

Bound supremacy: On Vice-President Jagdeep Dhankhar's remarks and the basic structure doctrine

Parliamentary **sovereignty** isn't **undone** by the basic structure **doctrine**

It is **fairly** well-known that parliamentary **legislation** is **subject** to two **limitations** under the Constitution of India. One is by judicial review, or the power of constitutional courts to review legislation for possible **violation** of any fundamental right. Another is that no **amendment** to the Constitution **should** have the effect of destroying any of its basic features. While the first limitation is **set out** in Article 13, under which laws **inconsistent** with or in **derogation** of fundamental rights are **void**, the second limitation is based on the 'basic structure' doctrine **evolved** by the Supreme Court. Vice-President Jagdeep Dhankhar's **remarks** **questioning** the basic structure doctrine **propounded** in the **landmark** Kesavananda Bharati case (1973) **does** not **reflect** the correct position of law. In his view, the basic structure doctrine has **usurped** parliamentary sovereignty and **goes against** the democratic **imperative** that the elected legislature should **reign supreme**. His particular **concern** **seems** justified: that the Supreme Court prevented the National Judicial Appointments Commission, a body to appoint judges to the superior courts in the country, from **coming into existence** by **striking down** the relevant amendment to the Constitution and a parliamentary law to **give effect to** it. But it is difficult not to see his attack on the basic structure doctrine as part of the current **dispensation's tirade** against the judiciary and its **grievance** that it does not have enough say in the appointment of judges.

The **idea** that the basic structure doctrine **undermines** parliamentary sovereignty **is** simply wrong. Parliament is sovereign in its **domain**, but it is still **bound** by the limitations **imposed** by the Constitution. Mr. Dhankhar seems to have a problem with any **sort of** limitation on Parliament's **jurisdiction** to **amend** the Constitution. Surely, he could not have forgotten that the basic structure doctrine had helped save the Constitution from being undermined through the misuse of parliamentary majority. The main **purpose** of the doctrine **is** to ensure that some fundamental **features** of the Constitution **are** not **legislated** out of **existence**. It has been **invoked** to strike down amendments only in a few cases, but many others have survived basic structure challenges. Parliamentary majority is **transient**, but **essential features** of the Constitution such as **the rule of law**, parliamentary form of government, separation of powers, the idea of equality, and free and fair elections **ought to** be **perennially** protected from legislative **excess**. It may be open to a new Constituent Assembly to come up with another constitution that changes these fundamental concepts, but a **legislature** formed under the current Constitution **cannot** be allowed to change its **core** identity.

[Practice Exercise]

- **Excess** (noun) – outrageous or immoderate behaviour. ज्यादती
- Red/blue coloring of words in the sentence indicates subject verb relationship; where 'red' denotes 'subject' and 'blue' denotes 'verb'.

Vocabulary

1. **Bound** (adjective) – restricted or confined सीमित
2. **Supremacy** (noun) – ascendancy, superiority, mastery, domination, dominance प्रभुत्व, प्रधानता
3. **Remark** (noun) – Comment, Statement टिप्पणी
4. **Doctrine** (noun) – Policy, principle, rule, guideline, creed, code सिद्धांत
5. **Sovereignty** (noun) – autonomy, independence, self-government, self-rule, home rule संप्रभुता
6. **Undo** (verb) – Cancel, annul, or reverse an action or its effect पूर्ववत करना
7. **Fairly** (adverb) – Reasonably, somewhat, rather, quite अच्छी तरह से
8. **Legislation** (noun) – lawmaking, bill, regulation, legislative, statute विधान
9. (be) **Subject** (to) (adjective) – dependent or conditional upon.
10. **Limitation** (noun) – A limiting rule or condition; a restriction
11. **Violation** (noun) – breach, infringement, infraction, contravention उल्लंघन
12. **Amendment** (noun) – change, modification, revision, alteration, improvement संशोधन
13. **Set out** (phrasal verb) – specify, define, explain, describe, detail, give particulars of निर्दिष्ट करना
14. **Inconsistent** (adjective) – Conflicting, contradictory, incompatible, incoherent, incongruous असंगत
15. **Derogation** (noun) – special permission not to obey a rule, law, etc.
16. **Void** (adjective) – invalid, nullified, cancelled, revoked, rescinded, abolished अमान्य
17. **Evolve** (verb) – develop, advance, grow, mature, progress विकसित होना
18. **Question** (verb) – To raise question over or on something सवाल उठाना
19. **Propound** (verb) – to suggest an idea, explanation, theory, etc. for discussion or consideration (विचार, व्याख्या, सिद्धांत आदि) परिचर्चा के लिए प्रस्तुत करना; प्रतिपादित करना
20. **Landmark** (adjective) – Milestone, breakthrough, radical, pioneering, historic, significant ऐतिहासिक

