

THE BASIC STRUCTURE DOCTRINE: A COMPREHENSIVE CASE LAW ANALYSIS

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ABSTRACT

The basic structure doctrine, a cornerstone of Indian constitutional law, was established by the Supreme Court's landmark 1973 ruling in the Kesavananda Bharati v. State of Kerala case¹. This doctrine acts as a protective mechanism, preventing Parliament from amending the Constitution's fundamental elements, including the protection of fundamental rights and the preservation of national sovereignty and integrity. This research paper explores the origins, significance, and impact of the basic structure doctrine on India's legal and political landscape. Furthermore, it analyzes the doctrine's role in balancing legislative authority with judicial oversight, ensuring the Constitution's enduring stability.

KEYWORDS: *Basic Structure Doctrine, Indian Constitutional Law, Kesavananda Bharati Case², Judicial Review, Parliamentary Amendments.*

INTRODUCTION:

The Parliament's power to amend the Constitution, particularly concerning citizens' fundamental rights, was first challenged in 1951. Following independence, several states enacted laws to reform land ownership and tenancy arrangements. These laws were in line with the Congress party's electoral commitment to achieve the socialistic objectives outlined in the Constitution, specifically in Article 39(b) and (c) of the Directive Principles, which promote equitable resource distribution and prevent wealth concentration. Aggrieved property owners, affected by these reforms, sought legal recourse in the courts.

BS: Basic structure

FR: Fundamental Rights

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¹ Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

² *Ibid.*

The courts struck down the land reform laws, ruling that they violated the constitutional right to property. In response to these unfavorable decisions, Parliament added these laws to the Ninth Schedule through the First and Fourth Amendments in 1951 and 1952, respectively, thereby protecting them from judicial review.

The Ninth Schedule was introduced in the Constitution via the First Amendment in 1951, with the purpose of safeguarding certain laws from judicial scrutiny. As per Article 31, which has been amended several times, laws included in the Ninth Schedule—primarily concerning the acquisition of private property and compensation—cannot be challenged in court on the grounds of infringing on fundamental rights. This protection extends to over 250 state laws aimed at regulating land ownership and abolishing tenancy systems. The Ninth Schedule was primarily established to prevent the judiciary, which frequently upheld property rights, from hindering the Congress party's social reform initiatives.

Property owners contested the constitutional amendments that placed land reform laws in the Ninth Schedule before the Supreme Court, claiming these amendments breached Article 13(2) of the Constitution. Article 13(2) safeguards fundamental rights by prohibiting Parliament and state legislatures from enacting laws that infringe upon these rights. The challengers argued that constitutional amendments should be considered laws under Article 13(2). However, in 1952 *Sankari Prasad Singh Deo v. Union of India*³ and 1955 *Sajjan Singh v. Rajasthan*⁴, The Supreme Court rejected these claims, upholding Parliament's authority to amend any portion of the Constitution, including those impacting fundamental rights. However, in the *Sajjan Singh* case, two dissenting judges raised concerns about whether fundamental rights could be subjected to the control of the majority party in Parliament.

After this, a significant development occurred: the dissent of two judges led to sending the decision to a larger bench. The dissenting judges were Justice Hidayatullah and Justice Mudholkar. Here is what they said:

1. **Justice Hidayatullah stated**, -"Part-3 has many elements of awareness, and I don't think Part-3 can be completely amended."

As a result of this dissent, the *Golaknath* case was brought up.

Justice Mudholkar said- "Every constitution has some fundamental features that

³ *Shankari Prasad v. Union of India*, AIR (1951) SC 458.

⁴ *Sajjan Singh v. State of Rajasthan*, (1965) 1 SCR 933.

cannot be changed." This dissent eventually led to the Kesavananda Bharati case and the concept of the "Basic Structure" doctrine. So basically, after these two dissents, the basic structure doctrine began to take shape.

The Golaknath verdict :

In 1967, a Supreme Court bench of eleven judges changed its earlier stance. In a 6:5 majority decision in the Golaknath v. State of Punjab case⁵, Chief Justice Subba Rao argued that Article 368, which outlined the procedure for amending the Constitution, did not grant Parliament the power to make amendments. Instead, Parliament's power to amend the Constitution came from other articles (245, 246, 248) that gave it the authority to create laws. The Court concluded that Parliament's power to amend the Constitution was the same as its legislative powers, making any constitutional amendment a law as defined in Article 13(2).

