

Essential Guide to the Indian Constitution for MCN202 KTU S4 Exam

Before diving into the detailed guide, this study resource covers all key Articles and concepts from your syllabus. It prioritizes foundational principles, frequently tested topics, and concise explanations of constitutional provisions organized by your course modules. Each section highlights critical Articles with their significance and conceptual distinctions tested in university examinations.

Constitution: Fundamentals and Citizenship

Definition and Key Features of the Constitution

The Indian Constitution is the supreme legal document governing India's democratic system, consisting of 25 Parts, 12 Schedules, and 448 Articles^[1]. It was adopted on November 26, 1949, and implemented on January 26, 1950^[1].

Salient Features

- World's lengthiest written constitution
- Blend of rigidity and flexibility
- Federal structure with unitary bias
- Parliamentary form of government
- Independent judiciary
- Universal adult suffrage
- Secularism
- Fundamental Rights and Directive Principles
- Founded on principles of equality, liberty, fraternity, and justice^[2]

Significance of the Preamble

The Preamble serves as the philosophical introduction to the Constitution, containing key principles:

- **SOVEREIGN:** India's independence from external control
- **SOCIALIST:** Commitment to social and economic equality
- **SECULAR:** Equal respect for all religions
- **DEMOCRATIC:** Government by the people

- **REPUBLIC:** Elected head of state

The Preamble, though not legally enforceable, guides constitutional interpretation and reflects the goals of the constitutional makers^[2]. The Supreme Court has described it as the "soul of the Constitution."

Citizenship (Part II: Articles 5-11)

The Constitution addresses citizenship at its commencement but delegates permanent provisions to parliamentary legislation through the Citizenship Act of 1955^[1].

- **Article 5:** Citizenship at the Constitution's commencement^[1]
- **Article 6:** Rights of citizenship for Pakistan-to-India migrants^[1]
- **Article 7:** Rights of citizenship concerning migrants to Pakistan^[1]
- **Article 8:** Citizenship rights for persons of Indian origin residing abroad^[1]
- **Article 9:** Loss of citizenship through voluntary acquisition of foreign citizenship^[1]
- **Article 10:** Continuance of citizenship rights^[1]
- **Article 11:** Parliamentary authority to regulate citizenship^[1]

Types of Citizenship

1. **By Birth:** Born in India (with exceptions)
2. **By Descent:** Born to Indian parent(s) outside India
3. **By Registration:** For persons of Indian origin, spouses of Indian citizens
4. **By Naturalization:** Through residence and assimilation
5. **By Incorporation of Territory:** When foreign territory becomes part of India

Loss of Citizenship

1. **Renunciation:** Voluntary surrender
2. **Termination:** Acquiring citizenship of another country
3. **Deprivation:** Fraud, disloyalty, or criminal offenses

Fundamental Rights, DPSP, and Duties

Definition of State (Article 12)

Article 12 defines "the State" to include the Government and Parliament of India, state governments and legislatures, and all local or other authorities within Indian territory or under government control^[1].

Fundamental Rights (Part III: Articles 12-35)

Often described as the "Magna Carta of India," these rights are inspired by the USA's Bill of Rights and are primarily enforceable against the state^[1] ^[3].

Right to Equality (Articles 14-18)

- **Article 14:** Equality before law and equal protection of laws^[1] ^[3]
- **Article 15:** Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth^[1] ^[3]
- **Article 16:** Equal opportunity in public employment^[1] ^[3]
- **Article 17:** Abolition of untouchability^[1] ^[3]
- **Article 18:** Abolition of titles (except military and academic)^[1] ^[3]

Right to Freedom (Articles 19-22)

- **Article 19:** Six fundamental freedoms:
 1. Speech and expression
 2. Assembly (peaceful and without arms)
 3. Association
 4. Movement throughout India
 5. Residence anywhere in India
 6. Practice any profession or occupation^[1] ^[3]
- **Article 20:** Protection against ex-post-facto laws, double jeopardy, and self-incrimination^[1]
- **Article 21:** Protection of life and personal liberty^[1]
- **Article 21A:** Right to education for children 6-14 years^[1]
- **Article 22:** Protection against arbitrary arrest and detention^[1]

Right against Exploitation (Articles 23-24)

- **Article 23:** Prohibition of human trafficking and forced labor^[1] ^[3]
- **Article 24:** Prohibition of child labor in factories and hazardous employment^[1] ^[3]

Right to Freedom of Religion (Articles 25-28)

- **Article 25:** Freedom to profess, practice, and propagate religion^[1] ^[3]
- **Article 26:** Freedom to manage religious affairs^[1] ^[3]
- **Article 27:** Freedom from religious taxation^[1] ^[3]
- **Article 28:** Freedom from religious instruction in certain educational institutions^[1] ^[3]

Cultural and Educational Rights (Articles 29-30)

- **Article 29:** Protection of minority interests and cultures^[1] ^[3]
- **Article 30:** Right of minorities to establish and administer educational institutions^[1] ^[3]

Right to Constitutional Remedies (Article 32)

