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Q4

Compare and contrast the British and Indian approaches to Parliamentary sovereignty.

UPSC Civil Services Mains 2023 · GS II · 10 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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A.V. Dicey

Stated the orthodox rule that the UK Parliament can make or unmake any law and that no court can override an Act.

Kesavananda Bharati v. State of Kerala (1973)

Held that Parliament cannot amend the Constitution so as to destroy its basic structure.

Minerva Mills v. Union of India (1980)

Struck down clauses of the 42nd Amendment that tried to give unlimited amending power and to oust judicial review.

Article 368

Power to amend the Constitution; in India this power is wide but not absolute after Kesavananda.

Human Rights Act, 1998 (UK)

Allows courts to declare incompatibility with Convention rights; it does not empower them to strike down the statute.

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