The majority judgment introduced the idea of implied limits on Parliament's power to change the Constitution. It argued that fundamental freedoms hold a permanent place, reserved by the people when they framed the Constitution. According to the majority, Article 13 limits Parliament's ability to alter these freedoms. Parliament couldn't change or restrict them because they are essential. The judges stated that these rights are so vital that even unanimous approval in Parliament wouldn't justify restricting them. They suggested that a Constituent Assembly might be needed to amend such rights. The "basic structure" idea was first mentioned by M.K. Nambiar during the Golaknath case⁶, but it was formally recognized in the 1973 Supreme Court ruling.

The nationalization of banks and the elimination of privy purses.

A few weeks after the Golaknath decision, the Congress party faced major losses in parliamentary elections and lost control in several states. Barrister Nath Pai introduced a private member's bill to restore Parliament's authority to amend the Constitution, but it couldn't pass due to political challenges. The issue of parliamentary supremacy arose again when Parliament passed laws for better access to agricultural credit and equitable wealth distribution by:

- a) nationalizing banks and
- b) ending the Privy purses of former princes.

Although Parliament sought to implement the Directive Principles, the Supreme Court dismissed these efforts. This decision exacerbated the conflict

⁵ I.C. Golaknath v. State of Punjab, AIR 1964 SC 464.

⁶ *Ibid.*

between Parliament and the Supreme Court over the balance between fundamental rights and Directive Principles. The core issue revolved around the extent of Parliament's authority versus the judiciary's role in upholding the Constitution. Additionally, the conflict underscored a struggle between the property rights of a privileged few and the Congress government's socialist objectives aimed at benefiting the poor. Shortly after the Supreme Court's decision against the derecognition of princes, Prime Minister Indira Gandhi dissolved the Lok Sabha and called for early elections to consolidate her power.

For the first time, the Indian Constitution became a significant election issue. In the 1971 elections, eight out of ten political manifestos advocated for constitutional amendments to reaffirm Parliament's supremacy. A.K. Gopalan of the Communist Party of India (Marxist) even suggested completely discarding the existing Constitution in favor of one that truly reflected popular sovereignty. The Congress party secured a two-thirds majority, signaling voter support for its socialist agenda, which included substantial constitutional changes to restore Parliament's authority. Between July 1971 and June 1972, Parliament enacted several amendments aimed at reasserting its power, including the authority to amend any part of the Constitution, even those related to fundamental rights⁷.

The President was required to approve any constitutional amendment bill passed by both houses of Parliament. During this period, several restrictions were imposed on the right to property. The right to equality before the law and the fundamental freedoms guaranteed under Article 19—including freedom of speech and expression, the right to assemble peacefully, the right to form unions and associations, the right to move freely and reside anywhere in India, and the right to pursue any profession or trade—were subordinated to the principles outlined in Article 39(b) and (c) of the Directive Principles of State Policy. The right to property, previously included in this section, was removed by the Forty-fourth Amendment in 1979 under the Janata Party administration. Additionally, the Privy Purses of former princes were abolished, and a significant body of land reform legislation was placed in the Ninth Schedule, effectively shielding it from judicial review.

THE DEVELOPMENT OF THE BASIC STRUCTURE DOCTRINE: THE KESAVANANDA CASE:

The constitutionality of these amendments was challenged before a full bench of the Supreme Court, consisting of thirteen judges. The verdict is detailed in eleven

⁷ The Constitution (Twenty-fourth amendment) Act 1971.

separate judgements⁸. The constitutionality of these amendments was challenged before a full bench of the Supreme Court, consisting of thirteen judges. The verdict is detailed in eleven separate judgements⁹.

Despite these discrepancies, the majority verdict recognized the concept of the 'basic structure' of the Constitution. All judges concurred that the Twenty-fourth Amendment was valid and affirmed Parliament's authority to amend any part of the Constitution. They agreed that the Golaknath case was incorrectly decided and that Article 368 encompasses both the power and the process for constitutional amendments. However, they stressed that a constitutional amendment differs from a law as defined by Article 13(2).

It is crucial to distinguish between two functions of the Indian Parliament:

- a) The creation of laws through its legislative power.
- b) The alteration of the Constitution through its constituent power.

Constituent power holds greater significance than ordinary legislative power. Unlike the British Parliament, which possesses supreme authority due to the absence of a written constitution, the Indian Parliament and State legislatures operate within limits set by the Constitution. The Constitution does not encompass all national laws; Parliament and state legislatures enact laws on various matters within their jurisdiction, adhering to the Constitutional framework. Under Article 368.

