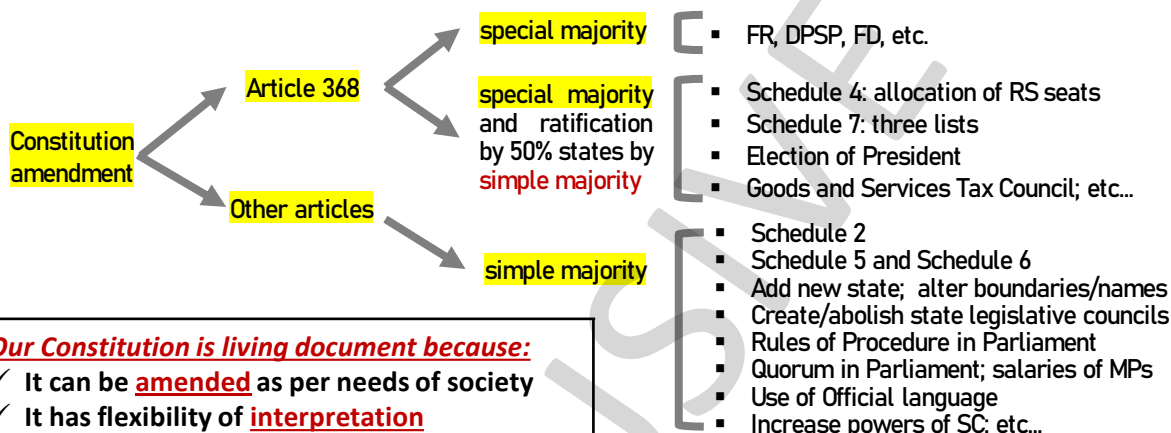


AMENDMENT OF THE CONSTITUTION

<p>Can be initiated by:</p> <ul style="list-style-type: none"> ✓ Rajya Sabha ✓ Lok Sabha ✗ State legislature ✗ President 	<p>Bill can be presented:</p> <ul style="list-style-type: none"> ✓ by private member also ✗ only after President's recommendation 	<p>Can be challenged in:</p> <ul style="list-style-type: none"> ✓ High court ✓ Supreme court
<ul style="list-style-type: none"> ✗ Joint sitting possible ✗ Ordinance can be used 	<p>President must give assent can't withhold or return (24th amendment 1971)</p>	



Our Constitution is living document because:

- ✓ It can be **amended** as per needs of society
 - ✓ It has flexibility of **interpretation**
- But Basic structure should not change.
Courts have most important role in this.

Prelims 1995

Which of the following are matters on which constitutional **amendment** is possible only with **ratification** of legislatures of not less than one half of the States?

1. Election of the President
2. Representation of States in Parliament
3. Any of the Lists in the 7th Schedule
4. Abolition of Legislative Council of a State

Choose the correct answer:

- (a) 1, 2 and 3 (b) 1, 2 and 4
(c) 1, 3 and 4 (d) 2, 3 and 4

Prelims 2013

Consider the following statements:

1. An amendment to Constitution can be initiated by introducing bill in **Lok Sabha only**
2. If such an amendment seeks to make changes in **federal character** of Constitution, the amendment also requires to be **ratified** by legislature of all the **States** of India.

Which of the above statements is/are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Prelims 2019

Consider the following statements:

1. The 44th Amendment to the Constitution of India introduced an article placing the **election of the Prime Minister beyond judicial review**.
2. The Supreme Court of India **struck down the 99th Amendment** to the Constitution of India as being violative of the independence of the judiciary.

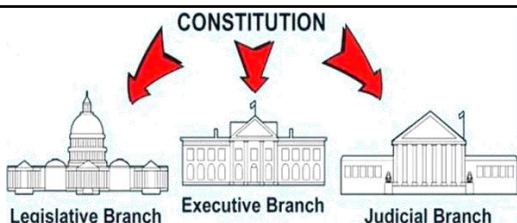
Which of the statements given above is/are correct?

