

**Waman Rao and ors. Vs. Union of India (Uoi) and ors.**

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**Court :** Supreme Court of India

**Decided On :** May-09-1980

**Reported in :** AIR1981SC271; (1980)3SCC587; 1980(12)LC742(SC)

**Judge :** Y.V. Chandrachud, C.J.,; A.P. Sen.,; P.N. Bhagwati.,; V.D. Tulzapurkar and; V.R.

**Acts :** [Constitution of India](#) - Article 31A, 31B and 31C; [Constitution of India](#) (First Amendment) Act, 1951; [Constitution of India](#) (Fourth Amendment) Act, 1955; [Constitution of India](#) (42nd Amendment) Act, 1976 - Sections 4

**Appeal No. :** Writ Petition Nos. 656-660, 512-533, 503-511 and Review Petition Nos. 34, 62-65, 66-72, 73-74, 75-77

**Appellant :** Waman Rao and ors.

**Respondent :** Union of India (Uoi) and ors.

**Judgement :**

ORDER

Y.V. Chandrachud, C.J.

1. The Constitution (First Amendment) Act, 1951 which introduced Article 31A into the Constitution with retrospective effect, and Section 3 of the Constitution (4th Amendment) Act, 1955 which substituted a new Clause (1), Sub-Clauses (a) to (e), for the original Clause (1) with retrospective effect, do not damage any of the basic or essential features of the Construction or its basic structure and are valid and constitutional, being within the constituent power of the Parliament.

2. Section 5 of the Constitution (First Amendment) Act, 1951 introduced Article 31B into the Constitution which reads thus :

31B Without prejudice to the generality of the provisions contained in Article 31A, none of the Acts and Regulations specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void or to ever to have become void, on the ground that such Act, Regulation or provision is inconsistent with, or takes away or abridges an) of the rights conferred by, any provisions of this Part, and notwithstanding any judgment, decree or order of any Court or tribunal to the contrary, each of the said Acts and Regulations shall, subject to the power of any competent Legislature to repeal or amend it, continue in force.

In Keshvananda Bharati 1973. Suppl.SCR 1 decided on April 24, 1973 it was held by the majority that Parliament has no power to amend the Constitution so as to damage and destroy its basic or essential features or its basic structure. We hold that all amendments to the Constitution which were made before April 24, 1973 and by which the 9th Schedule to the Constitution was amended from time to time by the inclusion of the various Acts and Regulations therein, are valid and constitutional. Amendments to the Constitution made on or after April 24,1973 by which the 9th Schedule to the Constitution was amended from time to time

by the inclusion of various Acts and Regulations therein, are open to challenge on the ground that they, or any one or more of them, are beyond the constituent power of the Parliament since they damage the basic or essential features of the Constitution or its basic structure. We do not pronounce upon the validity of such subsequent constitutional amendments except to say that if any Act or Regulation included in the 9th Schedule by a constitutional amendment made after April 24, 1973 is saved by Article 31C as it stood prior to its amendment by the 42nd Amendment, the challenge to the validity of the relevant Constitutional Amendment by which that Act or Regulation is put in the 9th Schedule, on the ground that the Amendment damages or destroys a basic or essential feature of the Constitution or its basic structure as reflected in Articles 14, 19 or 31, will become otiose.

3. Article 31C of the Constitution, as it stood prior to its amendment by Section 4 of the Constitution (42nd Amendment) Act, 1976, is valid to the extent to which its constitutionality was upheld in *Keshvananda Bharati*. Article 31C, as it stood prior to the Constitution (42nd Amendment) Act does not damage any of the basic or essential features of the Constitution or its basic structure.

4. All the Writ Petitions and Review Petitions relating to the validity of the Maharashtra Agricultural Lands Ceiling Acts are dismissed with costs. The stay orders granted in these matters will stand vacated. We quantify the costs at Rs. twenty thousand which will be borne equally by the petitioners in Writ Petitions Nos. 656-660 of 1977; 512 533 of 1977; and 505 to 511 of 1977. The costs will be payable to the Union of India and the State of Maharashtra in equal measure.

5. Writ Petition No. 63 of 1977 (*Baburao Samant v. Union of India*) will be set down (or hearing).

6. Reasons for this Order will follow later.

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