



**ILAHIA COLLEGE OF ENGINEERING AND TECHNOLOGY  
DEPARTMENT OF ELECTRICAL AND ELECTRONICS ENGINEERING**

**PREVIOUS YEAR QUESTION PAPER AND SOLVED ANSWER**

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**Year & Semester:** II & IV

**Course Code:** MCN202

**Course Name:** CONSTITUTION OF INDIA

**MODULE 1**

**PART A**

**Answer all questions, each carries 3 marks.**

1. Define the term “Constitution” and explain its significance in the Indian context.
2. Define the term Constitution

It is a set of rules, written and unwritten, that seeks to establish the duties, power and functions of the various institutions of government, regulate the relationships between them and define the relationships between the state and the individual.

**Significance of the Indian Constitution**

- It describes how a democratic nation should function.
- It explains who will form the government and what will be its roles and responsibilities.
- It explains the relationship between the state and the citizens.
- It also explains the duties of all Indian citizens.

3. Define Constitution. Why is it necessary for a country?

*A constitution is a foundational legal document that outlines the fundamental principles, structure, and functions of a government. It is essential because it provides a framework for governance, protects individual rights, and reflects the values and aspirations of a society.*

4. Explain the role of the Preamble in serving as the guiding spirit of the Constitution.

A **Preamble** states the objectives of the constitution. It is the soul of the constitution and contains the summary or essence of the constitution. The supreme court stated that it is an integral part of the constitution.

**Objective of the Constitution:** Preamble specifies **justice, liberty, equality and fraternity** as the objectives

### 5. What is a preamble?

- The constitution of India begins with a preamble which specifies the nature of the Indian state.
- Preamble is an introduction or preface to the constitution
- Acc to N.A. Palkhivala – “Preamble is an identity card of the constitution”
- Every constitution begins with a preamble
- It is the soul and key of every constitution
- Preamble defines the basic structure of constitution
- Preamble was adopted by constituent assembly on 26<sup>th</sup> Nov 1949. (Later amendments made)

### 7. Define Preamble of Constitution

Preamble- preface that appears at the beginning of a document.

**Source of authority of the Constitution:** The Preamble states that the Constitution derives its authority **from the people of India**.

**Nature of Indian State:** Preamble declares India to be of a Sovereign, Socialist, Secular, Democratic and Republican polity.

**Objective of the Constitution:** Preamble specifies **justice, liberty, equality and fraternity** as the objectives.

**Date of adoption of the Constitution:** 26th November 1949

### 8. List out the sources borrowed while drafting the Constitution of India. (Any 3,1 mark each)

The Indian Constitution was framed from multiple sources including the Government of India Act 1935 and Other Countries Constitutions. For Eg:

- From The Government Of India Act 1935: Basic structure (Federal scheme, Judiciary, Governors, Emergency powers, Public Service Commissions, Administrative Details Etc.) Was Borrowed
- From American Constitution: Fundamental Rights
- From Irish Constitution :Directive Principles
- From The UK: Parliamentary Government.
- From Ireland: Directive Principles Of State Policy (DPSP)
- From USSR: Fundamental Duties. Five-Year Plan

**9. Give any five features of Constitution of India.**

**Five features of Constitution of India. (0.5 marks each)**

1. Longest Written Constitution
2. Sovereign, Democratic, Secular, Socialist & Republic
3. Parliamentary form of government
4. Combination of Flexibility and Rigidity
5. Single Citizenship
6. Bi –Cameral Union government
7. Independent Federal Judiciary

**10. What is Secularism?**

Secular: The term means that all the religions in India get equal respect, protection and support from the state.

It was incorporated in the Preamble by 42 Constitutional Amendment, 1976.

**11. Differentiate between termination and deprivation of Indian citizenship.**

**1. Loss of Citizenship By Termination**

When an Indian citizen voluntarily acquires the citizenship of another country, his Indian citizenship automatically terminates.

**2. Loss of Citizenship By Deprivation**

It is a compulsory termination of Indian citizenship by the Central government, if:

- (a) The citizen has obtained the citizenship by fraud;
- (b) The citizen has shown disloyalty to the Constitution of India;
- (c) The citizen has unlawfully traded or communicated with the enemy during a war;
- (d) The citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years; and
- (e) The citizen has been ordinarily resident out of India for seven years continuously

**PART B**

**Answer questions, each carries 10 marks.**

**1. Provide a comprehensive overview of the historical background leading to the adoption of the Constitution of India.(7 Mark) January 2024 (2019 Scheme)**

Key points (1 mark each)

- ☐ Proposal of idea of constitution by M N Roy and Nehru
- ☐ Cripps Mission
- ☐ Cabinet Mission
- ☐ Formation and first meeting of constituent assembly
- ☐ Formation of Drafting committee.

