

# Constitutional Law-I

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*KSLU LL.B. — Complete Exam-Ready Study Bundle (All Five Units)*

KSLU LL.B. Study Bundle

**Medha-Academy**

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## Medha-Academy.in · KSLU LL.B. · Complete Notes for All Five Units



**Read this first page, then go to your unit.** This single file holds the whole subject: how to use the notes, the rules that win marks, and all five units of content. Everything is in plain English, every Latin maxim is translated in [brackets], and every topic is built backwards from the real exam questions.

### How to Use These Notes

**What this is.** A complete, exam-focused bundle covering all five units of KSLU Constitutional Law-I. Every topic is built from one question: *what will the examiner ask, and how do I score full marks?* High-frequency questions get the most space; the stars under each question tell you where to spend revision time.

**Who it is for.** The first-time learner (understand before memorising), the revision student (fast high-yield recall), and the last-week crammer (which questions repeat and how to answer them).

**What is inside every topic** — the same blocks, in the same order:

Block	Its job	The mark it earns
<b>Previous Year Questions</b>	Real questions + frequency	What to prepare and how often it repeats
<b>The Hook</b>	A true story / landmark-case opener	Memorable; a strong opening line
<b>Article / Jurist Quotes</b>	Exact text of the Article	Examiners reward precise authority
<b>In Simple Terms</b>	Plain-English translation	Ensures you <i>understand</i>
<b>The Visual (chart)</b>	Maps the topic structure	Recall and structure at a glance
<b>Case Laws</b>	Landmark judgments + ratio	Case names with years are pure marks
 <b>Tracker +  Risk Alert</b>	Answer plan + applied IRAC	Converts knowledge into a scoring answer

Each unit closes with a **Quick Revision & Case Law Table** for the final hour.

**The 4-step study plan.** (1) Read the PYQ box first. (2) Understand, then memorise. (3) Trace the chart from memory. (4) Rehearse the Tracker and one Risk Alert.

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## The 10 Rules That Win Marks

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1. **Lead with the Article + a definition + roadmap.**
2. **Follow the Blueprint Tracker** stage by stage.
3. **Name the case AND the year** every time.
4. **Quote the exact Article** where it scores.
5. **Translate every Latin maxim in [brackets].**
6. **Use the four IRAC headings** for problems; spot the decoy fact.
7. **Always give a definite verdict.**
8. **Use the chart's structure** to organise the body.
9. **Close with a short, confident conclusion.**
10. **Manage time** so no high-mark question is left unwritten.

**Disclaimer.** A study aid, not a substitute for the bare Constitution and prescribed texts (V.N. Shukla; M.P. Jain). Cross-check Article numbers against the official text. © Medha-Academy.in · KSLU LL.B. · For personal academic use.

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# Constitutional Law-I – Unit I Study Notes

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Meaning & Kinds of Constitution · Constitutionalism · Salient Features · Preamble · Citizenship

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1. Meaning, Definition & Kinds of Constitution; Constitutionalism
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  5. Quick Revision & Case Law Table
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## 1. Meaning, Definition & Kinds of Constitution; Constitutionalism

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### Previous Year Questions

- **[16M]** Define “Constitution”. Explain its kinds and the idea of constitutionalism. (recurring)
- **[Short Note]** Constitutionalism (frequently asked).

### The Hook

In **1215**, English barons forced King John to seal the **Magna Carta** — the first time a ruler accepted that *he too was under the law*. That single idea, that power must be limited and answerable, is the seed of every modern constitution. A constitution is not merely a rule-book of government; it is the chain a free people place on their own rulers.

### What is a Constitution?

A **Constitution** is the **fundamental or supreme law** of a State that establishes the organs of government (legislature, executive, judiciary), distributes powers among them,

and guarantees the rights of citizens. Every other law must conform to it; a law inconsistent with it is **void**.

**Cooley:** “A Constitution is the fundamental law of a State, containing the principles upon which the government is founded, regulating the division of sovereign powers and directing to what persons each of these powers is to be confided.”

**In Simple Terms:** A constitution is the “rule-book about the rule-makers.” It says who may make laws, how, and where the limits lie — and it sits *above* ordinary law.

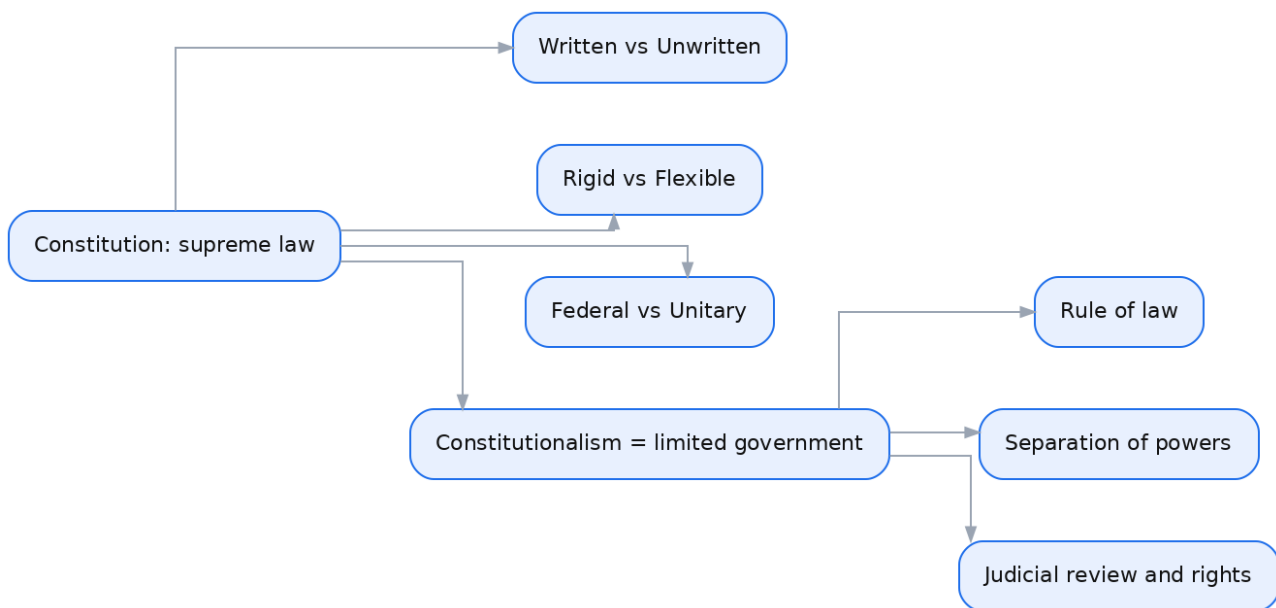
## Kinds of Constitution

- **Written vs Unwritten:** a *written* constitution is in one or more documents (India, USA); an *unwritten* one rests mainly on conventions and statutes (UK).
- **Rigid vs Flexible:** a *rigid* constitution needs a special amending procedure (USA); a *flexible* one is amended like an ordinary law (UK). India is **partly rigid, partly flexible** (Art. 368).
- **Federal vs Unitary:** a *federal* constitution divides power between a centre and units (USA); a *unitary* one concentrates it in the centre. India is **federal in structure with a unitary bias**.

