

NDA-CDS 2 2024

LIVE

GK

POLITY

CLASS 7



RUBY MA'AM

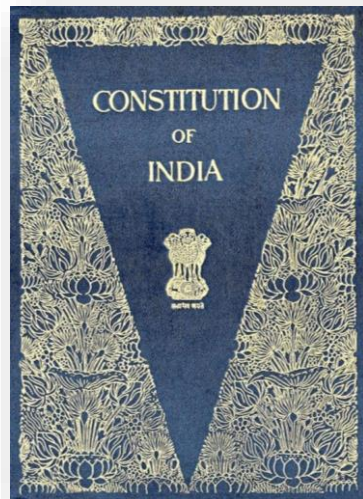
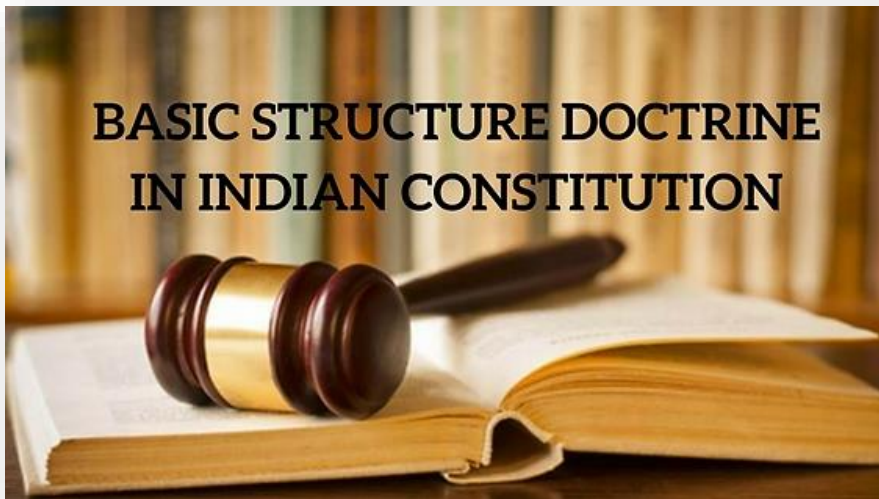
WHAT WILL WE STUDY?