Article 32 empowers citizens to directly approach the Supreme Court for enforcement of Fundamental Rights through writs^[1]:

1. **Habeas Corpus:** "Produce the body" - Against unlawful detention
2. **Mandamus:** "We command" - Orders public authority to perform duty
3. **Prohibition:** Prevents lower court from exceeding jurisdiction
4. **Certiorari:** Reviews and quashes decisions of lower courts/tribunals
5. **Quo Warranto:** Challenges legitimacy of public office occupation

Directive Principles of State Policy (Articles 36-51)

Non-justiciable principles intended to guide governance and legislation:

- **Article 36:** Definition of the State
- **Article 37:** Application of DPSP (non-justiciable but fundamental in governance)
- **Articles 38-39:** Social order, minimizing inequalities
- **Article 40:** Village panchayats
- **Article 41:** Right to work, education, public assistance
- **Article 42:** Just and humane working conditions
- **Article 43:** Living wage for workers
- **Article 44:** Uniform civil code
- **Article 45:** Early childhood care
- **Article 46:** Promotion of educational and economic interests of scheduled castes, tribes
- **Article 47:** Duty to raise nutrition levels and public health
- **Article 48:** Organization of agriculture and animal husbandry
- **Article 49:** Protection of monuments
- **Article 50:** Separation of judiciary from executive
- **Article 51:** Promotion of international peace

Fundamental Duties (Article 51A)

Added by the 42nd Amendment (1976), expanded to 11 duties after the 86th Amendment (2002)^[4]:

- Respect the Constitution, national flag, and national anthem
- Cherish and follow independence movement ideals
- Uphold India's sovereignty, unity, and integrity
- Defend the country when called upon
- Promote harmony and brotherhood
- Value and preserve India's composite culture
- Protect natural environment
- Develop scientific temper and spirit of inquiry
- Safeguard public property
- Strive for excellence
- Provide educational opportunities to children 6-14 years (added by 86th Amendment)

The Union Executive and Legislature

President of India

- **Article 52:** Establishes office of President^[1]
- **Article 53:** Vests executive power of the Union in the President^[1]
- **Article 54:** Presidential Electoral College (elected members of Parliament and Legislative Assemblies)^[1]
- **Article 55:** Manner of election (proportional representation)^[1]
- **Article 56:** Five-year term, eligible for re-election^[1]
- **Article 61:** Impeachment procedure^[1]

Powers and Functions

1. **Executive Powers:** Appoints Prime Minister, Council of Ministers, Governors, Ambassadors
2. **Legislative Powers:** Summons Parliament, dissolves Lok Sabha, addresses Parliament, promulgates ordinances
3. **Financial Powers:** Causes budget presentation, recommends Money Bills
4. **Judicial Powers:** Appoints judges, grants pardons/reprieves
5. **Military Powers:** Supreme Commander of Armed Forces
6. **Emergency Powers:** National, State, and Financial emergencies
7. **Diplomatic Powers:** Represents India internationally

Prime Minister

- **Article 74:** Council of Ministers headed by PM to aid and advise President^[1]
- **Article 75:** Appointment, term, responsibilities, and collective responsibility^[1]

Powers and Functions

1. Leader of Council of Ministers
2. Principal communicator between President and Council
3. Leader of the majority party in Parliament
4. Chief advisor to the President
5. Allocates portfolios among ministers
6. Chairs Cabinet meetings
7. Formulates government policies

Attorney General of India

- **Article 76:** Highest law officer, appointed by President^[1]
- Gives legal advice to Government of India
- Performs duties assigned by President
- Represents government in Supreme Court

Parliament

- **Article 79:** Parliament consists of President, Rajya Sabha, and Lok Sabha^[1]
- **Article 80:** Rajya Sabha composition (Council of States)^[1]
- **Article 81:** Lok Sabha composition (House of the People)^[1]

Functions of Parliament

1. Legislative (law-making)
2. Executive (oversight of administration)
3. Financial (budget approval)
4. Constituent (constitutional amendments)
5. Judicial (impeachment)
6. Electoral (elects President, Vice President)
7. Representational (represents people's interests)

Comparison: Rajya Sabha vs. Lok Sabha

Feature	Rajya Sabha	Lok Sabha
Maximum strength	250 (currently 245)	552 (currently 543)
Election	Indirect (by MLAs)	Direct (by people)
Term	6 years (1/3 retire every 2 years)	5 years (dissolvable)
Minimum age	30 years	25 years
Upper limit	Not subject to dissolution	Can be dissolved
Special powers	Article 249 (state matters)	Money Bills
Representation	States and UTs	Population-based

Supreme Court

- **Article 124:** Establishment and composition^[1]
- **Article 131:** Original jurisdiction (disputes between governments)^[1]
- **Article 132-134:** Appellate jurisdiction^[1]
- **Article 137:** Review jurisdiction^[1]
- **Article 141:** Decisions binding on all courts^[1]
- **Article 143:** Advisory jurisdiction^[1]