- ☐ Preparation of Draft Constitution
- ☐ Adoption of Constitution

### **Historical Background of Indian Constitution**

- As early as in Dec 1918, in the 33rd session of the Indian National Congress held in Delhi, a resolution was unanimously adopted demanding for free will and right for India.
- In 1928, Jawaharlal Nehru presented a draft for the constitution of India.
- It was in 1934 that the idea of a Constituent Assembly for India was put forward for the first time by M.N. Roy, a pioneer of communist movement in India.
- In 1942, Sir Stafford Cripps, a Member of the Cabinet, came to India with a draft proposal of the British Government on the framing of an independent Constitution to be adopted after the World War II.
- The Cripps Proposals were rejected by the Muslim League, which wanted India to be divided into two autonomous states with two separate Constituent Assemblies.
- 9th Dec 1946, The constituent assembly meeting held to frame constitution under the temporary chairmanship of Dr. Sachidananda Sinha.
- Later, Dr. Rajendra Prasad elected as the permanent chairman of constituent assembly.
- In 1950, final session of constituent assembly unanimously elected Dr. Rajendra Prasad as the first president of Independent India after which constitution of India became operational.
- 1. The constituent assembly ratified the India's membership of the Commonwealth in May 1949.
- 2. It adopted the national flag on July 22, 1947.
- 3. It adopted the national anthem on January 24, 1950.
- 4. It adopted the national song on January 24, 1950.
- 5. It elected Dr. Rajendra Prasad as the first President of India on January 24, 1950.
- In brief, it took constituent assembly 2 years, 11 months and 17 days to finalize the constitution of India.
- Originally (1949), the Constitution contained a Preamble, 395 Articles (divided into 22 Parts) and 8 Schedules

### **2. List and explain the salient features of the Constitution of India. (7 Mark)**

#### **Salient Features of Indian Constitution**

1. Longest Written Constitution
  - Longest of all the written Constitutions of the world
  - Presently (2019), it consists of a Preamble, about 470 Articles (divided into 25 Parts) and 12 Schedules
2. Written, like the American Constitution, or unwritten, like the British Constitution.
3. Sovereign, Democratic, Secular, Socialist & Republic
4. Parliamentary form of government

- The parliamentary system is based on the principle of co-operation and co-ordination between the legislative and executive organs (British Parliamentary System of Government)
- 5. Combination of Flexibility and Rigidity
  - (Art 368) deals with amendment provision
- 6. Single Citizenship
  - In India, all citizens irrespective of the state in which they are born or reside enjoy the same political and civil rights of citizenship
- 6. Bi –Cameral Union government
  - Upper House and Lower House
- 7. Independent Federal Judiciary
  - Integrated as well as independent judicial system
  - The Supreme Court stands at the top of the integrated judicial system in the country
- 8. Fundamental Rights and Duties
  - Part III of the Indian Constitution guarantees six fundamental rights to all the citizens
  - The Part IV-A of the Constitution specifies the eleven Fundamental Duties
- 9. Directive Principles of State Policy (DPSP)
  - The Directive Principles are meant for promoting the idea of social and economic democracy (Welfare state)
- 10. Single Election Commission
- 11. State Languages
- 12. Emergency Provisions
  - Emergency provisions to enable the President to meet any extraordinary situation effectively. ( Art 352. 356. 360)

3. Explain the concept of citizenship in India. Discuss the provisions for acquiring and losing citizenship according to the Constitution.(10 Marks)

4. Explain the mode of acquisition and termination of citizenship.

### **Citizenship**

- Citizenship is the status of a person recognized under the law of a country of belonging to there of.
- Citizens are full members of the Indian State who enjoys all civil and political rights.
- The Constitution deals with the citizenship from Articles 5 to 11 under Part II
- Single citizenship: The citizens in India owe allegiance only to the Union. There is no separate state citizenship

## CITIZENSHIP ACT, 1955

The Citizenship Act (1955) provides for acquisition and loss of citizenship after the commencement of the Constitution.

