

Headoffice:  
H.No-108 1st Floor, Opp Meghna's,  
near Barowari Bus Stop,  
Uzanbazar Guwahati-01, Assam



Contact No: 88118 77068 91016 86625  
93651 35375  
csapassam@gmail.com

# CIVIL SERVICES ACHIEVERS' POINT

A ONE STOP SOLUTION FOR UPSC/APSC/SSC & BANKING

## ANSWERWRITING PRACTICE- GS 2

1. "Various features of the Indian Constitution and polity have their roots in the British rule." Justify the statement. (10 marks, 150 words)

### **MODEL ANSWER:**

Indian constitution is a monumental work and provide a foundation for law of land. The constitution is influenced by the regulations made by British administration viz. GOI act 1935, GOI act 1919, Indian Council Acts 1909, 1861, 1891. Few important provisions with British root were-

**Government of India Act, 1935-** The federal structure of Indian constitution and bicameralism has its root in this act.

**Rule of law** was adopted from British jurisprudence which provided equality before law.

**Indian councils act** provided the foundation to representative democracy and the Parliament.

**Indian councils Act of 1861** empowered the Viceroy to issue ordinances, during an emergency. It also gave a recognition to the 'portfolio' system. Ordinance provision and cabinet ministers feature were adopted from it.

**However, several Novel features** were the result of the vision of founding fathers and borrowed from the constitution of other countries to suit the need of our country.

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**2. Tracing the evolution of basic structure doctrine in India highlights its salient features. (15 marks, 250 marks)**

## **MODEL ANSWER:**

**The basic structure doctrine is an Indian judicial principle, which means that the Constitution of India has certain basic features that cannot be altered or destroyed through amendments by the parliament.**

### **Evolution of basic structure doctrine in India:**

**Golaknath vs. State of Punjab:** in 1967, the Supreme Court held that Fundamental Rights of the Constitution are given a transcendental position and are beyond the reach of Parliament.

**Kesavananda Bharati case:** The concept of basic structure was introduced by Supreme Court in the Kesavananda Bharati case 1973. In this landmark ruling, the Court adjudicated that the Parliament did not have the power to destroy the basic elements or fundamental features of the constitution.

**S.R Bommai case:** In S.R Bommai vs Union of India, 1994, Federal structure, unity and integrity of India, secularism, socialism, social justice and judicial review were reiterated as basic features

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## **Salient features of basic structure doctrine:**

- 1. Basic structure doctrine restricted the amending powers of Indian Parliament.**
- 2. It reiterated Supremacy of the Constitution.**
- 3. According to basic structure India's sovereignty and unity is inherent and can't be removed. It restricted parliament's power to alter federal provisions solely.**
- 4. India is a secular country as mentioned in preamble and this secular provision is a basic doctrine.**
- 5. India is a democracy and a republic and hence is driven by its people.**

**The doctrine has evolved through SC judgments and is still expanding. It forces constitutional amendments to conform to certain standards or values that maintain the sanctity and spirit of the Constitution.**

CIVIL SERVICES ACHIEVER'S POINT

*Leadership through knowledge...*

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**CENTRES: BELTOLA, SILCHAR, KOKRAJHAR, COTTON UNIVERSITY, SONAPUR COLLEGE, MARGHERITA**