- Basic Structure Doctrine
- Amendments

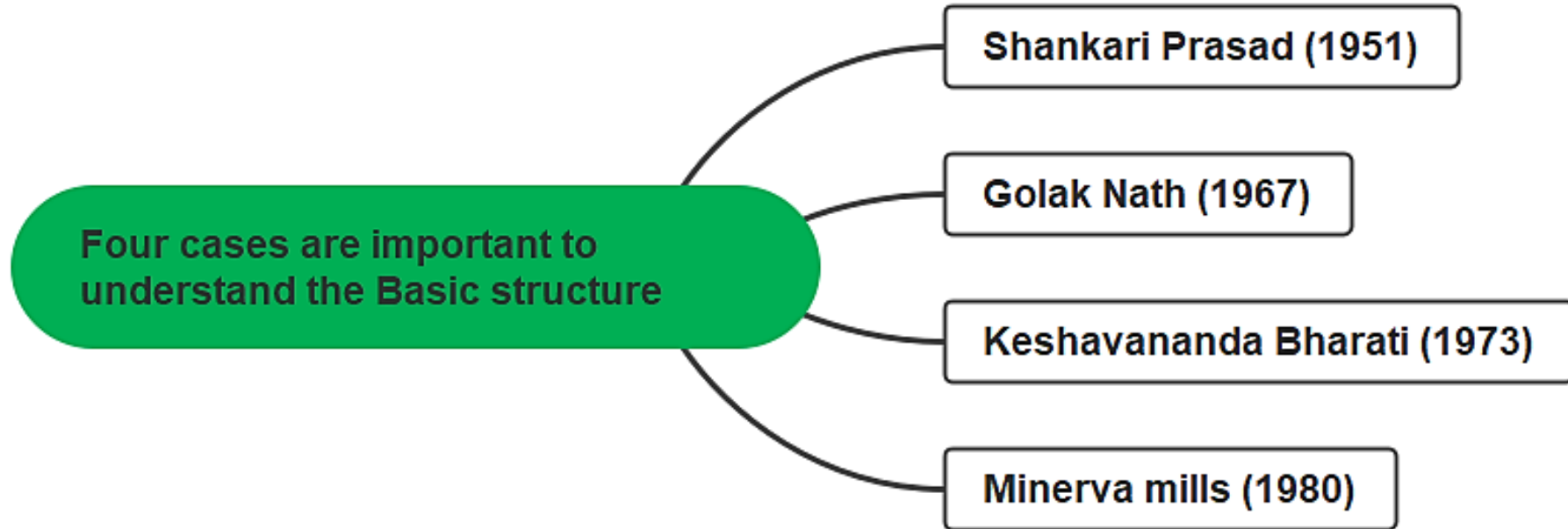


Basic Structure Doctrine

The Parliament's Unlimited Power To Amend The Constitution Is Subject To Only One Restriction i.e., It **Should Not Dilute Or Violate The Basic Structure Of The Constitution**, Or The Effects Of The Amendment Should Not Be **Abrogating Or Disturbing** In Nature Towards The Basic Structure.

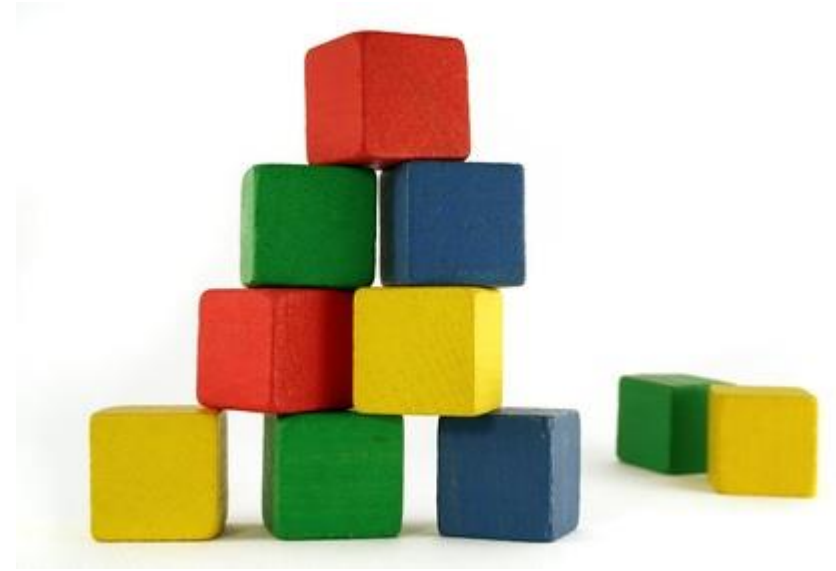


Famous Cases Of Basic Structure Doctrine



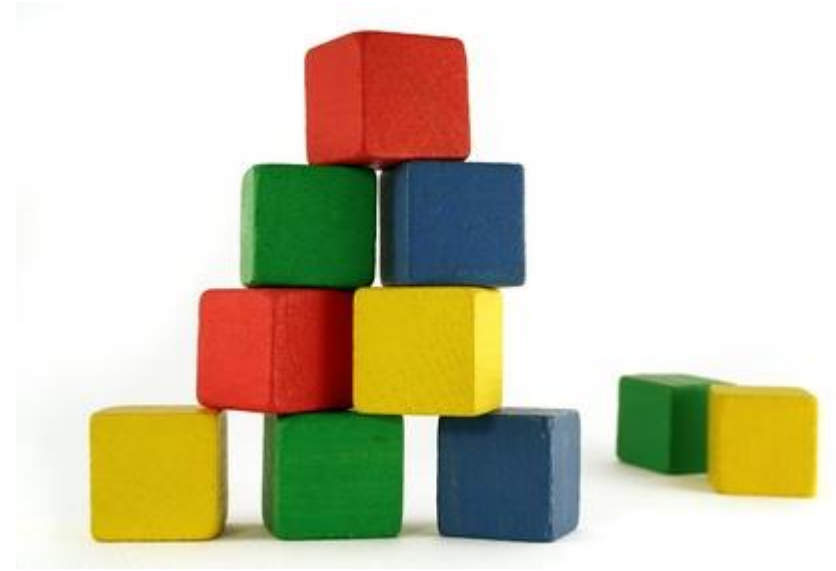
Elements Of Basic structure:

- **Supremacy Of The Constitution**
- **Rule Of Law**
- **Sovereignty, Liberty, And Republic Nature Of Indian Polity**
- **Judicial Review**
- **Harmony And Balance Between Fundamental Rights And Directive Principles**



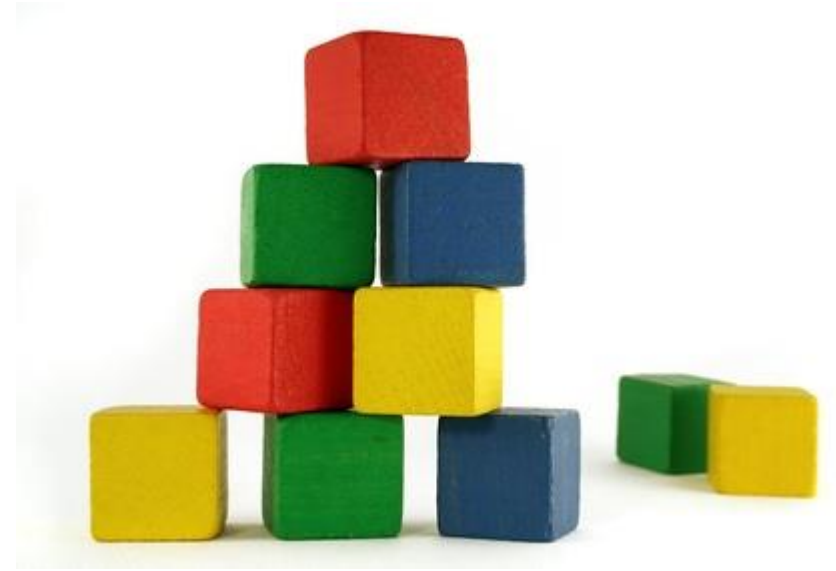
Elements Of Basic structure:

- Separation Of Power
- Federal Character
- Parliamentary System
- Rule Of Equality
- Free And Fair Elections
- Unity And Integrity Of The Nation



Elements Of Basic structure:

- Powers Of SC Under Articles 32,136,142,147
- Power Of HC Under Articles 226 And 227
- Limited Power Of Parliament To Amend The Constitution
- Welfare State
- Freedom And Dignity Of An Individual



Amending The Constitution

Article 368 Of Part XX Provides For 3 Types Of Amendments.

- **By A Simple Majority**
- **Special Majority Of Parliament**
- **By A Special Majority Of The Parliament With The Ratification By Half Of The Total States**



Types of Majority

Majority for Amendments

Other Types of Majority

Simple Majority

50% of the members present and voting

Special Majority

More than 50% of total membership of a House.



A majority of 2/3rd of the members of that House present and voting.

Special Majority & Consent of States

Special majority of the Parliament



Consent of 1/2 of the state legislatures by a simple majority

Absolute majority

more than 50% of the total membership of the house

Effective Majority

more than 50% of the effective strength of the house

Amendments By Simple Majority Of Parliament

- Admission Or Establishment Of New States.
- Abolition Or Creation Of Legislative Councils In States.
- Quorum In Parliament.
- Salaries And Allowances Of The Members Of Parliament.
- Citizenship Acquisition And Termination.
- Elections To Parliament And State Legislatures.
- Delimitation Of Constituencies.



