

**CONSTITUTIONAL EVOLUTION: ASSESSING THE VALIDITY OF LAND
REFORM LAWS AND CONSTITUTIONAL AMENDMENTS IN INDIA - WAMAN
RAO V. UNION OF INDIA CASE**

Devashree Kishor Badekar*

INTRODUCTION

The case of Waman Rao v. Union of India¹ holds immense significance in India's constitutional history, particularly regarding land reform laws and the constitutional amendments introduced through Articles 31A², 31B³, and 31C⁴. This landmark case, however, was not the initial foray into examining the constitutionality of these amendments. It began with “Shankari Prasad v. UOI⁵,” where the court upheld the constitutionality of the First Constitutional Amendment Act, which introduced Articles 31A and 31B, along with the Ninth Schedule. Subsequent cases like “Sajjan Singh vs State of Rajasthan”⁶ also affirmed the idea that constitutional amendments fell outside the purview of Article 13, making them immune to judicial review. However, a significant shift occurred with “I.C. Golak Nath vs State of Punjab”⁷, where the court held that constitutional law was covered by Article 13, challenging the previous stance.

Journal of Legal Research and Juridical Sciences

This change in perspective led to a series of constitutional amendments and legal battles, culminating in the historic “Kesavananda Bharati vs. State of Kerala”⁸ case. Here, the concept of the basic structure doctrine was established, affirming that while Article 368⁹ granted Parliament the authority to amend the Constitution, it could not alter its fundamental and essential features. This doctrine had far-reaching implications, as seen in subsequent cases like “Minerva Mills v. Union of India”¹⁰, where it was used to invalidate certain statutes and amendments. Overall, the journey from Shankari Prasad to Kesavananda Bharati marked a pivotal evolution in Indian constitutional jurisprudence.

*BA LLB, SECOND YEAR, MAHARASHTRA NATIONAL LAW UNIVERSITY, NAGPUR.

¹ 1981) 2 SCC 362

² Article 31A of the Constitution of India.

³ Article 31B of the Constitution of India.

⁴ Article 31C of the Constitution of India.

⁵ 1951 AIR 458.

⁶ AIR 1965 SC 845.

⁷ 1967 AIR 1643.

⁸ (1973) 4 SCC 225.

⁹ Article 368 of the constitution.

¹⁰ AIR 1980 SC 1789.

BACKGROUND

- In this case, the Supreme Court of India examined the constitutional validity of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, considering the provisions in Articles 31A, 31B, and 31C.
- This case is significant because it marked one of the early instances where the court deliberated on the application of these constitutional provisions, which were introduced through constitutional amendments to protect certain land reform laws from judicial review.
- The judgment in the Waman Rao case contributed to the interpretation of Article 31A, which provides protection to land reform laws from being challenged on the ground of violating fundamental rights.
- This case played a role in establishing the parameters within which such laws could be tested for their validity under the Constitution.

FACTS

The Maharashtra Agricultural Lands Ceiling on Holdings Act, 1961 was challenged in this case in the Bombay High Court. The Act was being revised and modified. Also, Articles 31A and 31B were challenged as they violated the Doctrine of Basic Structure. But the High Court rejected the challenges.

Journal of Legal Research and Juridical Sciences

This was again challenged in the case of "*Dattatraya Govind v. State of Maharashtra*"¹¹ (1977). However, this appeal was also dismissed by the Supreme Court. Therefore, after the emergency, a new petition was filed in the Supreme Court challenging the decision in the Dattatraya Case under the case of Waman Rao v. Union of India.

ISSUES RAISED

The main challenge in this case is the constitutionality of Articles 31A, and 31B as well as the unamended Article 31C of the Constitution. Since the objection to the challenge was mainly that because of the protection provided by the Ninth schedule, they could not be challenged, the petitioners contended that the protecting provisions themselves were invalid, on the ground

¹¹ 1977 AIR 915

that they violated the basic structure of the Constitution, as established by the Kesavananda Bharati case.¹²

1. Whether by enacting Article 31A(1)(a) via 1st constitutional amendment, the Parliament transgressed its power of amending the Constitution.
2. Whether Article 31A (1) gives sufficient protection to the laws included under it from being challenged on the alleged ground of fundamental rights namely articles 14, 19, and 31.
3. Whether Article 31B which provides for the Ninth Schedule can be challenged on the ground of being inconsistent with the fundamental rights of the citizens.
4. Whether Article 31C which aims to achieve the goals laid down under Article 39 can be opened to challenge on the alleged ground of violation of fundamental rights.
5. Whether the proclamation of emergency was mala-fide and the 40th amendment which was enacted by extending the life of the parliament valid or not.
6. Whether the doctrine of stare decisis can be applied in upholding the constitutional validity of any Article of the Constitution or this principle can apply to laws sought to be protected by those Articles.¹³