Unlike ordinary legislation, amending constitutional provisions necessitates a special majority in Parliament. To illustrate the difference between Parliament's law-making powers and its authority to amend the Constitution, consider Article 21, which guarantees that no individual can be deprived of their life or personal liberty except through a legal process. Although Article 21 sets this standard, it does not define the specific procedures involved, leaving this to be established by the legislatures and the executive. Parliament and state legislatures create laws that outline punishable offenses, while the executive determines how these laws are enforced, and courts adjudicate cases. These laws can be altered with a simple majority vote in Parliament without needing a constitutional amendment. However, if there were a proposal to make Article 21 a fundamental right by abolishing the death penalty, this would require amending the Constitution through Parliament's special powers. In the *Kesavananda Bharati* case, seven of the thirteen judges, including Chief Justice Sikri, ruled that while Parliament has the authority

⁸ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

⁹ Austin *Working a Democratic Constitution* 265(Oxford University Press, Oxford, 2003).

to amend the Constitution, it cannot use this power to "damage," "destroy," or "alter" the Constitution's "basic structure."

Key Elements of the Constitution According to the Kesavananda Ruling:

In the Kesavananda Bharati case, each judge individually identified what they considered the essential features of the Constitution, resulting in differing opinions even among the majority.

Chief Justice Sikri outlined the following as core elements of the Constitution:

- Supremacy of the Constitution
- Republican and democratic form of government
- Secular nature of the Constitution
- Separation of powers among the legislature, executive, and judiciary
- Federal structure of the Constitution

Justices Shelat and Grover added two additional elements to this list:

- The directive to establish a welfare state as outlined in the Directive Principles of State Policy
- Unity and integrity of the nation

Justices Hegde and Mukherjee provided a more concise list of essential features:

- Sovereignty of India
- Democratic nature of the polity
- National unity
- Fundamental freedoms guaranteed to citizens
- Directive to create a welfare state

Justice Jaganmohan Reddy emphasized that the fundamental features were reflected in the Preamble of the Constitution and its relevant provisions, including:

- Sovereign

He stated that the Constitution's integrity depends on both fundamental freedoms and directive principles¹⁰. Sikri also clarified that this list of essential features is not exhaustive. As times change, new elements might be added or existing ones revised. In future cases, determining whether a feature is part of the basic structure will involve examining the framers' intentions to understand the purpose of the provision and decide its status within the basic structure.

Definition of the Basic Structure Doctrine:

The basic structure doctrine is a legal principle recognized by the Indian Supreme Court that delineates the fundamental principles and values of the Constitution which Parliament cannot alter through its amending power under Article 368. Established in the landmark case of *Kesavananda Bharati v. State of Kerala*¹¹ in 1973, this doctrine asserts that Parliament is not empowered to change the essential framework or core structure of the Constitution. This doctrine functions as a vital protection against arbitrary amendments, ensuring the preservation of the Constitution¹² foundational essence.

THE DOCTRINE'S ROLE IN BALANCING LEGISLATIVE AUTHORITY AND JUDICIAL OVERSIGHT

The basic structure doctrine has played a pivotal role in maintaining the balance between the legislative and judicial branches of the Indian government. On one hand, it upholds the supremacy of Parliament to amend the Constitution under Article 368, allowing flexibility and adaptability to evolving societal needs. On the other hand, it ensures that this power is not absolute, as the judiciary retains the authority to review amendments and strike down any that violate the basic structure.

Key cases demonstrate this balancing act. In *Kesavananda Bharati v. State of Kerala*¹³ (1973), the Supreme Court restricted Parliament's amending power by introducing the concept of the "basic structure." This doctrine allowed amendments but prohibited alterations that would "damage or destroy" the Constitution's core framework, such as democracy, federalism, and fundamental rights. Similarly, in *Minerva Mills v. Union of India*¹⁴ (1980), the Court invalidated portions of the 42nd Amendment, asserting that excessive legislative

¹⁰ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.

¹¹ *Ibid.*

¹² P. K. Tripathi. (2015). *Indian Constitutional Law*. Allahabad Law Agency.

¹³ *Ibid.*

¹⁴ *Minerva Mills v. Union of India*, 1980 AIR 1789.

authority cannot dilute the balance between fundamental rights and Directive Principles of State Policy.

