

Golaknath Case

Can the Parliament curtail or nullify the fundamental rights granted to the Indian citizens by the Constitution? Can an amendment to any section of the Constitution be regarded as a law? These two things were the main deliberation point of the I.C Golaknath Case. This is a landmark case in the history of Indian law.

The Golaknath case is extremely important for anyone eyeing the UPSC Prelims. Read on till the end because we will also discuss what happened after this landmark Supreme court case.

Summary of the Golaknath Case (1967)

The Case:

A certain family in Punjab - Henry and William Golaknath owned 500 acres of farmland. However, in 1953, the Punjab government came up with the Punjab Security and Land Tenures Act. As per the Act, a person can own only 30 Standard acres (or 60 ordinary acres) of land. Hence the Golaknath family was ordered to forgo the excess land and was allowed to keep only 30 acres of the said land (a few acres apart from the 30 acres of land would go to the tenants).

The Golaknath family went to court, challenging the validity of the 1953 Act. The family's main argument was-

- The 1953 law obstructed their right to own property as enshrined in Article 19(1)(f).
- The law further prevented them from going ahead with a profession of their choice.
- The law threatened their right to get equal protection, as stated in Article 14 of the Indian Constitution.

On top of that, the family also urged the court to declare the 17th Amendment (through which the 1953 law came into being) as unlawful.

The Judgement:

Justice Subba Rao came to the conclusion that the 17th Amendment violated the fundamental rights of acquiring any land and indulging in any lawful profession granted to the Indian citizens by the Constitution. However, since he used the Doctrine of Prospective Overruling, the Supreme Court's ruling did not affect the validity of the 17th Amendment and hence the 1953 law. However, Justice Subba Rao added that from then on, the Parliament would have no power to make any amendment to Part III of the Constitution that deals with the fundamental rights of the citizens.

Golaknath Case in Details for Your UPSC Exam

The Golaknath Case as a part of the UPSC syllabus is not just another court case. It involves a lot of complexities.

Things to Know to Understand the Golaknath Case:

The Ninth Schedule & Article 31(b)

To weed out the Zamindari system in India, the government came up with Article 31(b), which stated that any amendment or Act listed in the Ninth Schedule of the Indian Constitution would never be eligible for judicial scrutiny. Those Acts could not be nullified or reverted even if they curtailed the fundamental rights of the citizens.

It is under this Ninth Schedule that the Punjab Security and Land Tenures Act resided in. Write this info somewhere in your UPSC notes.

Article 368 Vs. Article 13

Article 368 and Article 13 of the Indian Constitution is deeply tied with the Golaknath Case UPSC has in its syllabus. Article 368 gives the Parliament the constituent power to amend any part of the Constitution by means of adding new provisions or repealing or modifying existing provisions.

On the other hand, Article 13 states that any law that violates the fundamental rights of the citizens shall be declared void. However, Article 368 states that no provision mentioned in Article 13 would affect the provisions mentioned in Article 368. In short, as far as the Constitution is concerned, Article 368 is more powerful than Article 13.

The Golaknath Case in Detail

Until this case, amendments via the power granted to the Parliament by Article 368 were considered final and outside the ambit of Article 13. However, in the Golaknath case, the Supreme court observed that an amendment to the Constitution was an 'ordinary law' and not a constituent law. Hence, amendments, being ordinary laws, needed to pass the test of Article 13. The court, thus, stated that any amendments that violated the provisions of Article 13 would be void. In short, the Supreme Court of India, in the Golaknath case, gave the judgment that constitutional amendments would not have the power to curtail the fundamental rights of Indian citizens.

The Doctrine of Prospective Overruling

Although the Supreme Court declared constitutional amendments that violated the rules laid down by Article 13 as void, in this particular case, the old rule was followed. The Punjab Security and Land Tenures Act remained valid.

The doctrine of prospective overruling states that the court is duty-bound to announce a "new and better" rule in place of an old, unscientific or condemned rule. However, the doctrine also states that the

new rule would not affect any past court judgments. This is exactly the reason why despite the judgment, the 1953 Act remained valid.

It is to be noted that the Doctrine of Prospective Overruling and the overall judgment were accepted with a thin majority of 6:5. Many dissenting judges were against this doctrine.

What Happened after the Golaknath Case

To prepare for your IAS exam, it is also necessary to know what happened after the Golaknath case. After the case, the Parliament came up with the 24th Amendment (1971) that explicitly stated that Article 368 could curtail even the fundamental rights. From then on, Article 13 lost the power to nullify anything written under Article 368.

Later in *Kesavananda Bharati v. the State of Kerala*, the Supreme court ruled that the Parliament could not change the basic structure of the Constitution. In most cases, curtailing the fundamental rights of the citizens would change the basic structure of the Constitution. So, in a round-about way, this judgement protected the citizens fundamental rights.