Amendments By Special Majority Of Parliament

- **Fundamental Rights**
- **Directive Principles Of State Policy**
- **All Other Provisions Which Are Not Covered By The First And Third Categories.**



Special Majority Of Parliament & Consent Of States

- Election Of The President And Its Manner.
- Extent Of The Executive Power Of The Union And The States.
- Supreme Court And High Courts.
- Any Of The Lists In The Seventh Schedule.
- Representation Of States In Parliament.
- Power Of Parliament To Amend The Constitution (Article 368 Itself).



| Amendment | Year | Objectives |
|--------------------------------|------|---|
| 1 st Amendment Act | 1951 | Added Ninth Schedule to protect the land reform, Added three more grounds of restrictions on freedom of speech and expression, viz., public order, friendly relations with foreign states and incitement to an offence. Empowered the state to make special provisions for the advancement of socially and economically backward classes. |
| 7 th Amendment Act | 1956 | State reorganization |
| 21 st Amendment Act | 1967 | Included Sindhi as the 15 th language in the Eight Schedule. |

| | | |
|--------------------------------|------|---|
| 24 th Amendment Act | 1971 | Affirmed the power of Parliament to amend any part of the constitution including fundamental rights. Made it compulsory for the president to give his assent to a Constitutional Amendment Bill |
| 25 th Amendment Act | 1971 | Curtailed the fundamental right to property. Provided that any law made to give effect to the Directive Principles contained in Article 39 (b) or (c) cannot be challenged on the ground of violation of the rights guaranteed by Articles 14, 19 and 31. |
| 26 th Amendment Act | 1971 | Abolished the privy purses and privileges of the former rulers of princely states. |

42nd Amendment Act

1976

It is also known as Mini-Constitution. It was enacted to give effect to the recommendations of Swaran Singh Committee). Added three new words (i.e. socialist, secular and integrity) in the Preamble. Added Fundamental Duties by the citizens (new Part IVA). Made the president bound by the advice of the cabinet. Added three new Directive Principle viz., equal justice and free legal aid, the participation of workers in the management of industries. Shifted five subjects from the state list to be concurrent list, viz., education, forests, protection of wild animals and birds, weights and measures and administration of justice, constitution and organisation of all courts except the Supreme Court and the high courts. Empowered the Centre to deploy its armed forces in any state to deal with a grave situation of law and order.

| | | |
|--------------------------------|------|--|
| 43 rd Amendment Act | 1977 | Restored the jurisdiction of the Supreme Court and the high courts in respect of judicial review and issue of writs |
| 44 th Amendment Act | 1978 | Empowered the president to send back once the advice of cabinet of reconsideration. However, the reconsidered advice is to be binding on the president, Replaced the term 'internal disturbance' by 'armed rebellion' in respect of national emergency. Made the President declare a national emergency only on the written recommendation of the cabinet. Deleted the right to property from the list of Fundamental Rights and made it only a legal right. |

| | | |
|--------------------------------|------|---|
| 52 nd Amendment Act | 1985 | This amendment is popularly known as Anti-Defection Law, Provided for disqualification of members of Parliament and state legislatures on the ground of defection and added a new Tenth Schedule containing the details in this regard. |
| 61 st Amendment Act | 1989 | Reduced the voting age from 21 years to 18 years for the Lok Sabha and state legislative assembly elections. |
| 65 th Amendment Act | 1990 | Provided for the establishment of a multi-member National Commission for SCs and STs in the place of a Special Officer for SCs and STs. |
| 69 th Amendment Act | 1991 | Accorded a special status to the Union Territory of Delhi by designing it as the National Capital Territory of Delhi. |