21. **Reflect** (verb) – Reveal, expose, suggest, signal, indicate, show, display, manifest, exhibit, signify दर्शाना
22. **Usurp** (verb) – Seize, take, assume, grab, take over हड़प लेना
23. **Go against** (phrasal verb) – oppose or resist something खिलाफ जाना
24. **Imperative** (adjective) – essential, necessary, vital, indispensable, crucial आत्यावश्यक, लाज़िमी
25. **Reign Supreme** (phrase) – To be the most important or most prevalent सबसे महत्वपूर्ण होना
26. **Concern** (noun) – Anxiety, worry, apprehension fear चिंता
27. **Seem** (verb) – appear, look, sound, feel, appear to be प्रतीत होना
28. **Come into existence** (phrase) – To appear or arise; to begin to exist अस्तित्व में आना
29. **Strike down** (phrasal verb) – to make null and void; abolish a law रद्द करना
30. **Give effect to** (phrase) – to make valid; to carry out in practice को प्रभावी बनाना
31. **Dispensation** (noun) – Government, political party, system व्यवस्था/ सरकार
32. **Tirade** (noun) – a long, angry speech of criticism or accusation. निंदा-भाषण
33. **Grievance** (noun) – Complaint, Objection शिकायत
34. **Undermine** (verb) – weaken, impair, damage, sabotage, subvert कमजोर करना
35. **Domain** (noun) – field, area, arena, sphere कार्यक्षेत्र
36. **Impose** (verb) – foist, force, thrust, inflict थोपना
37. **Sort** (of) (noun) – A kind or type of something प्रकार
38. **Jurisdiction** (noun) – authority, control, power, dominion, rule, administration क्षेत्राधिकार
39. **Amend** (verb) – revise, alter, change, modify, qualify संशोधन करना
40. **Legislate** (verb) – To make or enact a law or laws. कानून बनाना
41. **Existence** (noun) – the fact or state of living or having objective reality. अस्तित्व, मौजूदगी
42. **Invoke** (verb) – to use a law in order to achieve something नियम, कानून आदि प्रयोग करना
43. **Transient** (adjective) – transitory, fleeting, temporary, short-lived, brief अस्थायी

44. **The rule of law** (noun) – the concept that no one is above the law – it is applied equally and fairly to both the government and citizens.
45. **Ought to** (modal verb) – should, must
करना चाहिए
46. **Perennially** (adverb) – constantly, perpetually, eternally, everlastingly, permanently बारहमासी रूप से, निरंतर
47. **Legislature** (noun) – The legislative body of a country or state. विधान मंडल
48. **Core** (adjective) – Essential, central, fundamental, main, basic मूल

Practice Exercise

Direction (Q1 – Q3): Select the best express synonym of the given words

[Editorial page]

1. Parliamentary **sovereignty** isn't undone by the basic structure doctrine
 - A. Mass
 - B. Incentive
 - C. Encroachment
 - D. Autonomy

2. Vice-President Jagdeep Dhankhar's remarks questioning the basic structure doctrine **propounded** in the landmark Kesavananda Bharati case (1973) does not reflect the correct position of law
 - A. Propose
 - B. Cite
 - C. Validate
 - D. Impinge

3. Free and fair elections ought to be **perennially** protected from legislative excess.
 - A. Severely
 - B. Unsurprisingly
 - C. Consequently
 - D. Perpetually

4. **Idioms & Phrase**
 I have to scold some of my employees regularly, but Tom's behavior is **beyond reproach**.
 - A. To voice disapproval of one for a particular action.
 - B. To reprimand or censure someone for something.
 - C. Perfect; unable to be criticized.
 - D. A feeling of disliking something or what someone is doing

