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**J & K State Judicial Academy organized a special lecture on “Revisiting – the Basic Structure of Constitution” (Constitution of India) .**

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Jammu & Kashmir State Judicial Academy under the patronage of Hon’ble Chief Justice Shri M.M. Kumar, High Court of Jammu and Kashmir organized a special lecture on **“Revisiting – the Basic Structure of Constitution”** (Constitution of India) by Prof. (Dr.) Virender Kumar, fellow Emeritus Punjab University Chandigarh.

Shri Pawan Dev Kotwal, Director, State Judicial Academy while conducting the proceedings introduced the objectives of the lecture and gave broader outlines of programme.

The function was presided over by His Lordship Shri M.M. Kumar, Chief Justice, High Court of Jammu and Kashmir who in his presidential address lauded the contribution of both the Academicians as well as the Bar in propounding the concepts which were concretized and crystallized in the wisdom of the enlightening judgments of Hon’ble Apex Court. His Lordship elucidated, that the concept of basic structure was in fact proposed by Shri Palkivala who argued that, ‘the creature cannot change the creator’. The said argument found its way into the landmark judgment of *Keshvananda Bharti’s* case, 1973 wherein the majority view held that the basic structure of the constitution cannot be changed by any of the creations of the Constitution. It was neither the supremacy of legislature nor the supremacy of Supreme Court but both of them being creation of constitution, of course, the supremacy lies in the constitution. His Lordship further deliberated on the pronouncement of Hon’ble Apex court in *I.R. Coehlo’s case*, 2007 wherein there is crystallization of the concept of basic structure. His Lordship complemented the development of law especially the journey from 1973 to 2007 wherefrom basic idea of the basic structure of constitution which was in abstract terms materialized into concrete form. His lordship also recognized the contribution of common civil law in contributing the development of the constitutional law and emphasized common law application is nothing but a common pool of wisdom passed over the generations of judicial decisions which help to find the concepts of justice. His lordship further added that the fundamental rights as given in the part III of the constitution are nothing but recognition of already existing intrinsic universal rights and guarantee of their in-alienability.

His Lordship emphasized upon the State Judicial Academy to organize such type of interactive lectures more often so that complex constitutional concepts are discussed threadbare between the members of the judiciary, the bar and the academicians including research scholars and students so that when the new generation approaches their professional life, they are well equipped in their concepts.

Earlier, Prof. (Dr.) Virender Kumar in his extensive and elusive lecture discussed threadbare the development of constitutional law especially the concept of ‘Basic Structure of the Constitution’ which started with the celebrated judgment of *Keshvananda Bharti’s* case in 1973 (13 Judges Bench) when there was a serious struggle was going on in the Parliament and the Supreme Court and the doctrine of sacrosanctity of the basic structure came to being though with an equal diversion of opinion and balance was tilted finally with the opinion of Justice H.R. Khanna ( 7 : 6 ). However, over thirty year journey from 1973 to 2007 in Full Bench judgment of Supreme Court in *I.R. Coehlo’s case* (09 Judges Bench) headed by Chief Justice of India (Mr. Justice M.N. Sabharwal) without any dissent

formulated the principles of doctrine of basic structure of the Constitution. Finally, as on date, it can be concluded that the supremacy of the constitution is the basic structure of the Indian constitution and none of the organs can over ride it or destroy it.

Those present in the lecture included Hon'ble Mr. Justice Tashi Rabstan, Hon'ble Mr. Justice B.L. Bhat, Shri Suresh Kumar Sharma, Registrar General, High Court of Jammu and Kashmir, President, Bar Association and Senior Advocate, Shri M.K. Bhardwaj, Prof. Kulwant Singh, HoD, Law Department, University of Jammu, Faculty Members of Law School, Jammu University, Judicial Officers of Jammu province, Officers of the High Court Registry, Law Students of Dogra Law College, K.C. Law College, Parade College for women, Women College, Gandhi Nagar and MAM College, Jammu.

Vote of thanks was delivered by Shri Suresh Kumar Sharma, Registrar General, High Court of Jammu and Kashmir.