| | | |
|--------------------------------|------|---|
| 73 rd Amendment Act | 1992 | Granted constitutional status and protection to the Panchayati-raj institutions. For this purpose, the Amendment has added a new Part-IX entitled as 'the panchayats' and a new Eleventh Schedule containing 29 functional items of the panchayats. |
| 74 th Amendment Act | 1992 | Granted constitutional status and protection to the urban local bodies. For this purpose, the Amendment has added a new Part IX-A entitled as 'the municipalities' and a new Twelfth Schedule containing 18 functional items of the municipalities. |
| 77 th Amendment Act | 1995 | Provided for reservation in promotions in government jobs for SCs and STs. |

| | | |
|--------------------------------|------|--|
| 84 th Amendment Act | 2001 | Extended the ban on readjustment of seats in the Lok Sabha and the state legislative assemblies for another 25 years (i.e., up to 2026) with the same objectives of encouraging population limiting measures. |
| 86 th Amendment Act | 2002 | Made elementary education a fundamental right. The newly added Article 21-A declares that 'the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may determine. 'Changed the subject matter of Article 45 in Directive Principles. Added a new fundamental duty under Article 51-A which reads – 'It shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen years'. |

| | | |
|--------------------------------|------|---|
| 89 th Amendment Act | 2003 | Bifurcated the erstwhile combined National Commission for Scheduled Castes and Scheduled Tribes into two separate bodies, namely, National Commission for Scheduled Castes (Article 338) and National Commission for Schedules Tribes (Article 338-A). Both the Commission consist of a Chairperson, a Vice-Chairperson and three other members. The President appoints them. |
| 91 st Amendment Act | 2003 | The total number of ministers, including the Prime Minister, in the Central Council of Minister, shall not exceed 15% of the total strength of the Lok Sabha (Article 75 (1A)). The total number of ministers, including the Chief Minister, in the Council of Ministers in a state shall not exceed 15% of the total strength of the Legislative Assembly of the state. However, the number of ministers, including the Chief Minister, in a state shall not be less than 12 (Article 164 (1A)). |

| | | |
|--------------------------------|------|--|
| 92 nd Amendment Act | 2003 | Included four more languages in the Eighth Schedule. They are Bodo, Dogri (Dongri), Maithili (Maithili) and Santhali. With this, the total number of constitutionally recognised languages increased to 22. |
| 97 th Amendment Act | 2011 | Gave a constitutional status and protection to co-operative societies. It made the right to form co-operative societies a fundamental right (Article 19). It included a new Directive Principle of State Policy on the promotion of co-operative societies (Article 43-B). It added a new Part IX-B in the constitution which is entitled as 'The Co-operative societies' (Articles 243-ZH to 243-ZT). |

| | | |
|---------------------------------|------|---|
| 99 th Amendment Act | 2014 | It provided for the establishment of National Judicial Commission. |
| 100 th Amendment Act | 2014 | This amendment is the Land Boundary Agreement (LBA) between India and Bangladesh. |
| 101 st Amendment Act | 2016 | Goods and Service Tax (GST). |
| 102 nd Amendment Act | 2018 | Constitutional status to National Commission of Backward Classes. |
| 103 rd Amendment Act | 2019 | 10% Reservation for Economically Weaker Section. |

SUMMARY

- **Basic Structure Doctrine**
- **Amendments**



Q. Which law prescribes that all the proceedings in the Supreme Court shall be in English language?

- A. Article 145 of the Constitution of India
- B. Article 348 of the Constitution of India
- C. The Supreme Court rules 1966
- D. As act passed by the Parliament

Q. Which law prescribes that all the proceedings in the Supreme Court shall be in English language?

A. Article 145 of the Constitution of India

B. Article 348 of the Constitution of India

C. The Supreme Court rules 1966

D. As act passed by the Parliament

Article 348 deals with the language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.

Q. The Interstate council was set up in 1990 on the recommendation of

- A. Punchhi Commission
- B. Sarkaria Commission
- C. Rajamannar Commission
- D. Mungerilal Commission

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- B. Sarkaria Commission**
- C. Rajamannar Commission
- D. Mungerilal Commission

Inter State council is a constitutional body under Article 263 of the constitution. It was established by Presidential Order dated 28th May 1990 on recommendation of Sarkaria Commission. The purpose of the Interstate council is to facilitate coordination between states and the center.