## Constitutionalism

**Constitutionalism** means **limited government** — the principle that governmental power must be defined *and restrained* by a constitution, so that authority does not become arbitrary. A State may *have* a constitution without *constitutionalism* (e.g., a dictatorship with a sham constitution). The hallmarks are the rule of law, separation of powers, judicial review, and protected fundamental rights.

## The Visual



## Case Laws

- ***Kesavananda Bharati v. State of Kerala (1973)***: the Constitution has a **basic structure** that even Parliament cannot destroy — the strongest expression of constitutionalism in India.
- ***A.K. Gopalan v. State of Madras (1950)***: early, narrow reading of constitutional limits, later overtaken by *Maneka Gandhi*.

### 📋 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Define**: Constitution as the supreme, fundamental law (Cooley); contrast it with ordinary law.
- **STAGE 2** → **Kinds**: written/unwritten, rigid/flexible, federal/unitary — place India on each axis.
- **STAGE 3** → **Constitutionalism**: limited government; constitution vs constitutionalism (sham constitutions).
- **STAGE 4** → **Hallmarks**: rule of law, separation of powers, judicial review, fundamental rights.
- **STAGE 5** → **Verdict**: India has both a Constitution and genuine constitutionalism, guaranteed by the basic-structure doctrine.

### ⚠️ **FACT-PATTERN RISK ALERT**

**Scenario:** A State enacts a constitution that concentrates all power in one ruler with no rights or judicial review, and claims it is “constitutional” because a written document exists.

- **I — ISSUE:** Does possessing a written constitution amount to constitutionalism?
- **R — RULE:** Constitutionalism requires limited government — rule of law, separation of powers, judicial review, protected rights.
- **A — ANALYSIS:** A document that licenses unlimited power lacks the restraints that define constitutionalism; it is a constitution in form, not in substance.
- **C — CONCLUSION:** Having a constitution is not the same as constitutionalism; the regime fails the test.

## 2. Salient Features of the Indian Constitution

### Previous Year Questions

- **[16M]** “The Indian Constitution is neither purely federal nor purely unitary but a combination of both.” Discuss. (★★★)
- **[16M / Short Note]** Salient features of the Indian Constitution.

### The Hook

When the Constituent Assembly finished its work on **26 November 1949**, it had produced the **longest written constitution in the world** — a document that borrowed the best ideas from many lands yet bore an unmistakably Indian stamp. Its features are the keys to understanding everything that follows.

### The Salient Features

The Indian Constitution’s defining features include:

- **Longest written constitution** — exhaustive, covering the Union, the States and detailed rights.
- **Sovereign, Socialist, Secular, Democratic Republic** (Preamble).
- **Parliamentary form of government** — executive responsible to the legislature.
- **Federal structure with a unitary bias** — a strong Centre that can dominate in emergencies.

- **Fundamental Rights (Part III)** — justiciable guarantees against the State.
- **Directive Principles (Part IV)** — non-justiciable goals of a welfare State.
- **Fundamental Duties (Part IVA)** — added by the 42nd Amendment, 1976.
- **Independent judiciary** with the power of **judicial review**.
- **Single citizenship**, universal adult franchise, and a blend of **rigidity and flexibility** in amendment.

