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Q45

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 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 Official key: B.

UPSC Civil Services Prelims 2019 · General Studies · 2 marks · Polity and Governance

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

Explanation**(a)**

(a) 1 only. The **44th Amendment** (1978) reversed Emergency distortions (e.g. **Article 352, 356, 21-19** restoration); it did not insert an article placing the Prime Minister's election beyond judicial review. So statement 1 is false and 1 only is not the key.

(b) Official key

(b) 2 only. The **99th Amendment** created the **National Judicial Appointments Commission**; the Supreme Court in 2015 struck it down as damaging the independence of the judiciary and the basic structure. Statement 2 is true and statement 1 is not, so 2 only is the official key.

(c)

(c) Both 1 and 2. Statement 1 fails, so both-true is not the key.

(d)

(d) Neither 1 nor 2. Statement 2 is a correct account of the NJAC judgment, so neither-true is not the key.

Summary

Official key is (b) 2 only. No **44th Amendment** bar on reviewing the Prime Minister's election exists as stated. The NJAC (**99th Amendment**) was invalidated to protect judicial independence. Honour the stored letter (b).

Related possible facts

These can be asked in a future Prelims paper.

44th Amendment

1978; Janata government; Emergency roll-back

99th Amendment

NJAC, 2014

NJAC case

Supreme Court, 2015; struck down

Collegium

Restored as the appointments method

Askable twin

Kesavananda basic structure

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