These judgments highlight the judiciary's dual role as a safeguard against legislative overreach and a promoter of constitutional stability. By ensuring that Parliament operates within the framework of constitutional morality, the basic structure doctrine preserves the sanctity of the Constitution while respecting democratic processes. Thus, the doctrine functions as a vital mediator between the legislative power to amend and the judicial obligation to protect constitutional values.

Practical Examples for Better Comprehension:

1. Think of a building as a symbol for the Constitution. The walls, windows, and paint color of the building represent various provisions and amendments. You can change the color, replace the windows, or even remodel the rooms to make the building more modern or suitable for new needs. However, the pillars that hold the building upright are like the basic structure of the Constitution. These pillars are essential; they provide the fundamental support that keeps the building standing. If you remove or significantly alter these pillars, the entire building would collapse. Similarly, while amendments can be made to the Constitution, the basic structure—like the pillars—cannot be touched, as it ensures the stability and integrity of the entire system.
2. Imagine the Constitution as a piece of cloth given to a tailor. The tailor can add designs, change colors, or even alter the shape of the cloth to suit the latest trends and needs. These changes represent the amendments and modifications that can be made to the Constitution. However, the fabric of the cloth itself—the material it's made of—represents the basic structure. No matter how many changes the tailor makes, they cannot alter the fabric, as it forms the foundation and character of the entire piece. Similarly, while the Constitution can be amended and adapted over time, its basic structure, like the fabric, must remain untouched to preserve its essence and integrity.
3. Imagine the Constitution as a wallet. You can add cards, cash, and even photos inside the wallet, just like how amendments can be added to the Constitution. These additions make the wallet more useful and personalized, much like amendments that adapt the Constitution to changing times. However, no matter how much you add to it, you cannot turn the wallet into a purse. The basic structure of the wallet—its shape, size, and purpose—must remain the same. Similarly, while the Constitution can be amended with new provisions, its

basic structure, which defines its essential nature and purpose, cannot be altered. Changing that would transform it into something entirely different, just as turning a wallet into a purse would make it a completely different item.

The elements and features of the basic structure doctrine includes:

Constitutional Supremacy: India's governance is grounded in the Indian Constitution, which establishes the fundamental principles and values that guide the state. The Constitution holds the highest authority, and no law can supersede its provisions.

Separation of Powers: The Indian Constitution establishes a framework that divides governmental authority among the legislative, executive, and judicial branches. Each branch is assigned distinct roles and responsibilities, with safeguards to ensure their independence and maintain a system of checks and balances.

Federalism: The Indian Constitution creates a federal structure by distributing powers between the central and state governments. This arrangement ensures a balance of power while promoting regional autonomy.

Rule of Law: The Indian Constitution enforces the rule of law, ensuring that everyone is accountable to the law. It also establishes an independent judiciary to uphold the law and safeguard citizens' rights.

Fundamental Rights: The Indian Constitution guarantees certain fundamental rights to all citizens, including equality, freedom of speech, and the right to life. These rights are integral to the Constitution and cannot be revoked.

Secularism: The Indian Constitution embraces secularism, ensuring that the state remains neutral in religious matters and treats all religions with equal respect. This principle is crucial for maintaining harmony and preventing the favoritism of any particular religion.

Democracy: The Indian Constitution establishes a democratic government, enabling citizens to engage in the governance process through free and fair elections. This framework ensures transparency, accountability, and that the government remains answerable to the people.

Welfare State: The Indian Constitution envisions a welfare state, where the government is tasked with ensuring the well-being and development of its citizens. This is crucial for advancing social justice and reducing inequalities.

In summary, the basic structure doctrine of the Indian Constitution is vital for protecting against arbitrary amendments, preserving its core principles and values. This doctrine plays a fundamental role in maintaining constitutionalism, democracy, and the rule of law.

Executive: The basic structure doctrine in India's Constitution ensures that

fundamental principles remain intact, preventing them from being altered or removed. This doctrine holds the Executive branch, led by the Prime Minister, accountable to the Constitution. By enforcing this principle, the doctrine promotes transparency, accountability, and the rule of law, ensuring that the government acts in the best interests of the people.

Legislature: The basic structure doctrine, established by India's Supreme Court, restricts Parliament from modifying the Constitution's essential features. This principle ensures that laws uphold the Constitution's core values, protect fundamental rights, maintain judicial independence, support federalism, and prevent discrimination. By safeguarding democratic values, the doctrine strengthens India's legislative framework.

Judiciary: The basic structure doctrine safeguards the Constitution from amendments that could undermine its core values. It bolsters the Judiciary by preserving its independence, enhancing accountability, and fostering diversity. Additionally, the doctrine supports judicial education, enabling judges to better serve the public while upholding the Constitution's fundamental principles.