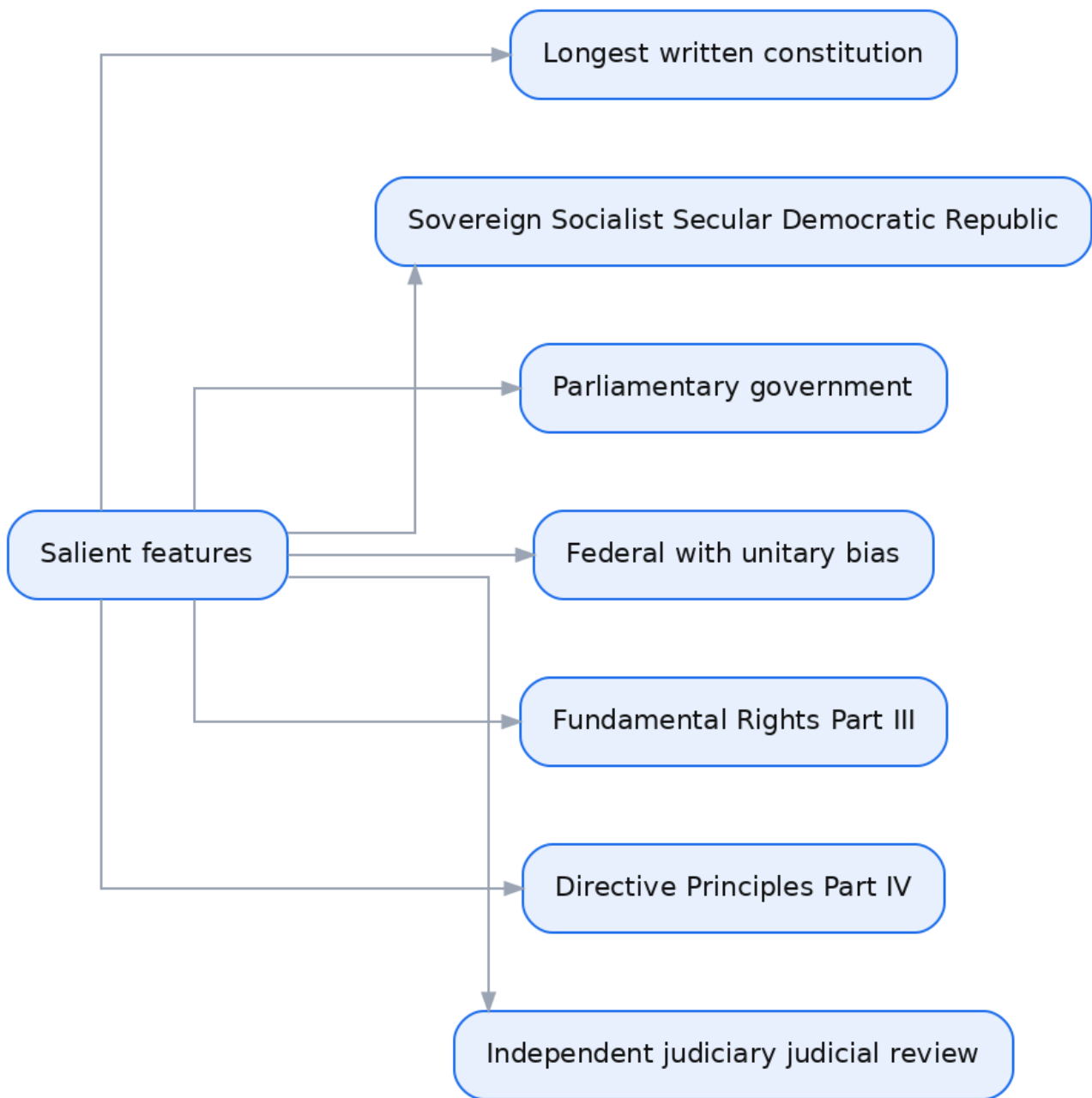
## Federal with a unitary bias

India is described as **“quasi-federal”** (K.C. Wheare). It has the federal marks — a written constitution, division of powers (Seventh Schedule), and an independent judiciary — but a strong **unitary tilt**: a single citizenship, a single integrated judiciary, the Centre’s power to reorganise States, and overriding emergency powers.

**Dr. B.R. Ambedkar:** *the Constitution is “both unitary as well as federal according to the requirements of time and circumstances.”*

**In Simple Terms:** India is a federation for normal times and turns strongly unitary in a crisis — federalism with the Centre holding the trump card.

## The Visual



## Case Laws

- ***State of West Bengal v. Union of India (1963)***: India is not a “true” federation; the Centre is supreme in important respects.
- ***S.R. Bommai v. Union of India (1994)***: federalism is part of the **basic structure**, but the Centre retains strong powers (President’s Rule subject to judicial review).

## ☰ 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Open:** longest written constitution; product of the Constituent Assembly (1946–49).
- **STAGE 2** → **List the features:** SSSDR Republic, parliamentary government, fundamental rights & duties, DPSP, independent judiciary, single citizenship.
- **STAGE 3** → **The federalism debate (core):** federal marks vs unitary bias; “quasi-federal” (Wheare), Ambedkar’s flexible model.
- **STAGE 4** → **Cases:** State of W.B. v. UoI, S.R. Bommai (federalism in basic structure).
- **STAGE 5** → **Verdict:** neither purely federal nor unitary — a flexible federation with a strong Centre.

## ⚠️ FACT-PATTERN RISK ALERT

**Scenario:** During a national emergency the Centre legislates on subjects in the State List and overrides State governments, which protest that India is a federation.

- **I — ISSUE:** Can the Centre override the States, given India’s federal character?
- **R — RULE:** India is federal with a strong **unitary bias**; in emergencies the Centre’s powers expand (Arts. 250, 352–360), subject to S.R. Bommai judicial review.
- **A — ANALYSIS:** The federal division yields to the Centre in a genuine emergency; the design deliberately favours national unity over rigid federalism.
- **C — CONCLUSION:** The Centre may act, because Indian federalism is calibrated to turn unitary in a crisis — but the action remains judicially reviewable.

## 3. The Preamble

### Previous Year Questions

- **[16M]** Discuss the meaning, importance, objects and values enshrined in the Preamble. (★★★)
- **[16M]** “Is the Preamble a part of the Constitution?” Discuss.
- **[6M]** Can the Preamble be amended under Article 368?
- **[Short Note]** Objectives of the Preamble; Secularism / Socialism.

## The Hook

Every great document opens with a promise. The American Constitution begins “We the People”; so does India’s. The **Preamble** is the *soul of the Constitution* (Thakurdas Bhargava) — a single, dignified paragraph that declares **who** gave the Constitution, **what** kind of nation India is to be, and **what** values it must serve.

## What the Preamble Declares

The Preamble declares India to be a **Sovereign, Socialist, Secular, Democratic Republic** (“Socialist” and “Secular” added by the **42nd Amendment, 1976**) and resolves to secure to all citizens:

- **Justice** — social, economic and political;
- **Liberty** — of thought, expression, belief, faith and worship;
- **Equality** — of status and opportunity;
- **Fraternity** — assuring the dignity of the individual and the unity and integrity of the Nation.

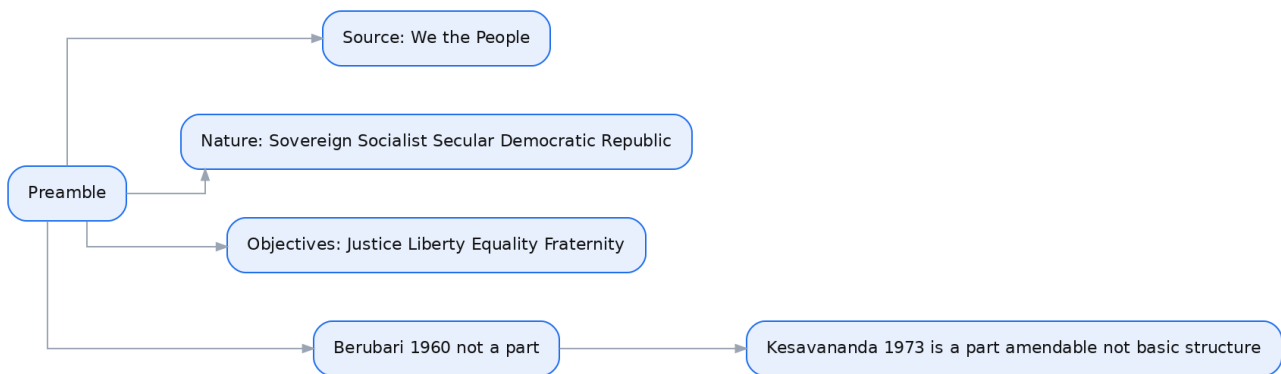
**Preamble:** “WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens: JUSTICE... LIBERTY... EQUALITY... FRATERNITY...”

