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Q12

"Parliament's power to amend the Constitution is a limited power and it cannot be enlarged into absolute power." In the light of this statement explain whether Parliament under Article 368 of the Constitution can destroy the Basic Structure of the Constitution by expanding its amending power?(15).

UPSC Civil Services Mains 2019 · GS II · 15 marks · Parliament and State Legislatures

Parliament and State legislatures - structure, functioning, conduct of business, powers and privileges and issues arising out of these.

Facts & figures for this PYQ only.

Numbers move. Confirm the latest Budget, Economic Survey or census round. This sheet is for revision, not a substitute for the model answer.

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Article 368

Constitutional amending procedure: special majority, and State ratification for specified federal provisions.

Kesavananda Bharati v. State of Kerala (1973)

Thirteen-judge Bench: amending power cannot alter the basic structure of the Constitution.

Constitution (24th Amendment) Act, 1971

Restated Parliament's power to amend Part III and inserted express language in **Articles 13 and 368** after Golaknath.

Minerva Mills Ltd. v. Union of India (1980)

Struck down 42nd Amendment provisions that sought unlimited, unreviewable amending power; limited power is a basic feature.

I.R. Coelho v. State of Tamil Nadu (2007)

Ninth Schedule laws enacted after 24 April 1973 are open to basic-structure review.

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