

ARTICLE-BY-ARTICLE REVISION

The Constitution of India

FOR CLAT, AILET & OLETS.

By Kumar Abhinav



READING THE STRUCTURE

The numbering is legal engineering, a chain of cause and effect

The Constituent Assembly built a strict, linear chain. Each article solves a problem created by the one before, narrows a broad principle into a rule, or moves the document to the next pillar of statehood.

Preamble values flow into Fundamental Rights, Directive Principles and government machinery. No provision can be read in isolation. The structure matters for interpretation, exam answers, and the framers' balance of rigidity with flexibility.



FOUNDATIONAL AUTHORITY

The Preamble: the philosophical authority

“We, the People of India” makes citizens the source of sovereignty.

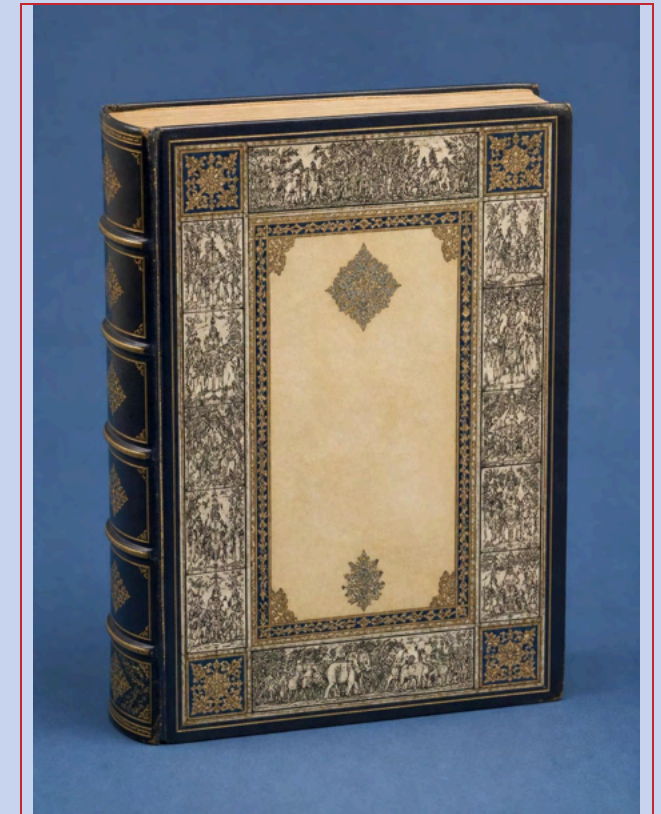
The State is Sovereign, Socialist, Secular, Democratic, Republic. “Secular” affirms equal respect for all religions, developed in **S.R. Bommai v. Union of India** (1994).

Justice, Liberty, Equality and Fraternity are the core objectives.

Adopted 26 November 1949. Not itself enforceable, but part of the Constitution and a key interpretive aid: *Kesavananda Bharati* (1973).

The **42nd Amendment** (1976) inserted “Socialist”, “Secular” and “Integrity”.

Before **Article 1** comes the statement of intent: the **Preamble** gives the “why”; the articles give the “how”.





FOUNDATIONAL AUTHORITY

The Preamble: Full Text

“**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**, social, economic and political; **LIBERTY** of thought, expression, belief, faith and worship; **EQUALITY** of status and of opportunity; and to promote among them all **FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation; **IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**”

SIDE NOTE

Added by the 42nd Amendment (1976): “Socialist”, “Secular” and “Integrity”.

Original wording: “Sovereign Democratic Republic” and “unity of the Nation”.

Adopted: 26 November 1949. **Came into force:** 26 January 1950.

The State is identified before any power is exercised (**Arts 1-2**)



Art 1 declares: “India, that is Bharat, shall be a Union of States”. Territory comprises States, Union Territories and other acquired territories; Schedule I lists them.

“Union of States”, rather than “Federation”, was chosen by Dr. B.R. Ambedkar to signal that States cannot unilaterally secede.

Art 2 empowers Parliament by law to admit or establish new States not previously part of the Union. Examples include Sikkim (**36th Amendment, 1975**) and Puducherry (**14th Amendment**). The admission power operates through ordinary legislation, not amendment.

Existing territory → growth from outside

Art 1 defines the State; **Art 2** governs its external expansion.

- **Art 1(1)**: “India, that is Bharat” gives the Union a dual name; the Union is not a federation of sovereign units.
- **Art 1(3)**: territory includes acquired territories, not only States and Union Territories.
- **Exam trap: Art 2** covers only new States not yet in the Union; **Art 3** alters existing ones.

