

- **Pakistan:** The rigid constitution has made it easy for parochial tendencies and army dominance in the polity of the nation.
- **Nepal:** The shift from monarchy to republic with continuous struggle of reframing the constitution has led to its multiple subversions.
- **Egypt:** The toppling of government and strong centralizing tendency due to rigid constitution has made the nation unstable.

Conclusion:

Thus, it is the balance of flexibility and rigidity which has made the Indian constitution sustainable over seven decades due to its ability to change and continue. The institutions of democracy should ensure that this healthy balance is continued in nation's polity through the mechanisms of balance of power, separation of powers and checks and balances among themselves.

2. The theory of Basic Structure of the Constitution has not only put constraints on excessive use of powers by the executive, but it has also prevented the legislature to subvert or deviate from any fundamental principles of the Indian Constitution. Discuss.

Approach

1. Briefly introduce the concept of the Basic Structure of Constitution. (30 words)
2. Substantiate your view with recent court verdicts. (60 words)
3. Give some suggestions to efficiently use the doctrine of the basic structure of the constitution. (40 words)
4. Conclusion (20 words)

Hints:

The concept of Basic Structure of Constitution was coined by Supreme Court of India in the famous **Kesavananda Bharti Case** in 1973, in which the court said that the Parliament cannot amend anything mentioned in the Constitution and a law will be declared null and void if it violates the Basic Structure of the Constitution.

Doctrine of Basic Structure: The Supreme Court is yet to define what Basic Structure implies, but in its various judgements, it has applied the **doctrine of basic features** on features like supremacy of constitution, secularism, sovereign and democratic nature of Indian Polity, principle of equality, independence of judiciary, etc.

Application of Basic Structure doctrine in judicial pronouncements:

- **Mandal case/Indira Sawhney Case (1992):** Rule of Law
- **Kihoto Hollahan Case (1993):** Free and fair elections, Sovereign and Democratic structure
- **SR Bommai Case (1994):** Federalism, Secularism, Social Justice, Judicial review
- **Nagaraj Case (2006):** Principle of equality
- **Madras Bar Association Case(2014):** Judicial Review, Powers of High court

How it puts constraints on excessive use of powers by the executive?

The executive has the powers to implement the rules and regulations made by the legislature. However, sometimes some decisions come under the discretion of executive which might violate the basic structure of constitution and here comes the role of judiciary which has the powers to put constraints under the same doctrine. For example, preventing/allowing cow slaughter on the premise of promoting social harmony.