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KESAVANANDA BHARATI SRIPADAGALVARU DECEMBER 9, 1940 – SEPTEMBER 6, 2020



### LONGEST HEARD CASE

The case of Kesavananda Bharati vs State of Kerala was heard for 68 days and continues to hold the top spot for the longest proceedings ever to have taken place in the top court. The Ayodhya land dispute case is the closest case in terms of longest day-to-day hearing.

GEORGE POIKAYIL AND KANU SARDA @Kasaragod / New Delhi

KESAVANANDA Bharati Sri-padagalvaru, the Hindu seer whose petition in the Supreme Court led to the judgment that Parliament cannot alter the fundamental structure of the Constitution, died at his mutt in Kasaragod on Sunday.

Bharati, the pontiff of Edneer Mutt, died of heart ailment at 12.40 am, said his former manager and legal advisor I V Bhat. He was 79.

A week ago, Bharati was admitted to a hospital in Mangaluru. "He had a condition in his

## Edneer Mutt seer who saved Constitution's basic structure

heart valve and the doctors advised surgery. But he returned to his mutt saying he could not stay away from the daily rituals," said Bhat.

Bharati's nephew Jayarama Manjathaya, anointed as the new seer of Edneer Mutt, led the funeral rites. Bharati was interred in the mutt on Sunday following Covid protocols.

The seer had become a beacon of constitutional rights and found a place in law school syllabus when he challenged the constitutionality of the Kerala government's Land Reforms Act in the SC in 1970.

He lost the case, but his will

petition led to the adoption of the landmark Basic Structure Doctrine. The apex court ruled that Parliament cannot alter the fundamental structure of the Constitution.

The verdict involved 13 judges — the largest bench ever to sit in the apex court till date. The case was heard for 68 days and continues to hold the top spot for the longest proceedings ever to have taken place in SC.

The Ayodhya land dispute case is the closest case in terms of longest day-to-day hearing.

It's also the most cited constitutional case in Indian constitutional law.

Subject: Abhinav  
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## Seer took over reins of mutt at age of 19

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BHARATI had contended the land reforms law by the government was an attempt to impose restrictions on the management of the mutt's property, which was the only source of income for his ashram. While the landmark judgment did not offer individual relief to the seer, the top court by a 7:6 majority judgment ruled that the basic structure of the Constitution was inviolable and could not be amended by Parliament.

The basic structure doctrine has formed the basis of the Indian judiciary's power to strike down amendments to the Constitution by Parliament, which are in conflict with or seek to alter this principle.

Noted legal luminary, Nani Palkhivala, who appeared for Bharati in the SC never spoke to the petitioner as per the "Courtroom Genius", a biography of Palkhivala.

The three Constitutional amendments, challenged in the Bharati case, were passed by the Indira Gandhi government to overcome the SC's 1967 judgment in the Golak Nath case that ruled Parliament could not amend fundamental rights, including the Right to Property. He took over the reins of the

mutt at the age of 19 in 1968. By then, he was a trained Carnatic classical singer, Yakshagana vocalist and an educationalist, said BJP's Kasaragod district president K Shreekanth. "The mutt lost more than 300 acres because of the Land Reforms Act. Yet, he recently gave 28 cents to the government to build a school at Edneer," he said.

### SPLIT VERDICT

The SC by a majority judgment ruled that the basic structure of the Constitution cannot be amended by Parliament. The majority opinion was delivered by Chief Justice S M Sikri and Justices K S Hegde, A K Mukherjee, J M Shelat, A N Grover, P Jaganmohan Reddy, and H R Khanna. Justices A N Ray, D G Palekar, K K Mathew, M H Beg, S N Dwivedi, and Y V Chandrachud dissented.