Impact of the Basic Structure Doctrine on the Indian Constitution:

The Basic Structure Doctrine in the Indian Constitution developed over time, starting with the pivotal Kesavananda Bharati case¹⁵ in 1973. This doctrine became a cornerstone of Indian constitutional law through several key judicial decisions that reinforced its principles.

1. The Indira Gandhi Case (1975) :

Also known as the Election Case or Raj Narain Case¹⁶, this case was pivotal in Indian constitutional history. The case centered around the 1971 General Elections, where Indira Gandhi, then Prime Minister, was accused of electoral malpractice. The Allahabad High Court invalidated her election, a decision later upheld by the Supreme Court. This case affirmed the supremacy of the Constitution and the independence of the judiciary, playing a key role in the formation of the B.S Doctrine.

2. The Minerva Mills Decision (1980):

The Minerva Mills case¹⁷ challenged certain provisions of the 42nd Amendment. The Supreme Court invalidated these provisions, reaffirming that the Basic Structure Doctrine protects essential aspects of the Constitution, including

¹⁵ *Ibid.*

¹⁶ Indira Gandhi v. Raj Narain, (1975) 2 SCC 159.

¹⁷ Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789.

Fundamental Rights, from being overridden by amendments.

The ruling emphasized the need for balance between Fundamental Rights and Directive Principles of State Policy.

3. The Waman Rao Ruling (1981):

In this case¹⁸, the Supreme Court examined the constitutionality of land reform laws in Karnataka. The Court upheld the amendments related to land reforms, ruling that the right to property was not part of the Basic Structure and could be amended by Parliament. This case clarified the extent of Parliament's amendment powers and the judiciary's role in reviewing such amendments.

4. The Indra Sawhney Verdict (1992):

Also known as the Mandal Commission Case¹⁹, this judgment addressed reservations for Other Backward Classes (OBCs) in government jobs and education. The Supreme Court upheld these reservations, asserting that affirmative action is part of the Basic Structure and crucial for social justice. The judgment clarified that such measures address historical injustices and are not discriminatory.

5. The SR Bommai Judgment (1994):

This case²⁰ focused on the use of Article 356, which allows the dismissal of state governments. The Supreme Court ruled that the President's power under Article 356 is subject to judicial review, reinforcing the Basic Structure Doctrine by affirming that federalism, secularism, and democracy are integral features of the Constitution that cannot be altered.

6. The L. Chandra Kumar Ruling (1997):

This judgment²¹, addressed the constitutionality of administrative tribunals established under the 42nd Amendment. The Supreme Court ruled that these tribunals must operate within the judicial framework, ensuring that High Courts retain their power of judicial review. The ruling reinforced the Doctrine by emphasizing the separation of powers between the judiciary and the executive.

7. The Ninth Schedule Case (2007):

In *I.R. Coelho v. State of Tamil Nadu*²², the Supreme Court ruled that laws in the Ninth Schedule, previously immune from judicial review, could still be challenged if they violated the Basic Structure Doctrine. This decision bolstered the doctrine

¹⁸ *Waman Rao v. Union of India*, (1981) 2 SCC 362.

¹⁹ *Indra Sawhney v. Union of India*, AIR 1993 SC 477.

²⁰ *S. R. Bommai v. Union of India*, AIR 1994 SC 1918.

²¹ *L. Chandra Kumar v. Union of India*, AIR 1997 SC 1125.

²² *I. R. Coelho v. State of Tamil Nadu*, AIR 2007 SC 861.

by ensuring that constitutional amendments cannot undermine fundamental constitutional principles.

8. The Madras Bar Association Case (2014):

This case²³ challenged the constitutionality of the National Tax Tribunal Act, which the Supreme Court found to infringe upon the Basic Structure Doctrine by undermining judicial independence. The judgment highlighted that judicial independence and federalism are fundamental to the Constitution's Basic Structure.

9. The Puttaswamy Ruling (2017):

In this case²⁴, the Supreme Court recognized the right to privacy as a fundamental right under the Constitution and invalidated provisions of the Aadhaar Act that violated this right. The ruling reaffirmed the Basic Structure Doctrine by protecting individual rights and liberties from excessive government intrusion. The evolution of the Basic Structure Doctrine has been critical in maintaining the fundamental values of the Indian Constitution. Through these landmark rulings, the judiciary has reinforced the doctrine as a vital safeguard against the erosion of constitutional integrity.

