Constitution and any acts, rules and regulations that violate its essence cannot be allowed to continue in this brazen manner.

- If any laws in the Ninth Schedule were inconsistent with Part III, they are liable to be struck down by the Court.
- The Ninth Schedule was a part of the Constitution and as such any alterations made to these parts which bypass the restrictions that are in place cannot be allowed to continue to the detriment of well-established principles.
- These insertions into the Ninth Schedule are an attempt to invade into the sphere of [fundamental rights](#) and as such these invasions have to be dealt with in order to preserve inherent rights.

The Court also delved upon the importance of the Power of Judicial Review - the importance of which was made abundantly clear by the Court in *Indira Gandhi v Raj Narain*.

- Any new amendment or alteration in the Constitution is to be tested on its own merits in order to determine whether such a change is violative of the basic features of the Constitution.
- The fundamental rights chapter was added in the Constitution in order to keep a check on the powers of the State and make sure that the State does not fiddle with the individual rights in a manner that is contrary to the basic setup of the fundamental rights.
- The power of judicial review bestowed upon the Courts is a check on the aforesaid attempts of the State to chip away at the fundamental rights in the Constitution.

Also read: [Maneka Gandhi Case \(1978\)](#)

### Coelho Case Judgement Criticism

This judgement was criticised for further solidifying the concept of basic structure which has no textual basis in the Constitution.

- Critics argue that such judgements are chipping away at the power of the legislature to enact laws in order to further their legitimate policies.
- Every now and then the Court keeps on adding new principles as a part of the basic structure, thus hampering not only the legislature but also paving the way for new litigation which only adds to the vagueness and confusion that has always surrounded the basic structure doctrine.
- Till date, the judiciary has neither given any exhaustive definition of the basic structure nor has it given an exhaustive list which constitutes the basic structure of the Indian Constitution.
- Justice Mathew, in the *Indira Gandhi* case, had perceptively stated that 'the concept of basic structure as a brooding omnipresence in the sky apart from specific provisions of the Constitution is too vague and indefinite to provide a yardstick for the validity of an ordinary law.'

### Conclusion

The *IR Coelho* case has further strengthened the hold of the basic structure doctrine in the constitutional setup of the country by emphasising that all amendments, depending on its impact and consequences if violative of the doctrine of the basic structure, need to be struck down. Judicial review is the most effective way to deal with laws that infringe upon the fundamental rights of the citizens. The legislatures cannot act with impunity by using concepts of federalism and welfare state to bring in legislation to fulfil their ulterior motives of invading upon fundamental rights. The Parliament and the executive need to be kept in check lest we see occurrences similar to those that took place in the emergency period.