SUPREME COURT OBSERVATIONS AND DECISION

Article 31A of the Constitution provides immunity to laws that involve the acquisition, modification, or extinguishment of property rights by the State from being declared void on the grounds of violating Fundamental Rights under Articles 14 and 19. In a recent court ruling addressing the constitutionality of Article 31A, the court dismissed the notion that such laws infringe upon the basic structure of the Constitution. The court highlighted the historical context of Article 31A's introduction, aiming to enhance the effectiveness of Zamindari Abolition Laws and address future challenges. It stressed the importance of reducing social and economic disparities in the agricultural sector, acknowledging that while addressing existing inequalities, new disparities may arise, but these do not threaten the Constitution's basic structure. The court reasoned that government actions to achieve equality might unavoidably cause some hardship or injustice but cannot be seen as violating the Constitution's core

¹² Ria Goyal, "Case Commentary on Waman Rao and Ors. vs Union of India: Analysing the Basic Structure Doctrine & its Evolution," <<https://articles.manupatra.com/article-details/Case-Commentary-on-Waman-Rao-and-Ors-vs-Union-of-India-Analysing-the-Basic-Structure-Doctrine-its-Evolution>>. Accessed on 07 Sep. 23.

¹³ <<https://www.legalserviceindia.com/article/136-Waman-Rao-Vs-Union-of-India.html>> Accessed on 07 Sep. 23.

principles. Furthermore, this ruling upholds the constitutionality of the first constitutional amendment, which introduced Article 31A and follows a series of previous cases that validated the inclusion of Article 31A and Article 31B in the Constitution.

Article 31B in conjunction with the Ninth Schedule of the Constitution safeguards laws from being declared void for violating Fundamental Rights under Part III of the Constitution. It asserts that once an Act or regulation is placed in the Ninth Schedule, it automatically gains protection under Article 31B. However, this led to a challenge questioning the compatibility of Article 31B with Fundamental Rights. In its decision, the court referenced the *Kesavananda Bharati* case, where it established that Parliament couldn't amend the Constitution to undermine its basic structure. Prior to this ruling, many laws were included in the Ninth Schedule based on the belief that they were immune to challenges under Articles 14, 19, and 31. Therefore, disturbing these established claims and titles would be unjust and chaotic for society. Consequently, the court ruled that laws in the Ninth Schedule before the *Kesavananda Bharati* case are protected by Article 31B, but those added afterward are subject to scrutiny for potential violations of the Constitution's basic structure.

Article 31C, introduced by the Constitution (Twenty-fifth Amendment) Act, 1971, shields laws specified under Clause (b) and Clause (c) of Article 39, which aim to implement the directive principles of the State. These laws are protected from being declared void for infringing Fundamental Rights under Articles 14, 19, and 31 of the Constitution. The petitioner's challenge to the constitutionality of Article 31C was dismissed by the court, primarily because the court had previously upheld the opening clause of the Article in the *Kesavananda Bharati v. State of Kerala* judgment. The court believed that protecting directive principles through Article 31C is crucial for the welfare of the nation and its citizens. Additionally, the court ruled that Article 31C does not violate the Constitution's basic structure but rather reinforces it by giving effect to the directive principles outlined in Clause (b) and (c) of Article 39, thus affirming the validity of Article 31C.

The petitioners questioned the constitutionality of the emergencies proclaimed in 1971 and 1975 as well as the 40th constitutional amendment of 1976, which contained the Amending Acts in the Ninth Schedule, in addition to Articles 31A, 31B, and 31C. The House of People Amendment Act of 1976 twice added two years to the normal term of the Lok Sabha, which was originally scheduled to finish on March 18, 1976. During this extended period in April 1976, the 40th Amendment was approved. The petitioners contended that the court had the

authority to examine whether the President's authority to proclaim an emergency under Article 352 was lawfully exercised and if the situation warranted its continuation. They claimed that the 1975 emergency was proclaimed with malicious intent and lacked justification.

The court, however, found the evidence presented insufficient and lacking in cogency. It upheld the emergency under Article 352(3) since it was declared during a period when national security and sovereignty were threatened, deeming the actions taken as essential and lawful. Consequently, the 40th constitutional amendment was deemed valid and not subject to nullification merely on the grounds that it was enacted during the emergency and extended Lok Sabha's term. Hence, the amendment was upheld as valid and lawful.

