

News

The Kesavananda Bharati case is staged at JGLS by Supreme Court judges, law enforcement officials, and renowned advocates.



The reenactment happened at the opening of the Nyayabhyasa Mandapam, which is regarded as the biggest moot court in the world.

On Saturday morning, the renowned case of Kesavananda Bharati v. State of Kerala was reenacted on the OP Jindal Global University campus.

The occasion coincided with the opening of the **Nyayabhyasa Mandapam**, dubbed the

largest moot court in the world, and the University's international convention on judicial independence. Chancellor Naveen Jindal and Vice-Chancellor C Raj Kumar officially opened it.

The arguments in the case were heard by 13 Supreme Court judges, led by Chief Justice of India (CJI) Surya Kant.

Justices PK Mishra, Aravind Kumar, Sanjay Karol, **MM Sundresh**, **Joymalya Bagchi**, Dipankar Datta, R Mahadevan, AG Masih, and Rajesh Bindal were on the bench.

The positions of counsel were filled by four prominent members of the Bar. Attorney General R Venkataramani and Senior Advocate Sidharth Luthra argued for the respondents, while Senior Advocate Abhishek Manu Singhvi and Solicitor General Tushar Mehta represented the petitioners.

CJI Kant gave a speech on the constitutional ethos to kick off the occasion.

Integrity and honesty are no longer lofty ideals in a world where flaws, conflict, and false information proliferate and internet abuse becomes unsettlingly commonplace. They are survival and resilience tools developed through experience," he stated.

According to him, the Basic Structure theory is the outcome of constitutional archeology inside the four corners of the Constitution rather than judicial whimsy or philosophical abstraction. Reflecting about 1973, he stated,

The Supreme Court opted for morality and constitutional maturity. It declined to modify the Constitution to suit its needs. That one act proved that democracy did not age too quickly.

Singhvi stated at the outset of his submissions,

"The people provide the Constitution to themselves. However, a five-year Parliament, which is ultimately a product of that Constitution, has the authority to decide on revisions. As a result, the Parliament's authority to amend the Constitution shouldn't be interpreted so broadly as to permit changes that go beyond acknowledging the document itself, which is the people's expression."

He went on to say that a constitution is not a suicide pact and that its basic structure cannot

and should not be successfully damaged or destroyed through formal amendment procedures.

Solicitor General Mehta demonstrated the dangers of unrestricted amendment power on behalf of the petitioners as well.

Assume that sovereignty is ceded to an external sovereign, such as the British Queen, and that the legislature has the authority to change the Constitution, including the Preamble. What would take place?

According to him, directive principles are merely aspirations, and one cannot consider abandoning fundamental rights in order to achieve an aspiration. Regarding the Ninth Schedule's impact, he submitted,

"Judicial review, which is again connected to the protection granted under Part Three of the Indian Constitution, is literally taken away by the twenty-ninth amendment."

Attorney General Venkataramani, speaking on behalf of the respondents, stated that constitutional interpretation must continue to be considerate of democratic requirements.

He argued that the preservation of the people's choices as well as the actions, means, and strategies to be carried out by a democratically elected Assembly on behalf of the people will always remain the cause and needs of society at any given time.

He contended that adding additional restriction on the amending authority, such as the Basic Structure, which is not mentioned in the Constitution's text, would destroy this well-thought-out plan and cause confusion.

"We are concerned that the debate over Basic Structure will seem to be similar to occasionally trimming a bird's wings and then calling the cage its freedom," he stated.

Luthra questioned whether the Court could overrule democratic will while endorsing the Attorney General.

"Is it possible for us to sit in court and ascertain the people's will? Luthra argued, ***"The representatives of the people are well aware of the grassroots issues."***

He said that Parliament is the vehicle through which the people express their views and cannot be prevented from carrying out its mandate.

"We, the people, have determined that we cannot impose restrictions on reforms that embrace freedom and that freedom necessitates discussion and debate. "Let's not prevent Parliament from carrying out its duties," he argued.

Justice BV Nagarathna emphasized the value of having faith in the legal system.

"The most essential element for the impartial and autonomous operation of the judiciary is faith in courts."

She continued by saying that the characteristics of an independent court include fair decision-making, political insulation, and independence in behavior.

"Judicial independence of thought and behavior must exist and be seen by the public."