PART I · TERRITORY

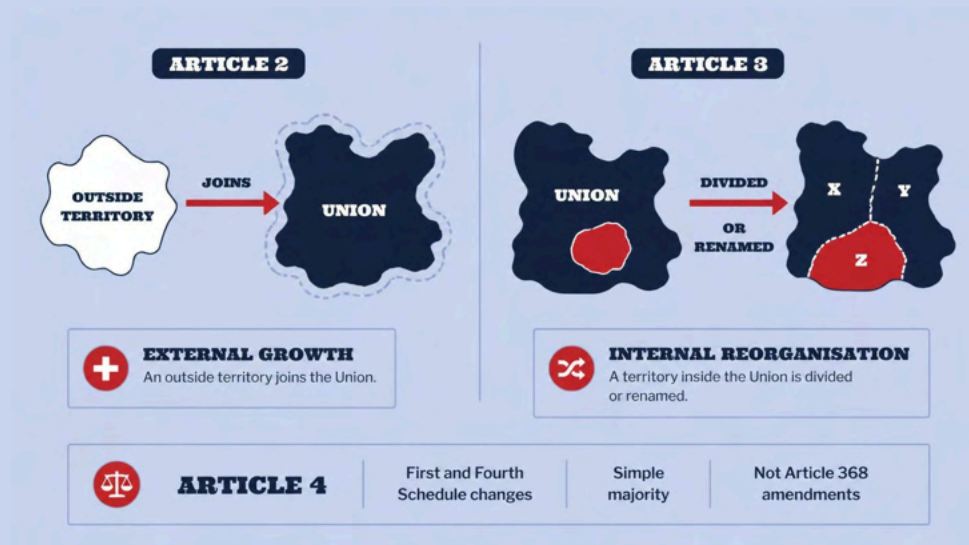
Reorganising within the Union (**Arts 3–4**)

Art 3 permits new States and changes to areas, boundaries or names. The President must refer the bill to the State legislature; its views are not binding.

Examples include Telangana, the 29th State (**Andhra Pradesh Reorganisation Act, 2014**), and Jammu and Kashmir's division into two UTs (2019). **The States Reorganisation Act, 1956** is the precedent.

Art 4 makes laws under **Arts 2–3** changing the First and Fourth Schedules distinct from **Art 368** amendments. A simple majority in each House suffices.

The First Schedule lists States and Union Territories; the Fourth allocates Rajya Sabha seats. **Art 2** external expansion → **Art 3** internal reorganisation → **Art 4** procedural consequence.



PART II · CITIZENSHIP

From the domestic baseline to Partition migration (**Arts 5-7**)

Partition displaced millions; citizenship was urgent at commencement on 26 January 1950.

Art 5 covers persons domiciled in India who were born in India, had a parent born in India, or were ordinarily resident for five years. It combines *jus soli*, *jus sanguinis* and residence.

Art 6 covers migrants from Pakistan before 19 July 1948 who had been ordinarily resident since. Later migrants qualify by registration after six months' residence. That date marked the permit system.

Art 7 denies citizenship to those migrating to Pakistan after 1 March 1947 unless they returned under a permit. Permit returns after 19 July 1948 follow **Art 6** registration.

Landmark cases: *Sarbananda Sonowal v. Union of India* (2005), which struck down the **Illegal Migrants (Determination by Tribunals) Act**; *Assam Sanmilita Mahasangha v. Union of India* (2024), which upheld **Section 6A** of the **Citizenship Act, 1955**.

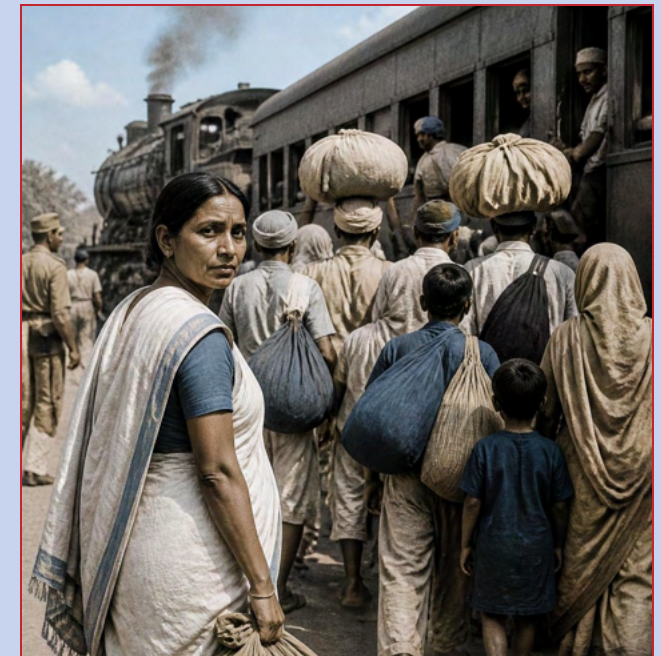


Illustration · Partition migration.