**In Simple Terms:** The Preamble is the Constitution’s mission statement — it tells the courts and the government the *purpose* behind every article and the values to read them by.

## Is the Preamble part of the Constitution? Can it be amended?

Early on, in **Berubari Union (1960)**, the Supreme Court said the Preamble is **not** a part of the Constitution but a key to its makers’ minds. This was **overruled** in **Kesavananda Bharati (1973)**, which held the Preamble **is** a part of the Constitution and **can be amended** under Article 368 — but **not** so as to destroy its **basic features**. The 42nd Amendment (adding “Socialist”, “Secular”, “Integrity”) is itself proof that it can be amended.

## The Visual



## Case Laws

- ***In re Berubari Union (1960)***: Preamble is not part of the Constitution (later overruled), though it is a key to interpretation.
- ***Kesavananda Bharati v. State of Kerala (1973)***: Preamble **is** part of the Constitution and amendable, but its basic features are inviolable.
- ***S.R. Bommai v. Union of India (1994)***: **secularism** in the Preamble is part of the basic structure.

### ☰ 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Hook + Define**: Preamble as the soul/mission statement; “We the People” = source of authority.
- **STAGE 2** → **Contents**: nature (SSSDR) + four objectives (Justice, Liberty, Equality, Fraternity); 42nd Amendment additions.
- **STAGE 3** → **Is it a part?** Berubari (no) → Kesavananda (yes, and amendable but not basic structure).
- **STAGE 4** → **Importance**: aids interpretation; secularism as basic structure (Bommai).
- **STAGE 5** → **Verdict**: the Preamble is a part of the Constitution, its values bind interpretation, and it may be amended short of its basic structure.

### ⚠️ **FACT-PATTERN RISK ALERT**

**Scenario:** Parliament amends the Preamble to delete the word “Secular,” claiming the Preamble can be freely amended under Article 368.

- **I — ISSUE:** Can the Preamble be amended to remove “secular”?
- **R — RULE:** Kesavananda — the Preamble is amendable under Art. 368 but **not** so as to damage the **basic structure**; Bommai holds secularism is part of that basic structure.
- **A — ANALYSIS:** Deleting secularism strikes at a basic feature, so the amendment exceeds the amending power even though the Preamble is otherwise amendable.
- **C — CONCLUSION:** The amendment is unconstitutional; secularism cannot be amended away.

## 4. Citizenship

### Previous Year Questions

- **[16M / 10M]** What is citizenship? Explain the modes of acquisition and termination of Indian citizenship. (★★)
- **[6M]** Acquisition of citizenship by domicile / birth.

### The Hook

Citizenship is the **legal bond** between a person and a State — the passport to the fullest set of rights a country offers. Some fundamental rights (Arts. 15, 16, 19, 29–30) belong **only to citizens**; others (Arts. 14, 21) belong to “any person.” So the question “who is a citizen?” decides who may vote, hold office, and claim the citizen-only rights.

### Citizenship under the Constitution and the 1955 Act

The Constitution deals with citizenship **at the commencement of the Constitution** in **Articles 5–11**; the detailed law is the **Citizenship Act, 1955**.

#### Modes of acquisition (Citizenship Act, 1955):

- **By birth** (s.3) — born in India within the prescribed period and conditions.
- **By descent** (s.4) — born outside India to an Indian-citizen parent, on registration.
- **By registration** (s.5) — persons of Indian origin or married to a citizen, etc.

- **By naturalisation** (s.6) — a qualified foreigner after the prescribed residence and an oath of allegiance.
- **By incorporation of territory** (s.7) — residents of territory that becomes part of India.

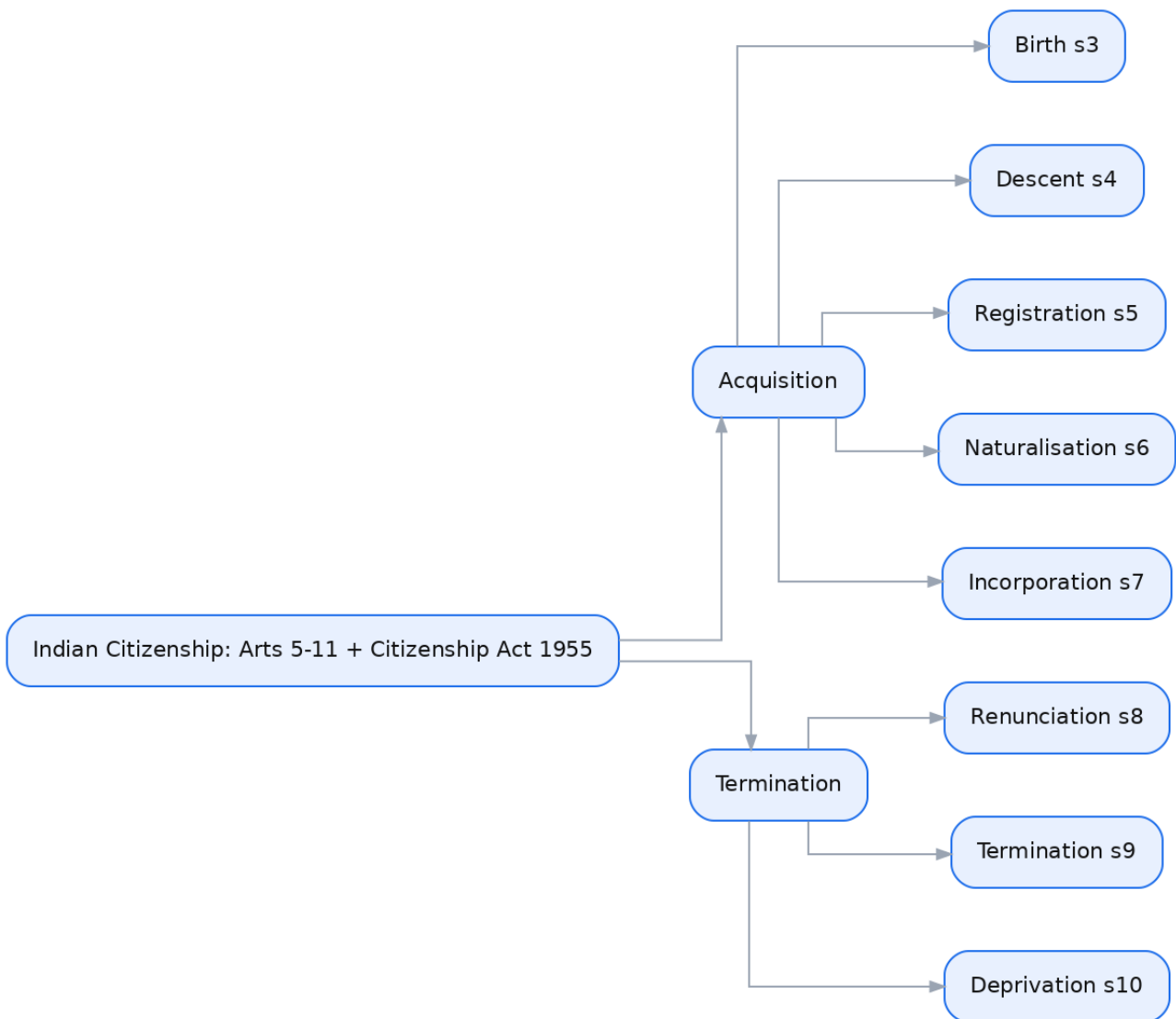
#### **Modes of termination (Citizenship Act, 1955):**