5. **Direction: Two statements are given below, which are jumbled in any random order. These statements will form a coherent and meaningful paragraph, when arranged in the correct sequence. Arrange the sentences in the right order and answer the questions that follow.**
 - (i) The comments by Iran's Attorney General Mohammad-Jafar Montazeri (A)/ that the Islamic Republic had disbanded its infamous morality police, (B)/ after months-long protests, suggest that the regime is finally willing to make concessions.(C)/
 - (ii) who was in the custody of the morality police (D)/ The latest spell of protests began in September (E)/ after the death of Mahsa Amini, a 22-year-old Kurdish-Iranian woman, (F)/ for wearing the hijab (headscarf) "improperly". (G)/
 - A. ABC, EFDG
 - B. DGFE, BAC
 - C. BAC, FDEG
 - D. FDGE, CBA
 - E. None of the above

Direction (Q6 – Q9): Read the given sentences to find out whether there is any grammatical error in them

6. Our country's performance (A)/ in the last few national and international games (B)/ was fairly ordinary (C)/ and below our stature. (D)/ No error(E)
7. We have (A)/ fairly standard accounting procedures (B)/ that are on the line (C)/ with the internationally accepted norms. (D)/ No error(E)
8. The company is negotiating (A)/ new store launches (B)/ at nearly (C)/ half the rent. (D)/ No error(E)
9. Intense fear blocks (A)/ both to the generation (B)/ and expression (C)/ of ideas. (D)/ No error(E)
10. **Find out the misspelt word**
 - A. Imprudent
 - B. Reluctent
 - C. Unconscious
 - D. Nervousness

Direction: Read the passage given below and answer the following questions.

(The Hindu Editorial: Cease and desist – Dec 02, 2022)

A It is alleged that the NGO utilised BBMP identification cards to secure voter data through a door-to-door survey and stored the data in an app created for that purpose. **(1)/** The Bruhat Bengaluru Mahanagara Palike's decision to cancel permission provided to an NGO, Chilume Educational Cultural and Rural Development Trust, to conduct a house-to-house survey to enhance voter awareness, was a belated but necessary one. **(2)/** BBMP, the Bengaluru civic body, has claimed that the NGO had violated the conditions, which did not allow the collection of voter identification details. **(3)/** The NGO's brazenness, whereby voters were deceived into believing that the collectors were with the BBMP, suggests the incompetence and the **callousness** of the municipal corporation of one of India's largest cities. **(4)/**The data collected, such as Aadhaar, phone number and voter ID, could be easily harvested for use by parties besides constructing the meta data and profiles of potential voters. Such data are especially **_____ (a) _____** by political parties that thrive on exclusionary politics as it allows them to target specific communities and localities with diverse demographics. If the BBMP's **purpose(A)** was to simply **outsource(B)** voter awareness, there was no **express(C)** need to **enhance(D)** this to a non-governmental third party. The corporation must ensure that any data stored are immediately deleted and legal actions taken against the NGO. The continued absence of a data protection law in India, and the fact that the Government's most recent draft Bill is light **_____ (b) _____** protection from the misuse of data by the state, have added to the graveness of the situation. Recently, there have been several **(A)/** reports of block level officers of **(B)/**the Election Commission of India (ECI) asking individuals to link their Aadhaar **(C)/**with their voter IDs, and that a failure to do so could lead to their voter IDs being cancelled. **(D)/** Such mandatory linking would be incorrect as it has been legally established that Indian voters can use any of the **_____ (c) _____** identity documents to establish their eligibility to vote. While the use of Aadhaar numbers to ascertain proof of residence makes it easier for ECI officials to verify electoral rolls and to avoid duplication of the voter id, there is also the threat of **_____ (d) _____** of genuine voters as Aadhaar biometric authentication has been known to be less than fool proof.

Fill in the blanks with the most appropriate combinations of words

11. Such data are especially _____(a)_____ by political parties that thrive on exclusionary politics as it allows them to target specific communities and localities with diverse demographics

Fill the most appropriate option in (a)

- (i) Lasting
- (ii) Replenishing
- (iii) Coveted
- (iv) Rearming

- A. Only (i) B. Only (ii) C. Only (iii) D. Both (ii) and (iv) E. None of the above

12. The continued absence of a data protection law in India, and the fact that the Government's most recent draft Bill is light _____(b)_____ protection from the misuse of data by the state, have added to the graveness of the situation.