### **Acquisition of Citizenship ( Types )**

#### 1. Birth

- Citizenship by birth

#### 2. Descent : A person born outside India

- A person born outside India shall not be a citizen of India by descent, unless his birth is registered at an Indian consulate within one year of the date of birth or with the permission of the Central Government, after the expiry of the said period

#### 3. Registration

- The Central Government may, on an application, register as a citizen of India any person

#### 4. Naturalisation

- The Central Government may, on an application, grant a certificate of naturalisation to any person

#### 5. Incorporation of territory

- If any foreign territory becomes a part of India, the Government of India specifies the persons who among the people of the territory shall be the citizens of India.

### **Loss of Citizenship**

#### 1. By Renunciation

- Any citizen of India of full age and capacity can make a declaration renouncing his Indian citizenship

#### 2. By Termination

- When an Indian citizen voluntarily acquires the citizenship of another country, his Indian citizenship automatically terminates.

#### 3. By Deprivation

- It is a compulsory termination of Indian citizenship by the Central government,
- if:
  - a) The citizen has obtained the citizenship by fraud;
  - b) The citizen has shown disloyalty to the Constitution of India;
  - c) The citizen has unlawfully traded or communicated with the enemy during a war;
  - d) The citizen has, within five years after registration or naturalisation, been imprisoned in any country for two years; and
  - e) The citizen has been ordinarily resident out of India for seven years continuously

**5. Analyse a hypothetical scenario where a new territory seeks to join the Indian Union. Discuss the Constitutional provisions and processes involved.(4 mark )**

Article 2 empowers parliament to admit new states – 2mark

Recommendation by president and Parliamentary approval – 1 mark

Presidential assent – 1 mark

**6.Explain the term partly rigid and partly flexible constitution. (4 mark )**

The Indian Constitution is often described as a “rigid-flexible” constitution, which means it combines elements of both rigidity and flexibility. This unique characteristic allows it to adapt to changing circumstances while also providing stability and protection for fundamental principles.

**7. Explain the term Union and its territory(4 mark )**

- Articles 1 to 4 under Part-I of the Constitution deal with the Union and its territory.
- Article 1 describes India, that is, Bharat as a ‘Union of States’
- The Constituent Assembly had to adopt a mix of both (‘India, that is, Bharat’)
- The country is an integral whole and divided into different states only for the convenience of administration
- •According to Article 1,the territory of India can be classified into three categories:
  1. Territories of the states
  2. Union territories
  3. Territories that may be acquired by the Government of India at any time.
- At present, there are 28 states and 9 union territories. The states are the members of the federal system and share a distribution of powers with the Centre.

**8.What is Preamble? Can it be used for the interpretation of the constitution. Also explain its significance.(10 mark)**

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### Key Words In Preamble

- **We, the people of India:** It indicates the ultimate sovereignty of the people of India. Sovereignty means the independent authority of the State, not being subject to the control of any other State or external power.

- **Sovereign:** The term means that India has its own independent authority and it is not a dominion of any other external power. In the country, the legislature has the power to make laws which are subject to certain limitations.

- **Socialist:** The term means the achievement of socialist ends through democratic means. It holds faith in a mixed economy where both private and public sectors co-exist side by side.

It was added in the Preamble by 42 Amendment, 1976.

- **Secular:** The term means that all the religions in India get equal respect, protection and support from the state.

It was incorporated in the Preamble by 42 Constitutional Amendment, 1976.

- **Democratic:** The term implies that the Constitution of India has an established form of Constitution which gets its authority from the will of the people expressed in an election.

- **Republic:** The term indicates that the head of the state is elected by the people. In India, the President of India is the elected head of the state.

- **Justice:** The term 'justice' in the Preamble embraces three distinct forms—social, economic and political

- **Liberty:** The term 'liberty' means the absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities.

- **Equality:** The term 'equality' means the absence of special privileges to any section of the society, and the provision of adequate opportunities for all individuals without any discrimination.

- **Fraternity:** Fraternity means a sense of brotherhood. The Constitution promotes this feeling of fraternity by the system of single citizenship

### 9. How Indian Citizenship can be acquired?(7 mark)

#### Acquisition of Citizenship ( Types )

1. Birth

➤ Citizenship by birth

2. Descent : A person born outside India



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### 3. Registration

- The Central Government may, on an application, register as a citizen of India any person

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- If any foreign territory becomes a part of India, the Government of India specifies the persons who among the people of the territory shall be the citizens of India.

## 10. Discuss the various aspects in the preamble of Indian Constitution (7 mark)

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