Powers of Supreme Court

1. Original Jurisdiction: Center-State or State-State disputes
2. Writ Jurisdiction: For enforcement of Fundamental Rights
3. Appellate Jurisdiction: Appeals from High Courts
4. Advisory Jurisdiction: President can seek opinions
5. Review Jurisdiction: Can review its own judgments
6. Court of Record: Judgments are recorded as precedents
7. Judicial Review: Can strike down unconstitutional laws

State Executive and Legislature

Governor

- **Article 153:** Establishes office of Governor^[1]
- **Article 154:** Executive power of State vested in Governor^[1]
- **Article 155:** Appointed by President^[1]
- **Article 156:** Serves at President's pleasure^[1]

Powers and Functions

1. **Executive Powers:** Appoints Chief Minister and Council of Ministers
2. **Legislative Powers:** Summons/dissolves State Legislature, addresses Legislature
3. **Financial Powers:** Annual financial statement presentation
4. **Judicial Powers:** Appoints district judges, grants pardons/reprieves
5. **Discretionary Powers:** Can reserve bills for President's consideration

Chief Minister

- **Article 163:** Council of Ministers headed by CM to aid and advise Governor^[1]
- **Article 164:** Appointment, term, responsibilities^[1]

Powers and Functions

1. Head of State Council of Ministers
2. Principal advisor to Governor
3. Communicates all decisions to Governor
4. Allocates portfolios among ministers
5. Chairs Cabinet meetings
6. Represents state at national forums

Union Territories

- **Article 239:** Administration by President through appointed administrator^[1]
- **Article 239A:** Creation of local legislatures or Council of Ministers^[1]
- **Article 240:** Presidential regulations for certain UTs^[1]

State Legislature

- **Article 168:** Constitution of Legislatures in States (unicameral or bicameral)^[1]
- **Article 170:** Legislative Assembly composition^[1]
- **Article 171:** Legislative Council composition (where it exists)^[1]

Constitutional Mechanisms and Special Provisions

Distribution of Legislative Subjects (7th Schedule)

- **List I (Union List):** 100 subjects for Parliament's exclusive legislation
- **List II (State List):** 61 subjects for State Legislatures
- **List III (Concurrent List):** 52 subjects where both can legislate

Finance Commission (Articles 280-281)

- **Article 280:** Establishment, composition, and qualifications^[1]
- **Article 281:** Recommendations to President^[1]
- Recommends distribution of net tax proceeds between Union and States
- Determines states' share and allocation principles
- Suggests measures to increase Consolidated Fund resources

Emergency Provisions

- **Article 352:** National Emergency (war, external aggression, armed rebellion)^[1]
- **Article 356:** State Emergency/President's Rule (constitutional machinery failure)^[1]
- **Article 360:** Financial Emergency (financial stability threatened)^[1]

Comptroller and Auditor General (CAG)

- **Article 148:** Appointment and term^[1]
- **Article 149:** Duties and powers^[1]
- **Article 151:** Audit reports^[1]
- Audits all receipts and expenditures
- Maintains government accounts
- Acts as guardian of public purse
- Submits reports to President/Governor

Administrative Tribunals

- **Article 323A:** Administrative tribunals for public service matters^[1]
- **Article 323B:** Tribunals for other matters^[1]
- Reduce court workload
- Provide specialized adjudication
- Faster resolution of service matters

Election System in India

- **Article 324:** Election Commission's role in superintending elections^[1]
- **Article 325:** No exclusion from electoral rolls on religious/caste grounds^[1]
- **Article 326:** Elections based on adult suffrage^[1]
- **Article 327:** Parliament's power to make election laws^[1]
- **Article 328:** State legislature's power for state elections^[1]
- **Article 329:** Bar to interference by courts in electoral matters^[1]

Amendment of the Constitution

- **Article 368:** Parliament's power to amend the Constitution^[1]
- Three categories of amendments:
 1. Simple majority
 2. Special majority (2/3 of members present and voting)
 3. Special majority + ratification by half of the states

Conclusion

This guide covers the essential Articles and concepts of the Indian Constitution as required for the MCN202 KTU S4 examination. Understanding these provisions is critical not just for academic success but also for appreciating India's constitutional democracy. The Constitution represents a living document that continues to evolve through amendments and judicial interpretations while maintaining its core commitment to democracy, equality, and justice^[5] ^[2].

The document balances various forms of legitimacy beyond just representational legitimacy ("We the people"), incorporating reason-based, substantive, and motivated-consent models^[5]. Despite challenges in implementing true social democracy as envisioned by Dr. B.R. Ambedkar^[6], the Constitution remains the foundation of India's democratic governance and the protector of citizens' rights.



1. <https://vajiramandravi.com/quest-upsc-notes/important-articles-of-indian-constitution/>
2. <https://www.semanticscholar.org/paper/4a8301144969de239833e8cd5a625e34d7179584>
3. <https://www.clearias.com/fundamental-rights/>
4. <https://www.sriramsias.com/blog/important-articles-of-indian-constitution/>
5. <https://www.semanticscholar.org/paper/3aea8b267d455ebffc793f5cea902eb5fc2db7ca>
6. <https://www.semanticscholar.org/paper/92de2bde1159957e5eee1a8f9593bb2f5fd88e3e>