Fill the most appropriate option in (b)

- (i) By
- (ii) To
- (iii) On
- (iv) With

- A. Only (i) B. Only (iii) C. Only (iv) D. Both (ii) and (iv) E. None of the above

13. Such mandatory linking would be incorrect as it has been legally established that Indian voters can use any of the _____(c)_____ identity documents to establish their eligibility to vote.

Fill the most appropriate option in (c)

- (i) Prescribed
- (ii) Enhanced
- (iii) Forcible
- (iv) Traceable

- A. Only (i) B. Only (ii) C. Only (iii) D. Both (i) and (ii) E. None of the above

14. While the use of Aadhaar numbers to ascertain proof of residence makes it easier for ECI officials to verify electoral rolls and to avoid duplication of the voter id, there is also the threat of _____(d)_____ of genuine voters as Aadhaar biometric authentication has been known to be less than fool proof.

Fill the most appropriate option in (d)

- (i) Disenfranchisement
- (ii) Escheat
- (iii) Saga
- (iv) Recognition

- A. Only (i) B. Only (iv) C. Only (iii) D. Both (iii) and (ii) E. None of the above

15. **The following sentence may or may not contain an error in one of its parts. Identify the part containing the error. If the sentence is correct, select 'No error' as your answers.**

Recently, there have been several(A)/ reports of block level officers of(B)/the Election Commission of India (ECI) asking individuals to link their Aadhaar (C)/with their voter IDs, and that a failure to do so could lead to their voter IDs being cancelled.(D)/

- A. (A)
- B. (B)
- C. (C)
- D. (D)
- E. No Error

16. **Rearrange the sentence to form a meaningful sentence.**

It is alleged that the NGO utilised BBMP identification cards to secure voter data through a door-to-door survey and stored the data in an app created for that purpose. (1)/ The Bruhat Bengaluru Mahanagara Palike's decision to cancel permission provided to an NGO, Chilume Educational Cultural and Rural Development Trust, to conduct a house-to-house survey to enhance voter awareness, was a belated but necessary one. (2)/ BBMP, the Bengaluru civic body, has claimed that the NGO had violated the conditions, which did not allow the collection of voter identification details. (3)/ The NGO's brazenness, whereby voters were deceived into believing that the collectors were with the BBMP, suggests the incompetence and the callousness of the municipal corporation of one of India's largest cities. (4)/

- A. 2341
- B. 1243
- C. 2314
- D. 2143
- E. 4321

17. Given below is a word, followed by three sentence that consist of that word. Identify the sentence (S) that best express (es) the meaning of the word. Choose option 5 'None of the above' if the word is not suitable in any of the sentence

CALLOUSNESS

- (i) The senator is opposed to any laws that **callousness** on a citizen's right to free speech.
- (ii) She felt the rules showed a **callousness** and indifference to the suffering of others.
- (iii) **Callousness** income is income received from nonemployment sources, such as rent, pensions, and interest.

- A. Only (i)
- B. Only (ii)
- C. Only (iii)
- D. (i), (ii)
- E. (ii), (iii)

18. **In the following question, a sentence is given with four words marked as (A), (B), (C), and (D). These words may or may not be placed in the correct order. Four options with different arrangements of these have been provided. Mark the option with the correct arrangement as the answer. If no rearrangement is required, mark option (5) as your answer.**

If the BBMP's **purpose(A)** was to simply **outsource(B)** voter awareness, there was no **express(C)** need to **enhance(D)** this to a non-governmental third party.

- A. A – D
- B. B – D
- C. C – B
- D. A – C
- E. No arrangement

19. **In the following question, two statements and five connectors are given. Only one of the connectors from those given can be used to combine the given two statements into one sentence without changing the meaning. Choose that connector as your answer.**

- (i) Poachers have hunted and killed too many elephants for their tusks;
 - (ii) They have become an endangered species in some parts of the world.
- A. Likely
 - B. Whenever
 - C. Consequently
 - D. Otherwise
 - E. None of these

20. **Fill the appropriate preposition in the given blanks**

At last he triumphed _____ his difficulties.