PART II · CITIZENSHIP

Official text: **Articles 5-7**

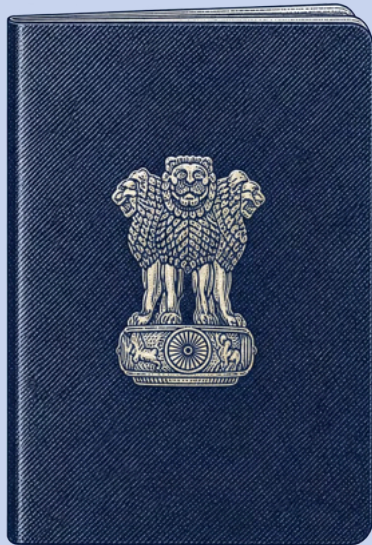
Art 5. Citizenship by birth, parentage or 5 years' residence.

Art 6. Migrants from Pakistan citizens if born in India or a parent was.

Art 7. Post-1 March 1947 migrants to Pakistan excluded, subject to return permits.

- Art 5 is tested at commencement, on 26 January 1950; later citizenship falls under Article 11 and the Citizenship Act, 1955.
- Art 6 registration: post-19 July 1948 migrants needed six months' residence before registering.
- **Exam trap:** Art 7 excludes migrants to Pakistan, not Pakistani nationals in general.

Diaspora, exclusion and Parliament's power (Arts 8-11)



Art 8 covers persons of Indian origin abroad whose parents or grandparents were born in undivided India, registered with a diplomatic or consular officer. It differs from statutory Overseas Citizenship of India.

Art 9 ends Indian citizenship on voluntary acquisition of foreign citizenship: single allegiance. **The Citizenship Act, 1955** governs renunciation and loss.

Art 10 continues every Part II citizen's status, subject to Parliament's law, carrying the status fixed on 26 January 1950 forward.

Art 11 gives Parliament plenary power. **The Citizenship Act, 1955** covers birth, descent, registration, naturalisation, incorporation of territory, renunciation and deprivation. The Citizenship (Amendment) Act, 2019 remains subject to **judicial review**.

Landmark cases: *Sarbananda Sonowal v. Union of India* (2005) on citizenship disputes; *Assam Sanmilita Mahasangha v. Union of India* (2024) on **Section 6A** of the Citizenship Act, 1955.



PART II · CITIZENSHIP

Key Provisions: **Articles 8–11**

Art 8. Overseas-born people registered as citizens by Indian missions.

Art 9. Voluntary acquisition of foreign citizenship ends Indian citizenship under **Arts 5–8**.

Art 10. Citizenship continues, subject to laws Parliament makes.

Art 11. Parliament holds full power over acquiring and ending citizenship.

- **Art 8:** registration abroad by a diplomatic or consular officer; applicant's parent or grandparent born in undivided India.
- **Exam trap:** Art 8 is not Overseas Citizenship of India, which is a statutory status.