- (a) 1 only (b) 2 only (c) Both 1 and 2 (d) Neither 1 nor 2

Year	Amend.	Related to
1951	1	<input type="checkbox"/> 9 th schedule
1956	7	<input type="checkbox"/> State reorganization
1975	39	<input type="checkbox"/> Election of Prez, VP, PM, Speaker beyond judicial review. <input type="checkbox"/> Struck down by SC in 1976 for violating Basic Structure.
1985	52	<input type="checkbox"/> 10 th schedule (Anti Defection law)
1987	56	<input type="checkbox"/> Goa became State; Daman & Diu became UT
1988	61	<input type="checkbox"/> Lowered voting age from 21 to 18 years for LS and SLA
1991	69	<input type="checkbox"/> Delhi got special status, to be called as National Capital Territory of Delhi <input type="checkbox"/> Delhi got Legislative Assembly and a Council of Ministers
2001	84	<input type="checkbox"/> Froze constituency boundaries till first census after 2026
2003	91	<input type="checkbox"/> Restrict the size of council of ministers to 15% of legislative members <input type="checkbox"/> Strengthened Anti Defection law
2003	92	<input type="checkbox"/> Added four languages (Bodo, Dogri, Santali, Maithili) to 8 th schedule
2005	93	<input type="checkbox"/> OBC reservation in government and private educational institutions
2014	99	<input type="checkbox"/> NJAC National Judicial Appointments Commission <input type="checkbox"/> Struck down by SC in 2015 for violating Basic Structure
2015	100	<input type="checkbox"/> Exchange of certain Enclaves with Bangladesh
2016	101	<input type="checkbox"/> GST
2018	102	<input type="checkbox"/> NCBC given Constitutional status
2019	103	<input type="checkbox"/> EWS reservation
2019	104	<input type="checkbox"/> Extended reservation for SC/ST in LS/SLA for another 10 years <input type="checkbox"/> Did not extend reservation for Anglo-Indians in LS/SLA
2021	105	<input type="checkbox"/> Restored states' power to make their own OBC lists



BASIC STRUCTURE OF THE CONSTITUTION



Prelims 2020

A **constitutional government** by definition is a

- (a) government by legislature
- (b) popular government
- (c) multi-party government
- (d) limited government**

Prelims 2014

Consider the following statements:

A **Constitutional Government** is one which

1. places effective **restrictions on individual liberty** in the interest of State Authority
2. places effective **restrictions on** the Authority of the **State** in the interest of individual liberty

Which of the above statements are correct?

- (a) 1 only
- (b) 2 only**
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Basic Structure of Constitution

X Defined in Constitution **X** Introduced by 44th amendment

X Can be amended by special majority in Parliament

✓ Introduced by SC in **Kesavanand Bharti** case 1973

24th April 1973, 13 judge bench largest ever

Kesavanand Bharti lost the case

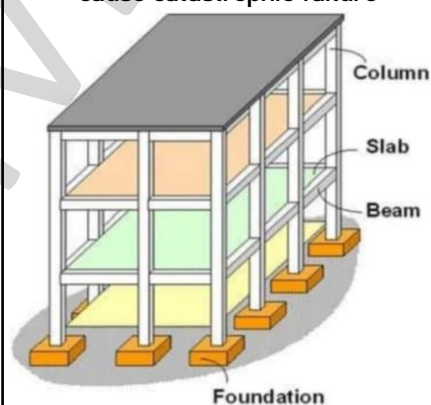
✓ **Judiciary decides** what comes under basic structure

From various judgements, following are some of them:

(Just learn last two points. For other points, just think of a bill trying to remove that feature)

- ✓ Supremacy of Constitution ~~Parliament~~
- ✓ Limited power of Parliament to amend the Constitution
- ✓ Secular character of Constitution
- ✓ Parliamentary system, Separation of powers, Federalism
- ✓ Welfare state (socio-economic justice)
- ✓ Harmony and balance between FRs and DPSPs
- ✓ Rule of Law, Principle of Equality
- ✓ Freedom and dignity of the individual
- ✓ Democracy, Free and fair elections
- ✓ Judicial review, Independence of Judiciary
- ✓ Powers of SC u/a 32, 136, 141, 142
- ✓ Powers of HC u/a 226, 227

Disturbing basic structure will cause catastrophic failure



Article 226: issue order/writ for FR or other purpose

Article 227: HC has superintendence on courts / tribunals in its area

Article 32: approach SC for FR

Article 136: Special leave petition (except military tribunal & court martial)

Article 141: SC decision binding on other courts

Article 142: SC can pass any order necessary to do "complete justice"

Correction:

Page-10 2020 PYQ: First sentence is "Constitution of India defines its **basic** structure..."

Prelims 1985

The **original structure** of the Indian Constitution cannot be changed. In which of the following cases, Supreme Court gave this verdict?