- A. Of
- B. Over
- C. On
- D. To

Answers

1. D 2.A 3.D 4. C 5. A 6.C 7. C 8.E 9.B 10.B 11. C
 12. B 13.A 14. A 15. E 16. C 17.B 18.B 19.C 20.B **[Practice Exercise]**

Explanations

- Supremacy** (noun) – ascendancy, superiority, mastery, domination, dominance प्रभुत्व, प्रधानता
 - Mass** (noun) – a large amount or number of something बड़ी संख्या में
 - Incentive** (noun) – Inducement, enticement, spur, reason, lure प्रोत्साहन, प्रलोभन
 - Encroachment** (noun) – Infringement, intrusion, invasion, impingement अतिक्रमण
- Propound** (verb) – to suggest an idea, explanation, theory, etc. for discussion or consideration (विचार, व्याख्या, सिद्धांत आदि) परिचर्चा के लिए प्रस्तुत करना; प्रतिपादित करना
 - Cite** (verb) – refer to, make reference to, mention, allude to हवाला देना
 - Validate** (verb) – Declare or make legally valid मान्य करना
 - Impinge** (on/upon) (verb) – affect, have an effect on, have a bearing on, touch, influence प्रभावित करना
- Perennially** (adverb) – constantly, perpetually, eternally, everlastingly, permanently बारहमासी रूप से, निरंतर
 - Severely** (adverb) – seriously, gravely, critically, grievously, acutely, गंभीर रूप से
 - Unsurprisingly** (adverb) – in a way that is not surprising; obviously, expectedly अप्रत्याशित रूप से
 - Consequently** (adverb) – as a result फलस्वरूप
- Beyond reproach** (Phrase) – such that no criticism can be made; perfect. आलोचना से परे
- ABC, EFDG**
 The comments by Iran’s Attorney General Mohammad-Jafar Montazeri that the Islamic Republic had disbanded its infamous morality police, after months-long protests, suggest that the regime is finally willing to make concessions. The latest spell of protests began in September after the death of Mahsa Amini, a 22-year-old Kurdish-Iranian woman, who was in the custody of the morality police for wearing the hijab (headscarf) “improperly”.
- ‘fairly’ के बदले ‘very’ या ‘rather’ का प्रयोग होगा क्योंकि ‘fairly’ का प्रयोग केवल pleasant adjectives के पहले ‘moderately’ (सामान्य मात्रा में) के अर्थ में होता है जबकि ‘very’ का प्रयोग ‘to a great extent’ (बहुत) के अर्थ में pleasant या unpleasant adjective के पहले और ‘rather’ का ‘moderately’ (सामान्य मात्रा में) के अर्थ में सामान्यतः unpleasant adjective के पहले; जैसे-
 (i) His performance in the last match was fairly good.

- (ii) This article is very/rather good.
- (iii) Her performance in the competition was very/rather ordinary.
- 'fairly' will be substituted for 'very' or 'rather' because 'fairly' is used only in the sense of 'moderately' (in the normal quantity) before the first 'moderately' of pleasant adjectives, while 'very' is used in the sense of 'to a great extent' (very) before the pleasant or unpleasant adjective and 'rather' in the sense of 'moderately' (in the normal amount) usually before the unpleasant adjective; As in -
 - (i) His performance in the last match was fairly good.
 - (ii) This article is very/rather good.
 - (iii) Her performance in the competition was very/rather ordinary.
8. 'on the line' के बदले 'in line' का प्रयोग होगा क्योंकि 'be in line with' = 'be in agreement with' (के साथ सहमत होना) तथा 'be out of line with' = 'be in disagreement with' (के साथ असहमत होना) होता है
- 'in line' will be substituted for 'on the line' as 'be in line with' = 'be in agreement with' (agree with) and 'be out of line with' = 'be in disagreement with' (to disagree with)
9. No error
10. 'both' के बाद 'to' का प्रयोग नहीं होगा क्योंकि 'block' एक transitive verb है जो अपने बाद सीधा object लेता है; जैसे - (i) The villagers blocked the road after the accident
- 'to' shall not be used after 'both' because 'block' is a transitive verb which takes a direct object after itself; Such as (i) The villagers blocked the road after the accident.
11. **Reluctant** – Unwilling, unenthusiastic, disinclined, loath, hesitant अनिच्छुक
12. **Covet** (verb) – crave, long for, yearn for, desire ललचाना
- Lasting (adjective) – continuing to exist for a long time or forever स्थायी
 - Replenish (verb) – refill, fill, restock, restore, top up भरना
 - Rearm (verb) – provide with a new supply of weapons; upgrade, reequip फिर से शस्त्रसज्जित होना
13. **Be light on** (phrase) – be rather short of. का झिंक्र नहीं होना
14. **Prescribed** (adjective) – decided by a law or a rule. तय किया गया
- Enhanced** (adjective) – increased, augmented बढ़ा हुआ
 - Forcible** (adjective) – done by force. जबरन
 - Traceable** (adjective) – able to be found or discovered. पता लगाने योग्य
15. **Disenfranchisement** (noun) – the state of being deprived of a right or privilege, especially the right to vote; exclusion मताधिकार से वंचित होने की अवस्था