Q. Who among the following is the ex officio Chairman of the Northeastern Council?

- A. The President of India
- B. The Prime Minister of India
- C. The Union Home Minister
- D. The Defence Minister

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Q. Under article 368 the Indian Constitution provide methods of Amendment of different portions of the constitution?

- A. 1
- B. 2
- C. 3
- D. 4

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A. 1

B. 2

C. 3

D. 4

Q. Which of the following provisions cannot be amended by simple majority?

- A. Admission or establishment of new states
- B. Abolition or creation of legislative councils in states
- C. Directive Principles of State Policy
- D. Sixth Schedule—administration of tribal areas

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- D. Sixth Schedule—administration of tribal areas

Article 368 provides for two types of amendments- (1) amendment by simple majority and (2) amendment by special majority. The provisions which can be amended by special majority are (i) Fundamental Rights; (ii) Directive Principles of State Policy.

Q. Which of the following is not in the domain of Union government?

- A. Defense
- B. Foreign affairs
- C. Communication
- D. Health

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The Union government of India deals with the matters of national importance such as defense, foreign affairs, currency, communication etc. The state governments look after the matters of regional and local importance like public order, agriculture, health, local government etc.

Q. Which of the given legislation gives constitutional status to three-tier Panchayati Raj system –

- A. 73rd constitutional amendment, 1993
- B. 72nd constitutional amendment, 1992
- C. 74th constitutional amendment, 1993
- D. 75th constitutional amendment, 1994

Q. Which of the given legislation gives constitutional status to three-tier Panchayati Raj system –

- A. 73rd constitutional amendment, 1993**
- B. 72nd constitutional amendment, 1992
- C. 74th constitutional amendment, 1993
- D. 75th constitutional amendment, 1994

73rd constitutional amendment, 1993. The philosophy of Panchayat Raj is deeply steeped in tradition & culture of rural India & is by no means a new concept.

Q. Which of the following is/are not extra-constitutional for securing cooperation and coordination between the states in India?

1. The National Development Council

2. The Governor's Conference

3. Zonal councils

4. The Inter-state council

A. 1, 2, and 3 only

B. 1, 3, and 4 only

C. 3 and 4 only

D. 4 only

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4. The Inter-state council

A. 1, 2, and 3 only

B. 1, 3, and 4 only

C. 3 and 4 only

D. 4 only

The Constitution of India in Article 263, provided that an Inter-State Council may be established. It was established on 28 May 1990 by a presidential order on recommendation of Sarkaria Commission.

Q. Which one of the following Amendments to the Constitution of India has prescribed that the Council of Ministers shall not exceed 15 per cent of the total number of members of the House of the People or Legislative Assembly in the States?

- A. 91st Amendment
- B. 87th Amendment
- C. 97th Amendment
- D. 90th Amendment

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- A. 91st Amendment**
- B. 87th Amendment
- C. 97th Amendment
- D. 90th Amendment

Q. Voting right by the youth at the age of 18 years was exercised for the first time in the general election of?

- A. 1987
- B. 1988
- C. 1989
- D. 1990

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A. 1987

B. 1988

C. 1989

D. 1990

61st amendment, 1989 on amending article 326
reduced age for voting rights from 21 to 18.

Q. Consider the following statements and select the correct answer from the codes given below :

Assertion(a) : The All-India Services violate the federal principal of the Constitution as well as the autonomy of States.

Reason (R) : The All-India Service officers are governed by Central Government rules and the State Government do not have full control over them.

- (a) Both A and R are individually true, and R is the correct explanation of A
- (b) Both A and R are individually true, but R is not the correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

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(b) Both A and R are individually true, but R is not the correct explanation of A

(c) A is true but R is false

(d) A is false but R is true

Q. Which provision of the constitution of India provides that the president shall not be answerable to any court in India for the exercise of power of his office?