- **By renunciation** (s.8) — voluntary declaration giving up citizenship.
- **By termination** (s.9) — automatically, on voluntarily acquiring the citizenship of another country.
- **By deprivation** (s.10) — by the Government, for fraud, disloyalty, etc.

**Article 5:** *at the commencement of the Constitution, every person domiciled in India who was born in India, or either of whose parents was born in India, or who had been ordinarily resident for not less than five years, is a citizen of India.*

**In Simple Terms:** You can *become* an Indian citizen by birth, descent, registration, naturalisation or incorporation of territory; you can *lose* it by giving it up, taking another country's citizenship, or being deprived of it for cause. India allows only **single citizenship**.

## The Visual



## Case Laws

- **Pradeep Jain v. Union of India (1984):** India has **one** citizenship; there is no separate “State citizenship,” so “sons of the soil” domicile-based reservations are constitutionally suspect.
- **State Trading Corporation v. CTO (1963):** a company is not a “citizen” for the purpose of citizen-only fundamental rights.

## ☰ 16-MARK ESSAY BLUEPRINT TRACKER

- **STAGE 1** → **Define:** citizenship as the legal bond; citizen-only rights vs “any person” rights.
- **STAGE 2** → **Constitutional provisions:** Arts. 5–11 (at commencement); single citizenship.
- **STAGE 3** → **Acquisition (Act 1955):** birth, descent, registration, naturalisation, incorporation.
- **STAGE 4** → **Termination:** renunciation, termination (foreign citizenship), deprivation.
- **STAGE 5** → **Verdict:** India confers a single, uniform citizenship governed by Arts. 5–11 and the 1955 Act.

## ⚠️ FACT-PATTERN RISK ALERT

**Scenario:** A foreign national long resident in India claims he is automatically an Indian citizen merely **by domicile / long residence**, without any formal grant.

- **I — ISSUE:** Does long residence/domicile by itself confer Indian citizenship?
- **R — RULE:** Citizenship is acquired only by a recognised mode under the Citizenship Act, 1955 (birth, descent, registration, naturalisation, incorporation); residence is a condition of some modes, not citizenship itself.
- **A — ANALYSIS:** Residence may make him eligible for registration or naturalisation, but it does not, by itself, make him a citizen — a formal grant is required.
- **C — CONCLUSION:** He is not automatically a citizen; he must acquire citizenship through a statutory mode.

## 5. Quick Revision & Case Law Table

### One-line memory hooks

- **Constitution & constitutionalism:** supreme law; constitutionalism = *limited* government (a sham constitution is not constitutionalism).
- **Kinds:** written/unwritten, rigid/flexible, federal/unitary — India = written, partly rigid, quasi-federal.
- **Salient features:** SSSDR Republic, parliamentary, federal-with-unitary-bias, FR + DPSP + FD, independent judiciary, single citizenship.

- **Preamble:** soul of the Constitution; *Berubari* (not a part) → *Kesavananda* (is a part, amendable, not basic structure); secularism = basic structure (*Bommai*).
- **Citizenship:** Arts. 5-11 + Citizenship Act 1955; acquire by birth/descent/registration/naturalisation/incorporation; lose by renunciation/termination/deprivation; single citizenship.

## Master Case List for Unit I

Case	Topic	One-line ratio
Kesavananda Bharati (1973)	Constitution / Preamble	Basic structure inviolable; Preamble is part of the Constitution.
In re Berubari Union (1960)	Preamble	Preamble not a part (later overruled); aids interpretation.
S.R. Bommai v. UoI (1994)	Federalism / secularism	Federalism & secularism are basic structure.
State of W.B. v. UoI (1963)	Federalism	India not a true federation; strong Centre.
Pradeep Jain v. UoI (1984)	Citizenship	Single citizenship; no State citizenship.
State Trading Corp. v. CTO (1963)	Citizenship	A company is not a "citizen".

*End of Unit I. Next: Unit II — State, Law & Article 13, Equality (Article 14).*



# Constitutional Law-I

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*KSLU LL.B. — Question Bank · Model Answers (Essays & Problems)*

KSLU LL.B. Question Bank

**Medha-Academy**

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Notes Version: **v1.1**

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**Read this first, then go to your unit.** This companion to the study notes gives a full, exam-ready **model answer** to every essay and fact-pattern problem asked in past KSLU Constitutional Law-I papers, grouped by unit and topic in the same order as the notes. Short notes (5M / 6M) are answered in the notes bundle, not here.

## How to Use This Question Bank

**What this is.** A rehearsal book. The study notes teach the concept; this bank shows you how to *write the marks* — a complete answer in the exact shape an examiner rewards.

**The 3-step drill.** (1) Read the question and try a 2-minute plan from memory. (2) Read the model answer; note the structure, the Articles, the cases, the verdict. (3) For problems, re-do the IRAC in your own words under time.