LANDMARK CASES

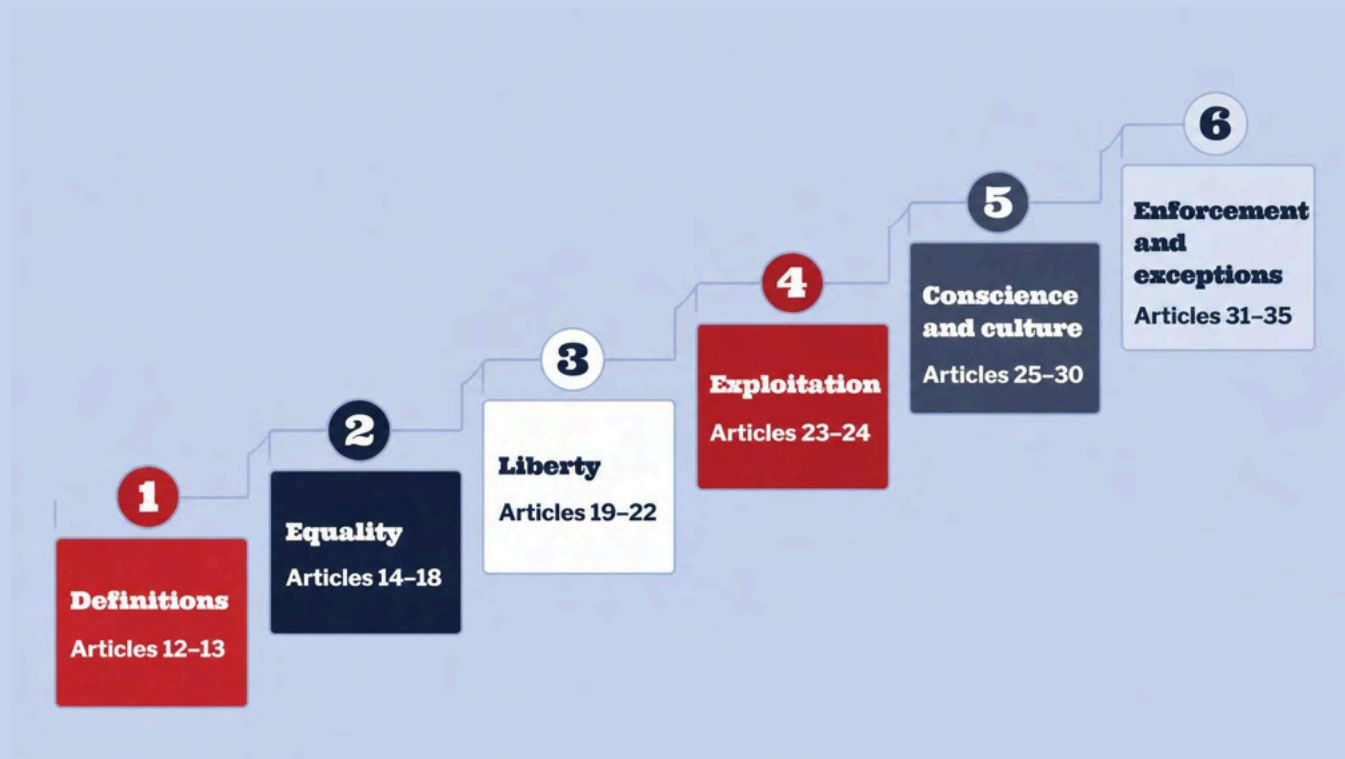
- **Sarbananda Sonowal (2005):** **IMDT Act** struck down; citizenship verification for Assam reviewed.
- **Assam Sanmilita Mahasangha (2024):** **Section 6A** of the **Citizenship Act, 1955** upheld under **Article 11** powers.



Why rights come before the Union Government

Fundamental Rights precede Part V because they limit State power; they are not gifts of the legislature.

Kesavananda Bharati (1973): Parliament cannot alter the **basic structure**, of which Part III is a core element.





Identifying the duty-bearer and judicial review (Arts 12-13)

ARTICLE 12

Who is bound?

“The State” includes Union and State executives and legislatures, local authorities and other authorities: statutory bodies, government companies and instrumentalities.

Ajay Hasia v. Khalid Mujib (1981) shaped this breadth.

- Test: government control, financial, functional or administrative, decides whether a body is “State”.

ARTICLE 13

Which laws fail?

Laws inconsistent with Fundamental Rights are void. Pre-constitutional laws fail to the extent of inconsistency; post-constitutional laws are void *ab initio*.

Clause (3) includes ordinances, orders, bye-laws and customs. Clause (4), inserted by the **24th Amendment** (1971), excludes **Art 368** amendments, qualified by *Kesavananda*.

- **Art 13(2)**: the State cannot make laws that take away or abridge Fundamental Rights.
- **Exam trap**: clause (4) keeps Art 368 amendments outside Art 13, but the basic structure still applies.



Doctrine of eclipse and severability

ARTICLE 13(1)

Doctrine of eclipse

A pre-constitutional law that clashes with a Fundamental Right is not void from the start. It becomes dormant, or *eclipsed*, only to the extent of the inconsistency.

The shadow lifts and the law revives if the inconsistency is removed, for example by a constitutional amendment.

- Applies only to pre-constitutional laws. Post-constitutional laws are void *ab initio* under **Article 13(2)**.

ARTICLE 13

Doctrine of severability

When part of a law is unconstitutional, only the offending part is void if it can be separated from the valid part. The rest survives.

The test is the legislature's intention and whether the remainder is still workable. If the parts cannot be separated, the whole law falls.

- Article 13 voids a law “*to the extent of the contravention*”.

Both doctrines limit the reach of **Article 13**. Eclipse is temporary; severability removes only the invalid part.



