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Q5

Consider the following statements: 1. The Parliament of India can place a particular law in the Ninth Schedule of the Constitution of India. 2. The validity of a law placed in the Ninth Schedule cannot be examined by any court and no judgement can be made on it. 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 Official key: A.

UPSC Civil Services Prelims 2018 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a) Official key**

(a) 1 only. **(a) Official key:** Parliament may, by a later amending Act, place a specified law in the **Ninth Schedule**. Statement 2 is obsolete after **I.R. Coelho (2007)**: **Ninth Schedule** laws can still be tested if they damage the basic structure, especially after 24 April 1973. Only statement 1 stands.

(b)

(b) 2 only. Total judicial immunity for **Ninth Schedule** laws is not the law after Coelho. A false second statement cannot be the key.

(c)

(c) Both 1 and 2. The first is true, the second is not, so both-correct is not the key.

(d)

(d) Neither 1 nor 2. Parliament can and does insert statutes into the **Ninth Schedule**, so 'neither' is not the key.

Summary

Official key is (a) 1 only. **Article 31B** and the **Ninth Schedule** let **Parliament shield** listed laws from some **Article 13** challenges, but the Supreme Court may still strike them if they violate the basic structure. Statement 2's claim of total non-justiciability is therefore wrong. Honour the stored letter (a).

Related possible facts

These can be asked in a future Prelims paper.

Ninth Schedule

Inserted by the First Amendment, 1951

Article 31B

Validation of Acts in the Ninth Schedule

I.R. Coelho v. State of Tamil Nadu

2007; basic-structure review of Ninth Schedule laws

Kesavananda cut-off

24 April 1973 for post-Kesavananda insertions

Waman Rao

Pre-1973 Ninth Schedule laws generally saved

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