**Priorities.** The ★ rating shows how often a question repeats — ★★★ is a near-certainty; do these first. The Priority Index below lists them.

**House rules that win marks.** Lead with the Article + a definition + roadmap; name the case **and** the year; quote the exact Article; for problems use the four IRAC headings and always give a definite verdict.

## Exam Pattern & Mark Weights

KSLU Const-I papers carry one **essay [16M]** (part a) and one **short note / problem [6M]** (part b) per unit, answered with an OR choice. Short notes are answered in the study-notes bundle; this bank covers the essays and the problems.

Mark slot	What it is	Where it's drilled
16M	Long essay	Section A of each unit
Problems	Fact-pattern, IRAC	Section B of each unit

## Priority Index — Questions by Frequency

Rank	Question (short)	Type	Frequency	Unit
1	Salient features / federal vs unitary	16M	★★★	1
2	Preamble — contents, part of Constitution, amendment	16M	★★★	1
3	Article 13 + Severability & Eclipse	16M	★★★	2
4	Equality — Article 14, classification, arbitrariness	16M	★★★	2
5	Protective discrimination (Arts. 15-16)	16M	★★★	3
6	Freedom of speech & expression (Art. 19)	16M	★★★	3
7	Article 20 / Article 22 safeguards	16M	★★★	4
8	Article 21 facets	16M	★★★	4
9	Freedom of religion (Arts. 25-28)	16M	★★★	4
10	Minority institutions (Arts. 29-30)	16M	★★★	5
11	Constitutional remedies & writs (Arts. 32/226)	16M	★★★	5
12	FR-DPSP relationship	16M	★★★	5



# UNIT I – Constitution, Preamble & Citizenship · Question Bank

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## Constitutional Law-I · KSLU LL.B. · Medha-Academy.in

**Scope of this unit's bank:** full model answers to every **essay** (16M, §A), every **10-mark short / explanatory note** (§B) and every **fact-pattern problem** (IRAC, §C) asked in past KSLU papers for this unit.

### A. Essay Questions – Model Answers

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#### Q1.1 — [16M] Define “Constitution”. Explain its kinds and the concept of constitutionalism.

Asked: recurring · ★★ · Notes: Unit I → Topic 1

**Introduction.** A **Constitution** is the **fundamental or supreme law** of a State that establishes the organs of government, distributes power among them, and guarantees the rights of citizens; every other law must conform to it, and a law inconsistent with it is **void**. This answer defines it, sets out its kinds, and explains the deeper idea of **constitutionalism** — limited government.

#### Meaning of a Constitution

1. **The supreme law** — as Cooley put it, the Constitution contains the principles on which government is founded, regulating the division of sovereign powers and directing to whom each is confided. It sits *above* ordinary legislation, which derives its validity from it.
2. **Functions** — it constitutes the legislature, executive and judiciary, allocates and limits their powers, and protects fundamental rights; it is both an *empowering* and a *restraining* document. Because it is the source of all authority, any organ acting beyond the limits it sets acts unconstitutionally and its act is void.

#### Kinds of Constitution

1. **Written vs unwritten** — a written constitution is contained in one or more formal documents (India, USA), giving certainty; an unwritten one rests mainly on conventions and statutes (the United Kingdom), giving flexibility.

2. **Rigid vs flexible** — a rigid constitution requires a special amending procedure (USA); a flexible one is altered like an ordinary law (UK). India is **partly rigid, partly flexible** under Article 368.
3. **Federal vs unitary** — a federal constitution divides power between a centre and units with a written, supreme text and an independent judiciary (USA); a unitary one concentrates power in the centre. India is **federal in form with a unitary bias**.

### Constitutionalism

1. **Limited government** — constitutionalism means that governmental power is not only *defined* but *restrained* by the constitution, so that authority does not become arbitrary. A State may possess a constitution without constitutionalism — a dictatorship may have a written charter that licenses unlimited power.
2. **Its hallmarks** — the rule of law, separation of powers, an independent judiciary armed with judicial review, and justiciable fundamental rights together make a government limited and answerable. Free and fair elections and a responsible executive complete the picture, ensuring power is both checked and accountable to the people.

### Leading cases

- ***Kesavananda Bharati v. State of Kerala (1973)*** — the Constitution has a **basic structure** that even Parliament cannot destroy, the strongest expression of constitutionalism in India.
- ***Maneka Gandhi v. Union of India (1978)*** — read fairness into the Constitution, reinforcing limited, non-arbitrary government.

**Conclusion.** A Constitution is the supreme law that founds and limits government; constitutionalism is the further guarantee that the limits are real. India possesses both — a written, partly rigid, quasi-federal Constitution and genuine constitutionalism secured by the basic-structure doctrine.

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## Q1.2 — [16M] “The Indian Constitution is neither purely federal nor purely unitary but a combination of both.” Discuss the salient features of the Indian Constitution.

Asked: recurring (very frequent) · ★★ · Notes: Unit 1 → Topic 2

**Introduction.** When the Constituent Assembly completed its work on **26 November 1949**, it produced the **longest written constitution in the world**, deliberately designed to be **federal in normal times and unitary in a crisis**. Its salient features explain this calibrated balance.

## The salient features

1. **Lengthiest written constitution** — it exhaustively governs the Union, the States and the rights of citizens, drawing the best from many constitutions yet bearing an Indian stamp.
2. **Sovereign Socialist Secular Democratic Republic** — the Preamble's description of the polity, "Socialist" and "Secular" added by the 42nd Amendment, 1976.
3. **Parliamentary government** — a Westminster model in which the executive is drawn from and responsible to the legislature, with a nominal (President) and a real (Council of Ministers) executive.
4. **Fundamental Rights, Directive Principles and Duties** — justiciable rights (Part III), non-justiciable welfare directives (Part IV) and Fundamental Duties (Part IVA).
5. **Independent judiciary with judicial review** — an integrated judiciary headed by the Supreme Court, empowered to strike down laws that violate the Constitution.
6. **Single citizenship and universal adult franchise**, and a blend of **rigidity and flexibility** in amendment under Article 368.