- **Escheat** (noun) – the right of a government to take ownership of estate assets or unclaimed property in the event there are no heirs or beneficiaries
- **Saga** (noun) – chain of events, story, rigmarole कथा/ गाथा
- **Recognition** (noun) – acknowledgement, acceptance, admission, conceding मान्यता

16. No Error

17. (C) **2314**

The Bruhat Bengaluru Mahanagara Palike's decision to cancel permission provided to an NGO, Chilume Educational Cultural and Rural Development Trust, to conduct a house-to-house survey to enhance voter awareness, was a belated but necessary one. BBMP, the Bengaluru civic body, has claimed that the NGO had violated the conditions, which did not allow the collection of voter identification details. It is alleged that the NGO utilised BBMP identification cards to secure voter data through a door-to-door survey and stored the data in an app created for that purpose. The NGO's brazenness, whereby voters were deceived into believing that the collectors were with the BBMP, suggests the incompetence and the callousness of the municipal corporation of one of India's largest cities

18. **Callousness** (noun) – insensitive and cruel disregard for others. बेरुखी

According to the given options only (ii) is contextually correct.

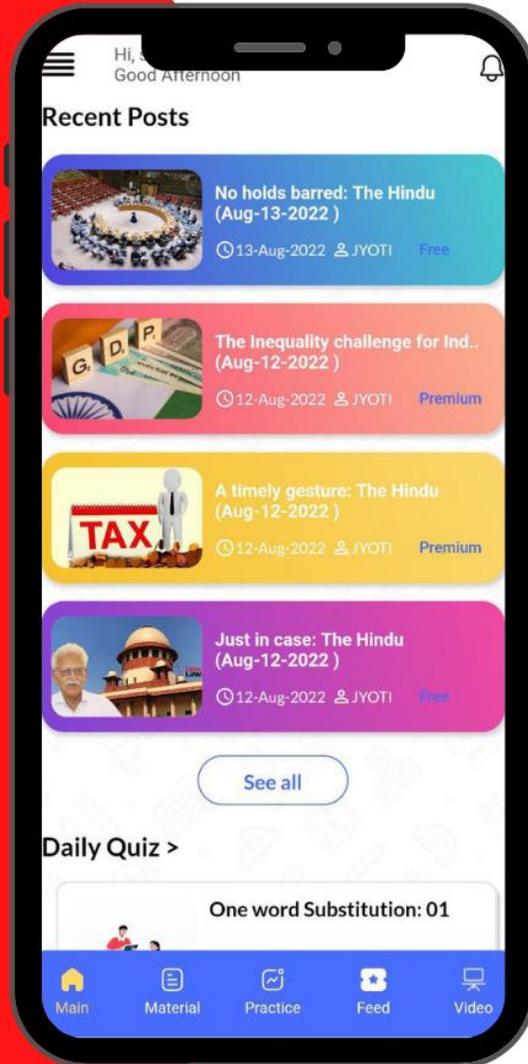
Because the (i) and (iii) sentences are not giving any meaning and correct sentences should be like

The senator is opposed to any laws that **infringe** on a citizen's right to free speech.

Miscellaneous income is income received from nonemployment sources, such as rent, pensions, and interest.

18. If the BBMP's purpose was to simply enhance voter awareness, there was no express need to outsource this to a non-governmental third party.

19. Poachers have hunted and killed too many elephants for their tusks; **consequently**, they have become an endangered species in some parts of the world.



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