Leading cases and comparison

CASES

- **Bhikaji Narain Dhakras v. State of Madhya Pradesh** (1955): the law became operative after the 1951 amendment to Article 19(6) removed the inconsistency.
- **Keshavan Madhava Menon v. State of Bombay** (1951): the law stays valid for past acts; it is void only for the future.
- **Deep Chand v. State of Uttar Pradesh** (1959): post-constitutional laws are void *ab initio*; there is no eclipse.
- **State of Gujarat v. Ambica Mills** (1974): eclipse protects only citizens, not non-citizens.
- **A.K. Gopalan v. State of Madras** (1950): only Section 14 of the Preventive Detention Act was struck down.
- **R.M.D. Chamarbaugwalla v. Union of India** (1957): settled the rules of severability.
- **Kihoto Hollohan v. Zachillhu** (1992): paragraph 7 of the Tenth Schedule struck down; the rest saved.

Point	Eclipse	Severability
Nature	Temporary	Permanent removal
Law type	Pre-constitutional	Any law with an invalid part
Effect	Dormant; revives if removed	Invalid part void; rest survives

Related doctrines

- **Waiver:** Fundamental Rights cannot be waived, **Basheshar Nath v. Commissioner of Income Tax** (1959).
- **Prospective overruling:** a judgment may apply only from a future date, as in *Golak Nath*.
- **Pith and substance:** when two lists overlap, a law is judged by its true subject matter.

Equality before the law (**Art 14**)

Equality before law

Negative concept from English common law.

Art 14 permits reasonable classification through intelligible differentia plus a rational nexus to the object sought.

“Any person” includes citizens and non-citizens alike.

State of West Bengal v. Anwar Ali Sarkar (1952) set the classification test. *E.P. Royappa v. State of Tamil Nadu* (1974) developed non-arbitrariness.

The genus of equality

Liberty cannot exist without it.

- Two limbs: the classification test (intelligible differentia and rational nexus) and non-arbitrariness (Royappa).
- **Exam trap:** Art 14 is the general guarantee; Arts 15 and 16 are specific applications of it.

Equal protection

Positive concept from the US Constitution.



Non-discrimination and public employment (Arts 15-16)

Art 15 bars discrimination on religion, race, caste, sex or place of birth. Clause (2) covers shops, hotels, wells and roads; (3) women and children; (4) backward classes, Scheduled Castes and Scheduled Tribes.

Art 15(5) includes private educational institutions, excluding minority institutions: **93rd Amendment** (2005). Clause (6) provides for Economically Weaker Sections: **103rd Amendment** (2019).

Art 16 guarantees equal opportunity in public employment. Clause (4) covers backward-class reservation; (4A) Scheduled Castes and Scheduled Tribes promotions; (4B) carry-forward vacancies; (6) Economically Weaker Sections.

Indra Sawhney v. Union of India (1992) upheld Other Backward Classes reservation, made 50% the general-rule ceiling, and excluded the creamy layer.

- **Art 15(4)** and **16(4)** are enabling provisions, not exceptions to Art 14.
- **Exam trap:** the 50% ceiling is a general rule, not an absolute constitutional limit.

RESERVATION CEILING



General rule ceiling: 50%; Remaining open merit share: 50%. Reservation ceiling sits at 50% as a general rule under **Indra Sawhney** (1992).

Abolishing untouchability and titles (**Arts 17-18**)

Art 17 abolishes “Untouchability”; enforcing any resulting disability is an offence. The Protection of **Civil Rights Act, 1955** and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) **Act, 1989** give effect to it.

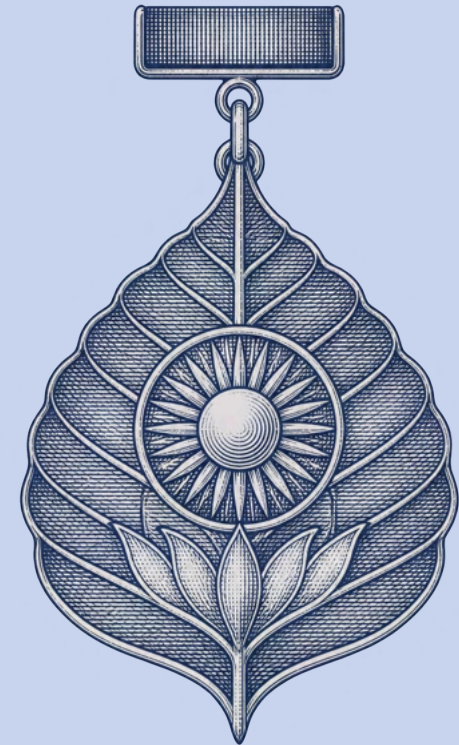
Art 17 operates against private individuals as well as the State. It eradicates horizontal inequality because discrimination persisted in social relations even after State withdrawal.

Art 18 abolishes State-conferred titles such as Rao Bahadur and Khan Bahadur. Military and academic distinctions are exempt. Citizens are barred from foreign titles without the President’s consent.