Comparative Analysis:

The basic structure doctrine is central to Indian constitutional law, drawing comparisons with similar doctrines worldwide.

- United States: The doctrine of implied limitations recognizes certain unenumerated rights that cannot be violated by the government, similar to India's basic structure doctrine, which also restricts governmental power.
- Canada: The doctrine of entrenchment protects certain constitutional provisions from being amended without provincial consent, paralleling India's doctrine that safeguards certain aspects of the Constitution from amendment without public consent.
- United Kingdom: Constitutional supremacy asserts Parliament's ultimate authority, differing from India's doctrine, where the judiciary can strike down unconstitutional laws.
- South Africa: The concept of fundamental rights, which protects specific freedoms from government infringement, aligns with the doctrine in safeguarding

²³ Madras Bar Association v. Union of India, (Civil Appeal No. 502) of 2021 SC.

²⁴ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

rights and freedoms.

- Germany: Democratic constitutionalism reflects the democratic will and protects fundamental rights, similar to the doctrine.

In summary, these comparisons highlight the basic structure doctrine's role in upholding fundamental rights and democratic values in India.

Criticism & Debates

The basic structure doctrine has sparked significant debate, with critics raising various concerns:

- **Lack of Clarity**: Critics argue the doctrine is vague and open to subjective interpretation.
- **Judicial Overreach**: Some believe the doctrine gives too much power to the judiciary, undermining other government branches.
- **Political Bias**: The doctrine has been seen as reflecting the biases of the judges who developed it.
- **Undermining Democracy**: Critics claim it limits the power of elected representatives, placing the judiciary above them.
- **Lack of Accountability**: The doctrine is said to allow the judiciary to override laws without accountability.

Despite these criticisms, the basic structure doctrine is considered essential to Indian constitutional law, safeguarding against unconstitutional exercises of power.

“So, in conclusion, we are left with various loose ends. If one were to ask where the Basic Structure Doctrine stands, we should recall what Justice Nariman said: the Basic Structure is probably like the elephant with six blind men—each describing it from their own point of view. However, it requires both light and sight for us to ultimately understand the basic structure.”

Concrete Suggestions for Strengthening the Doctrine's Application

To ensure the continued effectiveness of the basic structure doctrine in balancing legislative authority and judicial oversight, several steps can be considered:

1. Developing Clearer Guidelines for Judicial Interpretation:

The judiciary could provide a more definitive framework for identifying features of the Constitution that constitute its “basic structure.” This would minimize

ambiguity and ensure consistent application across cases, while maintaining the flexibility needed for future challenges. Parliamentary Adherence to Constitutional Principles:

Parliament should conduct comprehensive reviews of proposed amendments to assess their compatibility with the basic structure. This could include setting up a Constitutional Review Committee tasked with evaluating the long-term impact of amendments on constitutional stability.

2. Public Involvement in Constitutional Amendments:

To bridge the gap between legislative authority and public accountability, constitutional amendments affecting fundamental rights or other core features should require public consultation or even referenda. This would ensure democratic legitimacy in addition to judicial oversight.

3. Collaboration Between Judiciary and Legislature:

Establishing formal mechanisms for dialogue between the judiciary and legislature could reduce conflicts. For example, Parliament could consult retired judges or constitutional experts before proposing major amendments, ensuring they align with the doctrine's principles.

4. Strengthening Judicial Education and Accountability:

Continuous judicial training on the doctrine and its evolving interpretation could enhance its application. At the same time, accountability mechanisms for judges interpreting the doctrine would foster public trust in judicial decisions.

Conclusion:

Over the years, the concept of the basic structures has significantly modify since its inception in the 1970s. Each passing year has seen more rights incorporated into the basic structure of the Constitution. Today, the basic structure is the result of years of judicial oversight of Fundamental Rights and the related constitutional framework. Through the concept of the 'rights chain,' we have shown that the basic structure is essentially the judiciary's deliberate selection of the most essential rights, safeguarding them at all costs. In the Indian context, the basic structure represents a distillation of core natural rights, human rights, and Fundamental Rights. However, as observed, the judiciary has never provided a definitive test for determining what constitutes the basic structure, leaving its definition deliberately vague to allow for judicial flexibility. Despite the ambiguity of terms like 'constitutional identity' and 'basic values of the constitution,' we have established that, based on the rights chain, the basic structure is limited to natural rights and those elements of the legal framework that directly impact them.