

which is repugnant to the earlier law made by the Parliament or an existing law the law passed by the state legislature would remain in existence in that state if the assent is given by the president.

- **After receiving the presidential assent the law can still be held void if the Parliament amend, verify and repeal any law in respect to the same matter.**
- Thus this doctrine plays a pertinent part in the Indian Constitution in determining the roles of centre and state.

5. Correct Option: (a)

Explanation:

- **Option (a) is correct:** Parliament cannot make any amendment to the Constitution that contravenes with the basic structure of the Constitution. If any such provision is made, judicial review power of the apex court can nullify it.

Supplementary notes:

Doctrine of Basic Structure

- Doctrine of Basic structure was laid down by the Supreme Court in the famous Kesavananda Bharati case of 1973.
- Court upheld that the constituent power of Parliament under Article 368 does not enable it to alter the 'basic structure' of the Constitution.
- This means that the Parliament cannot abridge or take away an important provisions like Fundamental Right that forms a part of the 'basic structure' of the Constitution.
- The doctrine of basic structure of the Constitution was reaffirmed and applied by the Supreme Court in the Indira Nehru Gandhi case (1975).
 - In this case, the Supreme Court invalidated a provision of the 39th Amendment Act (1975) which kept the election disputes involving the Prime Minister and the Speaker of Lok Sabha outside the jurisdiction of all courts.
 - The court said that this provision was beyond the amending power of Parliament as it affected the basic structure of the Constitution.
- **The 42nd Amendment Act (1976) amended Article 368 and declared that there is no limitation on the constituent power of Parliament and no amendment can be questioned in any court on any ground including that of the contravention of any of the Fundamental Rights.**

- **However, the Supreme Court in the Minerva Mills case 4 (1980) invalidated this provision as it excluded judicial review which is a 'basic feature' of the Constitution.**

- It states that the Constitution had conferred a limited amending power on the Parliament, the Parliament cannot under the exercise of that limited power enlarge that very power into an absolute power.
- Indeed, a limited amending power is one of the basic features of the Constitution and, therefore, the limitations on that power cannot be destroyed.
- In other words, Parliament cannot, under article 368, expand its amending power so as to acquire for itself the right to repeal or abrogate the Constitution or to destroy its basic features.

6. Correct Option: (c)

Explanation:

- **Both statements are correct**

Supplementary notes:

Doctrine of Parens Patriae

- Parens Patriae in Latin means "parent of the nation".
- **In law, it refers to the power of the state to intervene against an abusive or negligent parent, legal guardian or informal care taker and to act as the parent of the child or individual who is in need of protection.**
- The doctrine of Parens Patriae has its origin in the United Kingdom in the 13th century.
- It implies that the King as the guardian of the nation is under obligation to look after the interest of those who are unable to look after themselves.
- It has been applied by courts in various matters regarding protection to those who are unable to take care for themselves, such as minors.
- **The Preamble to the Constitution, read with the Directive Principles, Articles 38, 39 and 39A enjoins the State to take up these responsibilities. It is the protective measure to which the social welfare state is committed.**
- The Uttarakhand High Court in 2018 invoked the doctrine of 'parens patriae' to become the legal guardian of cows and other stray cattle, thereby giving a slew of "mandatory directions" towards cow protection.