Balaji Raghavan v. Union of India (1996): Bharat Ratna and similar awards are not titles.

Art 18 closes the Equality cluster by abolishing artificial hierarchy.

- **Art 17** is enforced through the Protection of Civil Rights Act, 1955 and criminal law.
- **Art 18(3)–(4)**: citizens may not accept foreign titles, and foreign office or gifts need the President’s consent.
- **Exam trap**: Bharat Ratna is an award, not a title (Balaji Raghavan, 1996).



Article 19: six freedoms in a natural progression

**(a)**

Speech and
expression

**(b)**

Assembly
without arms

**(c)**

Association or
unions

**(d)**

Free movement

**(e)**

Residence and
settlement

**(g)**

Profession,
occupation, trade,
business

Clause (f), property was repealed by the **44th Amendment**.

Reasonable restrictions include sovereignty, security, public order, decency, contempt of court and defamation.

Romesh Thappar v. State of Madras (1950) concerns free speech; **Maneka Gandhi v. Union of India** (1978) requires fair, just and reasonable procedure.

Landmark cases: **Shreya Singhal v. Union of India** (2015): vague speech offences struck down under **Art 19(1)(a)**.

Form and voice an opinion → gather → associate → travel → settle → earn a livelihood.



Key Provisions: **Article 19(1)–(3)**

19(1)(a) Speech and expression.

19(1)(b) Assemble peaceably, without arms.

19(1)(c) Form associations or unions.

19(1)(d)–(e) Move and settle anywhere in India.

19(1)(g) Practise any profession or trade.

19(2) Speech limits: sovereignty, security, foreign relations, public order, decency, contempt, defamation, incitement.

19(3) Assembly limits: sovereignty and integrity, public order.

- **Art 19(2)** limits must be “reasonable” and tied to a listed ground; the State must show the link.
- **Art 19(3)** covers assembly only, on sovereignty, integrity and public order.
- **Exam trap:** Art 19 freedoms belong to citizens only, not to all persons.

LANDMARK CASES

- ***Romesh Thappar v. State of Madras*** (1950): speech restrictions must fall within clause **(2)** grounds.
- ***Shreya Singhal v. Union of India*** (2015): **Section 66A** of the **Information Technology Act** struck down as vague and overbroad.



Key Provisions: **Article 19(4)–(6)**

19(4) Reasonable limits on association: sovereignty, integrity, public order, morality.

19(5) Reasonable limits on movement and residence: general public or Scheduled Tribes.

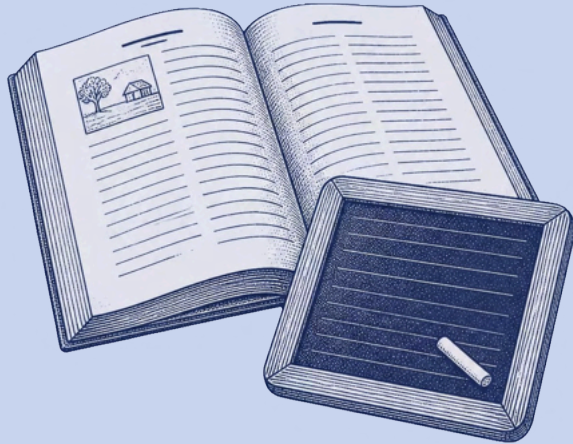
19(6) Reasonable limits on profession and business: general public; State monopoly and qualifications allowed.

- **Art 19(4)** limits cover association; **(5)** movement and residence, with tribal protection; **(6)** occupation and trade.
- **Exam trap:** Art 19(6) permits State monopolies and technical qualifications, not arbitrary bans.

LANDMARK CASES

- ***Anuradha Bhasin v. Union of India*** (2020): internet shutdown orders must be published and proportionate.
- ***Maneka Gandhi v. Union of India*** (1978): restrictions on liberty under **Articles 19 and 21** need a fair, just and reasonable procedure.

Criminal-law safeguards and life (**Arts 20–21A**)



Art 20 protects against **(1)** ex post facto criminal law or greater penalty, **(2)** double jeopardy, and **(3)** self-incrimination. It concerns criminal proceedings only.

Art 21 bars deprivation of life or personal liberty except by **procedure established by law**. Narrow in *A.K. Gopalan* (1950), it expanded in *Maneka Gandhi* (1978).

Art 21 includes livelihood, a healthy environment, privacy (*K.S. Puttaswamy*, 2017) and dignified death; it protects non-citizens.

Art 21A makes education free and compulsory for ages six to fourteen: **86th Amendment** (2002), **RTE Act, 2009**; rooted in *Unni Krishnan v. State of Andhra Pradesh* (1993).