- a) Golak Nath case
- b) Minerva Mills case
- c) Kesavananda Bharati case**
- d) None of the above

Prelims 1994

The **basic structure** theory of the Constitution implies that

- a)** certain features of the Constitution are so essential to it that they cannot be abrogated
- b) fundamental rights cannot be abridged or taken away
- c) the Constitution cannot be amended except in accordance with the procedure prescribed in Article 368
- d) the Preamble of the Constitution cannot be amended for it is not a part of the Constitution and at the same time represents its real spirit

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

PARLIAMENTARY SYSTEM

Don't rattyfy the following, just understand the concept!

Democratic government			
Parliamentary govt	Presidential govt		
India, Britain, Canada, Japan	USA, Brazil, Russia (semi), Sri Lanka (semi)		
Westminster model; Responsible govt; Cabinet govt; Prime Ministerial govt	Non-parliamentary govt; Non-responsible govt; Fixed Executive govt		
Executive is responsible to Legislature	Executive is not responsible to Legislature Executive is independent for term of office		
Features: 1. Dual executive (Prez Head of State; PM Head of Govt) 2. Majority party rule 3. Collective responsibility 4. Political homogeneity 5. Double membership 6. Leadership of prime minister 7. Executive can get legislature dissolved 8. Fusion of powers	Features: 1. Single executive 2. President and legislators elected separately for a fixed term 3. Non-responsibility 4. Political homogeneity may not exist 5. Single membership 6. Domination of president 7. Executive can't get legislature dissolved 8. Separation of powers		
Merits: 1. Harmony between legislature and executive 2. Responsible government 3. Prevents despotism 4. Wide representation	Demerits: 1. Conflict between legislature and executive 2. Non-responsible government 3. May lead to autocracy 4. Narrow representation		
Demerits: 1. Unstable government 2. No continuity of policies 3. Against separation of powers 4. Government by amateurs	Merits: 1. Stable government 2. Definiteness in policies 3. Based on separation of powers 4. Government by experts		
Prelims 2013 In the context of India, which of the following principles are implied institutionally in parliamentary government ? 1. Members of the Cabinet are Members of the Parliament 2. Ministers hold office till they enjoy confidence in Parliament 3. Cabinet is headed by the Head of the State Select the correct answer: <input checked="" type="checkbox"/> (a) 1 and 2 only <input type="checkbox"/> (b) 3 only <input type="checkbox"/> (c) 2 and 3 only <input type="checkbox"/> (d) 1, 2 and 3	Prelims 1993 The Swaran Singh Committee considered the Question of a) more autonomy to Punjab on the model of J&K <input checked="" type="checkbox"/> b) suitability of Presidential form of government for India c) precedence of DPSP over FR d) Administrative reforms		
Prelims 2020 A Parliamentary System of Govt is one in which a) all political parties in Parliament are represented in Govt <input checked="" type="checkbox"/> b) Govt is responsible to Parliament and can be removed by it c) Govt is elected by people and can be removed by them d) Govt is chosen by Parliament but cannot be removed by it before completion of a fixed term	Prelims 2017 The main advantage of the parliamentary form of government is that a) the executive and independently. b) it provides continuity of policy and is more efficient. <input checked="" type="checkbox"/> c) the executive remains responsible to the legislature. d) the head of the government cannot be changed without election		
Prelims 1987 India has parliamentary democracy system because a) Members of the Lok Sabha are elected by public <input checked="" type="checkbox"/> b) Council of Ministers is responsible to Legislature c) of distribution of power between Centre and States d) of a single constitutional framework	Prelims 2015 There is a Parliamentary System of Government in India because the a) Lok Sabha is elected directly by the people b) Parliament can amend the constitution c) Rajya Sabha cannot be dissolved <input checked="" type="checkbox"/> d) Council of Ministers is responsible to Lok Sabha		
I read I forget, I see I remember See explanation of this PDF on YouTube www.youtube.com/c/allinclusiveias			
Prelims 2022	Static Crash Course	Class-3 : Polity	Page-20
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Prelims 2017

Out of the following statements, choose the one that brings out the principle underlying the **Cabinet form** of Government:

- a) An arrangement for minimizing the criticism against the Government whose responsibilities are complex and hard to carry out to the satisfaction of all.
- b) A mechanism for speeding up activities of Govt whose responsibilities are increasing day by day
- c) A mechanism of parliamentary democracy to ensure collective responsibility of Govt to people
- d) A device for strengthening hands of head of Govt whose hold over people is in a state of decline

Britain	India
Constitutional Monarchy (Hereditary)	Republic (elected)
Parliament Sovereign (no written Constitution)	Parliament not sovereign/supreme (written Constitution, federal system, judicial review and fundamental rights)
Only MPs made Minister	Non-MP can be minister for 6 months
Legal responsibility of Minister (ministers countersign official acts)	No
PM from Lower House (House of Commons)	Any House (LS / RS)
Shadow cabinet	No

Prelims 1979

President of India has same constitutional authority as

- a) British Monarch
- b) President of U.S.A
- c) President of Egypt
- d) President of U.S.S.R

Prelims 1998

The **Indian** parliamentary system is **different** from the **British** parliamentary system in that India has

- a) both a real and a nominal executive
- b) a system of collective responsibility
- c) Bicameral legislature
- d) the system of judicial review

Prelims 1993

Which of the following is a feature **common** to both the **Indian and American** Federation?