Further, the doctrine of stare decisis was also discussed in this judgment. The doctrine was discussed in the earlier judgments of Golak Nath, Sajjan Singh, and Shankari Prasad. Stare decisis is defined in Webster's New World College Dictionary as "a doctrine or policy of following rules or principles laid down in previous judicial decisions unless they contravene the ordinary principles of justice".

DISSENTING OPINION OF JUSTICE BHAGWATI

"In this case, Justice Bhagwati expressed a dissenting opinion. He disagreed with the majority's stance that the doctrine of stare decisis could only be applied to uphold the validity of laws protected by a particular article, not to the articles themselves. Justice Bhagwati pointed out that the same bench had previously upheld the constitutional validity of Article 31A using this doctrine in the Keshavananda Bharati case. He argued that this earlier decision bound the current case based on the principle of stare decisis. Therefore, he could not agree with the majority's view as it would contradict what the same bench had previously ruled in the Ambika Prasad case."¹⁴

ANALYSIS

The Waman Rao v. Union of India case is considered a significant milestone in Indian constitutional law. It clarified certain doubts arising from the Keshavananda Bharati case¹⁵.

¹⁴ Waman Rao v. Union of India, (1981) 2 SCC 362

¹⁵ Keshavananda Bharti v. State of Kerala, (1973) 4 SCC 225.

The judgment emphasized the importance of land reform and related laws in India's quest for social equality and economic fairness.

Land reform, initiated by the government after independence, aimed to create a more equal society by addressing disparities in land ownership. During British rule, large landowners (Zamindars) owned vast tracts of land, while many small farmers struggled to make a decent living. This led to significant economic and social inequalities in agriculture, a major source of livelihood in India. Recognizing this, the framers of the Indian Constitution incorporated mechanisms to address these disparities. In 1951, the Constitution was first amended to introduce Articles 31A and 31B and the Ninth Schedule. These changes aimed to protect land reform laws from legal challenges on the grounds of violating fundamental rights, particularly Article 14. However, different high courts had varying opinions on these laws, causing delays in agrarian reforms.

The Ninth Schedule was created to overcome these delays and facilitate land reform, making laws within it immune to legal challenges. Even laws declared invalid by the courts could become valid retroactively if included in this schedule. The *Waman Rao* case recognized the importance of continuing land reform efforts to achieve a more equal society. While such reforms might infringe on certain privileges, the court stressed that sacrificing some personal interests is acceptable in the pursuit of broader societal interests. The court also emphasized that it's the legislature's role, not the court's, to determine policy for restructuring the agrarian system.

Article 31C, introduced by the Twenty-Fifth Amendment Act, allows laws supporting the directive principles of state policy under Articles 39(b) and (c) to override fundamental rights like Articles 14, 19, and 31. The court referred to the *Keshavananda Bharati* case, where most judges had upheld the constitutionality of Article 31C, as precedent. The court supported this view, arguing that such laws should be considered valid because they aim to reduce social and economic disparities. However, the judgment is not without its shortcomings, particularly in interpreting Article 31C and understanding the doctrine of *stare decisis* (the principle of following precedent).

CONCLUSION

In conclusion, the case of *Waman Rao v. Union of India*¹⁶ stands as a critical juncture in India's constitutional journey, particularly concerning land reform laws and the complex interplay between constitutional amendments and fundamental rights. This case, building upon a series of preceding judgments, helped clarify the boundaries of constitutional authority and judicial review.

The court's decision in *Waman Rao* reaffirmed the constitutionality of Articles 31A, 31B, and 31C, providing protection to land reform laws. It emphasized the importance of these laws in addressing socioeconomic disparities and creating a more equitable society. Importantly, it underlined the principle that in the pursuit of broader societal interests, certain individual rights may have to yield.

However, the case also highlighted the intricate nature of constitutional interpretation in India, with shifts in perspective over the years. From *Shankari Prasad* to *Golak Nath* and ultimately *Kesavananda Bharati*, the jurisprudential journey led to the establishment of the basic structure doctrine, fundamentally reshaping the constitutional landscape.

In essence, *Waman Rao v. Union of India* serves as a testament to the dynamism of India's constitutional framework, the evolving role of the judiciary in safeguarding constitutional values, and the delicate balance between individual rights and the collective pursuit of social justice. It remains a landmark case that continues to resonate in the realm of constitutional law and judicial review in India.

¹⁶ (1981) 2 SCC 362.