Art 21 is Part III's heart. **Art 21A** is a suffix because dignified life is hollow without basic education.

Landmark cases: *State of Bombay v. Kathi Kalu Oghad* (1961): compelled handwriting is not testimony under **Art 20(3)**. *Maneka Gandhi v. Union of India* (1978): **Art 21** needs a fair, just and reasonable procedure. *K.S. Puttaswamy v. Union of India* (2017): privacy is part of life and liberty.



Key Provisions: **Articles 20, 21 and 21A**

Art 20(1). No ex post facto conviction or penalty.

Art 20(2). No double jeopardy for the same offence.

Art 20(3). No self-incrimination.

Art 21. No deprivation of life or personal liberty except by **procedure established by law**.

Art 21A. Free and compulsory education for children aged six to fourteen.

- **Art 20** protects only against criminal proceedings, not civil or departmental action.
- **Art 21A** was added by the **86th Amendment** (2002) and implemented by the **Right to Education Act, 2009**.
- **Exam trap:** Art 20(2) bars a second prosecution and punishment for the same offence.

LANDMARK CASES

- ***State of Bombay v. Kathi Kalu Oghad*** (1961): compelled handwriting is not testimony under **Art 20(3)**.
- ***Maneka Gandhi v. Union of India*** (1978): **Art 21** needs a fair, just and reasonable procedure.
- ***K.S. Puttaswamy v. Union of India*** (2017): privacy is part of life and liberty.



Arrest and detention (**Art 22**)

01

Arrest

Clause **(1)** requires prompt communication of grounds and access to a legal practitioner for consultation and defence.

02

Within 24 hours

Clause **(2)** requires production before the nearest magistrate, excluding travel time.

03

Preventive detention

Clauses **(4)–(7)** include a three-month limit without an Advisory Board's report.

D.K. Basu v. State of West Bengal (1997) laid down detailed arrest guidelines.

Art 22 sets the minimum baseline for arrest and preventive detention, the gravest threats to liberty.

Landmark cases: ***Joginder Kumar v. State of Uttar Pradesh*** (1994): arrest must be justified and reasons recorded. ***D.K. Basu v. State of West Bengal*** (1997): binding guidelines for arrest and custody.



Official text: **Article 22**

Art 22(1). Grounds of arrest told; right to consult a lawyer.

Art 22(2). Produced before a magistrate within 24 hours.

Art 22(3). No **(1)–(2)** safeguards for enemy aliens or preventive detention.

Art 22(4). Detention beyond 3 months needs Advisory Board opinion.

Art 22(5). Detention grounds communicated; chance to object.

Art 22(6). Facts against public interest need not be disclosed.

Art 22(7). Parliament may set detention limits and Board procedure.

- **Art 22(3)** excludes enemy aliens and preventive detainees from clauses (1)–(2).
- **Art 22(4)–(7)** govern preventive detention: Advisory Board review, grounds, and Parliament's power to set limits.
- **Exam trap:** Art 22 does not bar arrest; it sets the procedure that follows arrest.

LANDMARK CASES

- ***Joginder Kumar v. State of Uttar Pradesh* (1994):** arrest must be justified and reasons recorded.
- ***D.K. Basu v. State of West Bengal* (1997):** binding guidelines for arrest and custody.

PART III · EXPLOITATION

Protection from exploitation (**Arts 23-24**)

Art 23 prohibits trafficking in human beings, begar and forced labour, including against private individuals. Clause **(2)** permits compulsory public service without discrimination. The Bonded Labour System (Abolition) **Act, 1976** gives statutory effect.

Art 23 extends bodily liberty against private and economic coercion, outlawing slavery, trafficking and feudal forced labour.

Art 24 prohibits children below fourteen from employment in factories, mines or hazardous work. The Child Labour (Prohibition and Regulation) **Act, 1986** applies; **PUDR v. Union of India (1982)** extended protection to private employment.

Children cannot consent to hazardous labour. The age threshold aligns with **Art 21A**.

- **Art 23(1)** binds private persons as well as the State.
- **Art 24** covers children below fourteen in hazardous work; the Child Labour Act was tightened in 2016.
- **Exam trap:** Art 23 bans forced labour even where wages are paid.