- a) A single citizenship
- b) Three lists in Constitution
- c) Dual judiciary
- d) A federal Supreme Court to interpret constitution

Prelims 2021

We adopted parliamentary democracy based on the **British model**, but how does our model differ from that model?

1. As regards legislation, the **British Parliament is supreme or sovereign** but in India, the power of the Parliament to legislate is limited.
2. In India, matters related to the constitutionality of the Amendment of an Act of the Parliament are referred to the **Constitution Bench** by the Supreme Court.

Select the correct answer using the code given below.

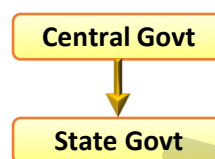
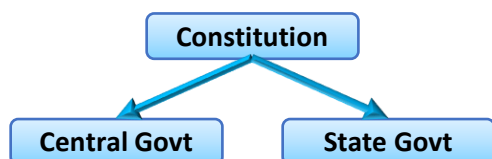
- (a) 1 only (b) 2 only (c) Both 1 and 2 (d) Neither 1 nor 2

<https://www.supremecourt.uk/fags.html>

Can the UKSC overrule the UK Parliament?

No. Unlike some Supreme Courts in other parts of the world, the UK Supreme Court does not have the power to 'strike down' legislation passed by the UK Parliament. It is the Court's role to interpret the law and develop it where necessary, rather than formulate public policy.

FEDERAL SYSTEM



Federal govt.	Unitary govt.
Constitution divides power b/w center & states, both operate independently. e.g. USA	Central govt. has all powers; states (if any) derive power from center. e.g. Britain
Dual govt.	Single govt., which may create regional govt.
Written constitution	Maybe written (France) or unwritten (Britain)
Division of powers	All powers with national government
Supremacy of Constitution	Maybe (Japan), may not be (Britain)
Rigid constitution	Rigid (France), flexible (Britain)
Independent Judiciary	May or may not be
Bicameral legislature	Bicameral (Britain), Uni-cameral (China)

Federal features of Indian Constitution

1. Dual polity
2. Written Constitution
3. Division of powers
4. Supremacy of Constitution
5. Rigid Constitution
6. Independent Judiciary
7. Bicameralism

Indian federation resembles Canada:

- a) using the term 'Union'
- b) formation, i.e. by way of disintegration
- c) Central govt. more powerful than states

Prelims 1992

Constitution of India borrowed scheme of Indian **Federation** from the Constitution of
 (a) USA (b) Canada (c) Ireland (d) UK

Unitary features of Indian Constitution

1. Single Constitution
2. Strong centre
3. States not indestructible
4. Flexibility of the Constitution
5. No equality of state representation
6. Emergency provisions
7. Single citizenship
8. Integrated Judiciary
9. All-India Services
10. Integrated audit machinery
11. Parliament's authority over state list
12. Appointment of Governor
13. Integrated Election machinery
14. Veto over state bills

Prelims 1994

Which of the following determines that Indian Constitution is **Federal**?

- a) A written and rigid Constitution
- b) An independent Judiciary
- c) Vesting of residuary powers with Centre
- d) Distribution of powers between Centre & States

Prelims 2018

In the federation established by Govt of India Act 1935, **residuary powers** were given to

- (a) Federal Legislature
- (b) Governor General
- (c) Provincial Legislature
- (d) Provincial Governors

Prelims 2021

Which of the following in Indian polity is an essential feature that indicates that it is **federal in character**?

- a) Independence of judiciary is safeguarded
- b) Union Legislature has elected representatives from constituent units
- c) Union Cabinet can have elected representatives from regional parties
- d) Fundamental Rights are enforceable by Courts of Law

Prelims 2017

Which one of the following is **not** a feature of Indian **federalism**?

- a) There is an independent judiciary in India.
- b) Powers have been clearly divided between the Centre and the States.
- c) The federating units have been given unequal representation in the Rajya Sabha.
- d) It is the result of an agreement among the federating units.