## Federal with a unitary bias

1. **Federal features** — a written supreme constitution, a division of powers in the Seventh Schedule (Union, State and Concurrent Lists), and an independent judiciary to umpire disputes mark India as a federation.
2. **Unitary tilt** — a strong Centre, single citizenship, a single integrated judiciary, the power to reorganise States, an all-India services cadre and overriding **emergency powers** give the design a unitary bias; K.C. Wheare called it "**quasi-federal**," and Ambedkar said it is "both unitary and federal according to the requirements of time and circumstances." In an emergency the federal balance shifts decisively toward the Centre, which can legislate on State subjects and even supersede a State government, showing that national unity was placed above rigid federalism.

## Leading cases

- ***State of West Bengal v. Union of India (1963)*** — India is not a "true" federation; the Centre is supreme in important respects.
- ***S.R. Bommai v. Union of India (1994)*** — federalism is part of the **basic structure**, yet the Centre retains strong powers subject to judicial review.

The federal and unitary features are thus deliberately combined, not by accident but by design.

**Conclusion.** The Indian Constitution is neither purely federal nor purely unitary but a flexible federation with a strong Centre — federal for ordinary governance and unitary in an emergency, exactly as its salient features reveal.

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### Q1.3 — [16M] Discuss the meaning, importance and contents of the Preamble. Is the Preamble a part of the Constitution and can it be amended?

Asked: recurring (very frequent) · ★★★ · Notes: Unit 1 → Topic 3

**Introduction.** The **Preamble** is the *soul of the Constitution* — a single dignified paragraph that declares **who** gave the Constitution, **what** kind of nation India is to be, and **what** values it must serve. It opens with “We, the People of India,” locating sovereignty in the people themselves.

#### Contents of the Preamble

1. **The nature of the polity** — it declares India a **Sovereign Socialist Secular Democratic Republic** (“Socialist” and “Secular” added by the 42nd Amendment, 1976), each word describing a defining attribute of the State.
2. **The four objectives** — it resolves to secure to all citizens **Justice** (social, economic, political), **Liberty** (of thought, expression, belief, faith and worship), **Equality** (of status and opportunity) and **Fraternity** (assuring the dignity of the individual and the unity and integrity of the Nation).

#### Importance

1. **Key to interpretation** — the Preamble states the *purpose* behind the articles; where a provision is ambiguous, the courts read it in the light of the Preamble’s objects, so it guides the whole document.
2. **Declaration of source and values** — it proclaims that the Constitution derives its authority from the people and enshrines the philosophy (justice, liberty, equality, fraternity, secularism) by which the State must govern. These values are not decorative: the courts have used them to test the validity of laws and amendments and to give content to the fundamental rights.

#### Is it a part? Can it be amended?

1. **From *Berubari to Kesavananda*** — in *In re Berubari Union (1960)* the Court said the Preamble was **not** a part of the Constitution, only an aid to interpretation; this was **overruled** in *Kesavananda Bharati (1973)*, which held the Preamble **is** a part of the Constitution.
2. **Amendable but not its basic structure** — *Kesavananda* held the Preamble can be amended under Article 368 but **not** so as to destroy its **basic features**; the 42nd Amendment (adding Socialist, Secular, Integrity) is itself proof that it can be amended, while *Bommai* holds **secularism** is part of the basic structure. Thus an amendment that, say, deleted “secular” or “democratic” would be unconstitutional, because it would damage a basic feature rather than merely alter the text.

In short, it is both a solemn declaration of national ideals and a practical working tool of constitutional interpretation.

**Conclusion.** The Preamble is a part of the Constitution, its values bind interpretation, and it may be amended short of its basic structure. It remains the conscience and compass of the entire constitutional scheme.

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## Q1.4 — [16M] What is citizenship? Explain the modes of acquisition and termination of Indian citizenship.

Asked: recurring · ★★ · Notes: Unit I → Topic 4

**Introduction. Citizenship** is the **legal bond** between a person and a State, carrying the fullest set of rights a country offers. Some fundamental rights (Arts. 15, 16, 19, 29–30) belong only to citizens, so the question “who is a citizen?” decides who may vote, hold office and claim the citizen-only rights. The Constitution deals with citizenship at its commencement in **Articles 5–11**, and the detailed law is the **Citizenship Act, 1955**.

### Modes of acquisition (Citizenship Act, 1955)

1. **By birth (s.3)** — a person born in India within the prescribed periods and conditions is a citizen by birth, subject to the statutory cut-offs introduced by later amendments.
2. **By descent (s.4)** — a person born outside India to an Indian-citizen parent may be a citizen by descent, on registration at an Indian consulate within the prescribed time.
3. **By registration (s.5)** — persons of Indian origin, or married to an Indian citizen, and certain others may acquire citizenship by registration after fulfilling residence conditions.
4. **By naturalisation (s.6)** — a qualified foreigner may be granted a certificate of naturalisation after the prescribed residence and on taking an oath of allegiance.
5. **By incorporation of territory (s.7)** — when a new territory becomes part of India, the persons the Central Government specifies by order become citizens of India from the appointed date. This mode operated, for example, on the accession of former French and Portuguese territories.

### Modes of termination (Citizenship Act, 1955)

1. **By renunciation (s.8)** — a citizen of full age may voluntarily renounce citizenship by a declaration, and his minor children may also lose it, subject to revival on majority.
2. **By termination (s.9)** — citizenship ends automatically when a citizen **voluntarily acquires the citizenship of another country**, because India permits only **single citizenship**.
3. **By deprivation (s.10)** — the Government may deprive a citizen (chiefly one by registration or naturalisation) of citizenship for fraud, disloyalty, trading with the enemy or a long residence abroad.

## Leading cases

- ***Pradeep Jain v. Union of India (1984)*** — India has **one** citizenship; there is no separate “State citizenship,” so “sons of the soil” domicile reservations are constitutionally suspect.
- ***State Trading Corporation v. CTO (1963)*** — a company is not a “citizen” for citizen-only fundamental rights.

The single-citizenship model, unlike the dual citizenship of the United States, binds every Indian directly to the Union alone.

**Conclusion.** India confers a single, uniform citizenship governed by Articles 5-11 and the Citizenship Act, 1955, acquired by birth, descent, registration, naturalisation or incorporation, and lost by renunciation, termination or deprivation.

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## B. Short Notes — Model Answers (10M)

### S1.1 — Nature of the Indian Constitution

Asked: recurring · ★★

**Introduction.** The Indian Constitution is the **longhiest written constitution** in the world and is best described as **quasi-federal** — federal in form but with a strong unitary bias. Its character is a deliberate blend, designed for a vast and diverse country that needed both the autonomy of a federation and the strength of a union.

