Polity & Governance · GS - II

What was held in the Coelho case? In this context, can you say that judicial review is of key importance amongst the basic features of the Constitution?

EXAM YEAR	PAPER	SUBJECT
2016	GS - II	Polity & Governance

MARKS	WORD LIMIT
12.5	~200 words

Answer Hint

I.R. Coelho case; Ninth Schedule; basic structure doctrine; judicial review; Kesavananda Bharati; constitutional supremacy; fundamental rights

Model Answer

Introduction

In *I.R. Coelho v. State of Tamil Nadu* (2007), the Supreme Court clarified that laws placed in the Ninth Schedule are not automatically immune from judicial review.

What the Court Held

- Laws inserted into the Ninth Schedule after **24 April 1973**, the date of the *Kesavananda Bharati* judgment, can be reviewed if they damage the Constitution's basic structure.
- Inclusion in the Ninth Schedule cannot be used as an unrestricted means of protecting laws that violate fundamental rights.
- The Court examines whether the impact of a law infringes constitutional principles forming part of the basic structure.

Importance of Judicial Review

1. Constitutional Supremacy

Judicial review ensures that legislative and executive actions remain within constitutional limits.

2. Protection of Fundamental Rights

Courts can invalidate laws or actions that violate protected rights, subject to constitutional provisions.

3. Basic Structure Doctrine

Judicial review helps preserve foundational features such as democracy, secularism, federalism and the rule of law.

4. Checks and Balances

It prevents concentration of power and reinforces accountability among the legislature, executive and judiciary.

Limitations

Judicial review must respect separation of powers. Courts assess constitutionality rather than replace the legislature's policy choices merely because another approach may be preferable.

Conclusion

The Coelho judgment reaffirmed that constitutional amendments and laws remain subject to basic-structure limitations. Judicial review is therefore a crucial safeguard of constitutional supremacy and the rule of law.

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