- A. Article 53
- B. Article 74
- C. Article 361
- D. Article 363

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A. Article 53

B. Article 74

Article 361 is an exception to Article 14

C. Article 361

(Right to Equality) of the Indian Constitution.

D. Article 363

Q. With reference to the Constitution of India, which one of the following pairs is not matched?

- A. Forests : Concurrent List
- B. Stock Exchanges : Concurrent list
- C. Post office saving Bank : Union List
- D. Public Health : State list

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- C. Post office saving Bank : Union List
- D. Public Health : State list

Stock exchange and future markets are listed in the Union list, but not in the concurrent list.

Q. Article 371 A of the constitution of India provides special privilege to

- A. Nagaland
- B. Mizoram
- C. Sikkim
- D. Manipur

Q. Article 371 A of the constitution of India provides special privilege to

A. Nagaland

B. Mizoram Article 371 A - Special provision with respect to the State of Nagaland

C. Sikkim Article 371 C - Special provision with respect to the State of Manipur.

D. Manipur Article 371 F Special provisions with respect to the State of Sikkim

Article 371 G - Special provision with respect to the State of Mizoram

Q. 9th Schedule Was Added Through

- A. 1st CAA 1951
- B. 7th CAA 1956
- C. 21st CAA 1967
- D. 24th CAA 1971

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Q. The Concept Of Basic Structure Doctrine Was First Used By

- A. USA
- B. UK
- C. Germany
- D. Japan

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A. USA

B. UK

C. Germany

D. Japan

Q. Privy Purses & Privileges To Former Rulers Were Abolished By

- A. 31st CAA 1978
- B. 26th CAA 1971
- C. 21st CAA 1967
- D. 24th CAA 1971

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A. 31st CAA 1978

B. 26th CAA 1971

C. 21st CAA 1967

D. 24th CAA 1971

Q. State Reorganization Was Done Through

- A. 1st CAA 1951
- B. 7th CAA 1956
- C. 21st CAA 1967
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- A. 1st CAA 1951
- B. 7th CAA 1956**
- C. 21st CAA 1967
- D. 24th CAA 1971

Q. Sindhi Was Added As 15th Language In 8th Schedule In

A. 1965

B. 1966

C. 1967

D. 1968

Q. Sindhi Was Added As 15th Language In 8th Schedule In

A. 1965

B. 1966

C. 1967 (21st CAA)

D. 1968

Q. The 44th Amendment Of The Constitution Of India Was Enacted During _____ Tenure As Prime Minister.

- A. Indira Gandhi
- B. J P Narayan
- C. Morarji Desai
- D. V P Singh

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Q. Only Indian Who Received The Highest Civilian Awards From Both India And Pakistan, The Bharat Ratna And Nishan E Pakistan

- A. Pandit Nehru
- B. Khan Abdul Gaffar Khan
- C. Morarji Desai
- D. Atal Bihari Vajpayee

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Q. 84th Amendment Extended The Ban On Readjustment Of Seats In The Lok Sabha And The State Legislative Assemblies For Another _____ Years.

A. 25

B. 15

C. 20

D. 30

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A. 25

B. 15

C. 20

D. 30

Q. _____ Made Compulsory Elementary Education A Fundamental Right Under Article 21A.

- A. 84th Amendment Of 2001
- B. 86th Amendment Act Of 2002
- C. 89th Amendment Of 2003
- D. 91st Amendment Act of 2003

Q. _____ Made Compulsory Elementary Education A Fundamental Right Under Article 21A.

- A. 84th Amendment Of 2001
- B. 86th Amendment Act Of 2002**
- C. 89th Amendment Of 2003
- D. 91st Amendment Act of 2003

Q. _____ States That The Total Number Of Ministers In The Central Council Of Ministers Shall Not Exceed 15% Of The Total Strength Of The Lok Sabha.

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- C. 89th Amendment Of 2003
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