**Federal features.** It has the hallmarks of a federation — a **written and supreme Constitution**, a **division of powers** between the Centre and the States through the three Lists of the Seventh Schedule, a **bicameral legislature**, an **independent judiciary** with power of judicial review, and the **rigidity** of important provisions which need a special amending procedure.

**Unitary bias.** Yet the Constitution leans towards the Centre: there is a **single citizenship**, a **single integrated judiciary**, **All-India Services**, the dominance of the Union List, the Centre’s power to reorganise States (Art. 3), and the sweeping **Emergency provisions** under which the federal structure can be converted into a unitary one. K.C. Wheare therefore called it “quasi-federal,” and Ambedkar said it is “both unitary and federal according to the requirements of time and circumstances.”

**Other salient features.** It establishes a **Sovereign, Socialist, Secular, Democratic Republic** (Preamble) with a **parliamentary** form of government in which the President is a nominal head acting on the advice of a real executive, the Council of Ministers. It guarantees **justiciable Fundamental Rights** (Part III), lays down non-justiciable

**Directive Principles** (Part IV) and **Fundamental Duties** (Part IV-A), and is **partly rigid and partly flexible** under Article 368.

**Conclusion.** The Constitution's genius lies in combining stability with adaptability — a strong Centre that can hold the nation together in crisis, coupled with federal distribution and entrenched rights in normal times. This balance explains why it has endured and successfully accommodated India's immense diversity.

## S1.2 — Secularism under the Constitution

Asked: recurring · ★★

**Introduction. Secularism** means that the State has **no religion of its own** and treats all religions **equally** — it neither favours nor discriminates against any faith. India follows not strict separation but a model of **principled distance** between State and religion.

**Constitutional basis.** The word “Secular” was inserted into the **Preamble by the 42nd Amendment (1976)**, but the concept was always implicit in the fabric of Fundamental Rights. **Articles 25–28** guarantee freedom of conscience and the free profession, practice and propagation of religion, and freedom from religious instruction in State-funded institutions. **Article 14** assures equality, **Article 15** forbids discrimination on the ground of religion, and **Articles 16(2), 29 and 30** protect citizens and minorities in public employment, culture and education.

**Indian model.** Indian secularism is positive, not negative — the State keeps a principled distance but may **intervene to reform** religious practices (for example, abolishing untouchability or throwing open temples) and to ensure equality and social welfare. It does not require an irreligious State, but an **even-handed** one that respects all faiths.

**Judicial recognition.** In ***S.R. Bommai v. Union of India (1994)*** the Supreme Court held that **secularism is a part of the basic structure** of the Constitution, and that a State government acting against secular principles can be dismissed under Article 356. The Court has repeatedly affirmed that religion and politics cannot be mixed in a manner that offends the secular ideal.

**Conclusion.** Secularism secures **both** the individual's religious freedom **and** the equal citizenship of all in a plural society. It is a foundational value, beyond the reach of a transient parliamentary majority, and a guarantee that the State will treat every citizen alike regardless of faith. The 42nd Amendment merely made explicit what the scheme of Articles 14, 15 and 25–28 had always implied, and the Supreme Court has since used secularism as a touchstone to test both legislative and executive action.

## S1.3 — Single Citizenship

Asked: occasional · ★

**Introduction.** Unlike the United States, which has **dual citizenship** of the Union and of the States, India provides for a **single, uniform citizenship** — every Indian is a citizen of India alone. This was a conscious choice to promote national unity in a country already divided by language, region and religion.

**Constitutional and statutory scheme.** The Constitution deals with citizenship **at its commencement** in **Articles 5-11**, identifying who became citizens in 1950 and empowering Parliament to legislate on the subject. The detailed law is the **Citizenship Act, 1955**, which provides for acquisition by **birth, descent, registration, naturalisation and incorporation of territory**, and for loss by **renunciation, termination and deprivation**.

**Significance of single citizenship.** Because there is only one citizenship, the citizen-only rights — equality of public employment (Art. 16), the freedoms of Article 19, and the cultural and educational rights of Articles 29-30 — are available **uniformly throughout the territory**. No State can treat citizens of other States as outsiders, which strengthens **fraternity and the unity and integrity** of the nation promised by the Preamble.

**Domicile and “sons of the soil.”** A necessary corollary is that there is **no separate State citizenship**. In *Pradeep Jain v. Union of India (1984)* the Supreme Court emphasised this, holding that wholesale **domicile- or residence-based reservations** (“sons of the soil” policies) in education or employment are constitutionally suspect, because they fracture the single citizenship the Constitution guarantees.

**Conclusion.** Single citizenship is a deliberate unifying device. It subordinates regional identity to a common national identity and ensures that the rights and protections of the Constitution belong to every Indian equally, wherever in the country they may reside. It also simplifies the legal status of the individual, who owes allegiance to one sovereign alone, and avoids the conflicts of law and divided loyalties that a dual-citizenship federation can generate.

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## C. Problems — Model Answers (IRAC)

**P1.1 — [Prob] A foreign national who has lived in India for many years claims that he is automatically an Indian citizen by domicile / long residence, without any formal grant. Is he right?**

*Asked: recurring · ★★ · Notes: Unit I Risk Alert (Topic 4)*

**Issue.** Does long residence or domicile by itself confer Indian citizenship?

**Rule.** Citizenship is acquired only through a recognised **mode under the Citizenship Act, 1955** — birth, descent, registration, naturalisation or incorporation of territory;

residence is a *condition* of some modes, not citizenship itself. India also recognises only **single citizenship** and has no concept of automatic citizenship by mere domicile.

**Application.** The claimant's **decoy** is to treat long residence as equivalent to citizenship; in truth residence may make him **eligible** to apply for registration (s.5) or naturalisation (s.6), but it does not, by itself, make him a citizen. A formal grant by the competent authority, on satisfying the statutory conditions and taking the oath of allegiance, is indispensable. Until then he remains a foreigner governed by the Foreigners Act, however long he has stayed, and he acquires none of the citizen-only rights such as the vote or Articles 15, 16 and 19. Indian law has never recognised acquisition of citizenship by domicile or prescription alone.

**Conclusion.** He is **not** automatically a citizen; he must acquire citizenship through a statutory mode such as registration or naturalisation.

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*End of Unit I Question Bank.*