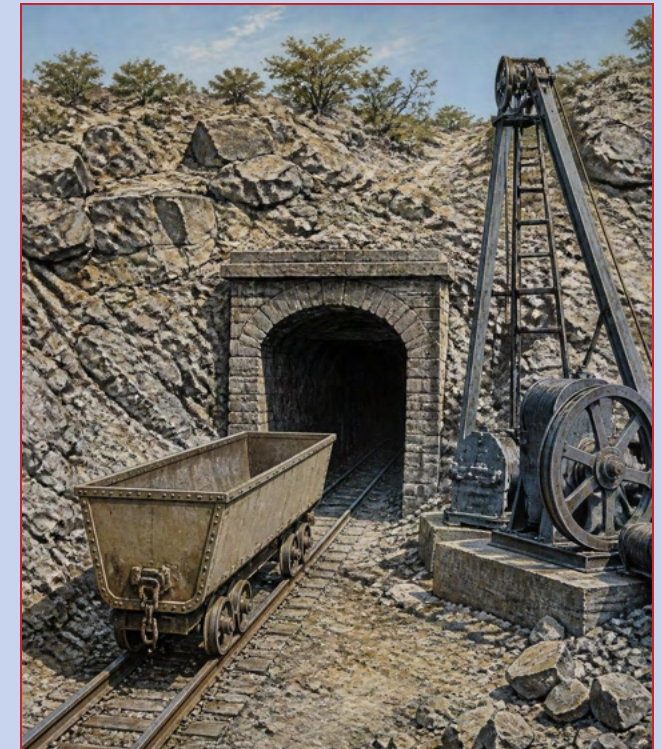
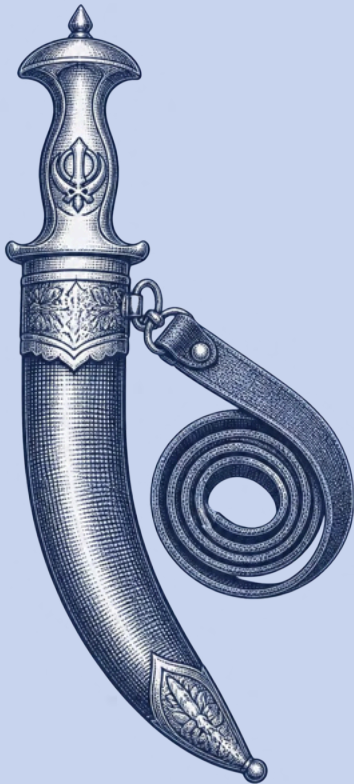


Illustration · Hazardous work.

Freedom of religion (**Arts 25–28**)



Art 25(1) protects conscience and professing, practising and propagating religion, subject to public order, morality and health. Clause **(2)** permits regulation of secular activity and social reform; the Kirpan is included.

Sri Venkataramana Devaru v. State of Mysore (1958) informs the essential religious practices test.

Art 26 lets denominations establish institutions, manage religious affairs and own property: *Commissioner, Hindu Religious Endowments v. Lakshmindra* (1954).

Art 27 bars compelled taxes promoting a religion; general revenue is not covered.

Art 28(1) bars religious instruction in wholly State-funded institutions; **(2)** exempts endowment-based institutions; **(3)** bars compulsory worship without consent.

- **Art 25(2)(b)** lets the State open Hindu public institutions to all classes; the Explanation treats carrying a kirpan as part of the Sikh religion.
- **Art 26** protects religious denominations, not individuals.
- **Exam trap:** Arts 25–28 yield to public order, morality and health, not to “public policy”.

Cultural and educational rights (**Arts 29–30**)

Art 29(1) allows any section of citizens with a distinct language, script or culture to conserve it. Clause **(2)** bars denial of admission to State-maintained or aided institutions on religion, race, caste or language alone.

Art 29 includes minorities: *St. Xavier's College v. State of Gujarat* (1974).

Art 30(1) gives minorities the right to establish and administer educational institutions of their choice. Clause (1A), inserted by the **44th Amendment**, provides fair compensation on acquisition; **(2)** prohibits discrimination in aid.

T.M.A. Pai Foundation (2002) and *P.A. Inamdar* (2005) clarified autonomy and admissions.

Identity → **institutional means**

Art 29 protects identity; **Art 30** supplies the institutions.



Illustration · Educational institutions.



Property and its exceptions (**Arts 31, 31A–31C**)

Article 31: repealed by the **44th Amendment** (1978); right to property moved to **Article 300A** in Part XII as a constitutional, not fundamental, right; shifted after clashes with land reform struck down in ***Golak Nath v. State of Punjab*** (1967).

31A: saves laws acquiring estates from **Arts 14, 19, 31** challenges.

31B: validates Ninth Schedule Acts from Part III challenge.

31C: saves laws giving effect to **Art 39(b)** and (c); extension to all Directive Principles struck down in *Kesavananda Bharati*.

- **Art 300A** protects property against deprivation without authority of law; there is no Art 32 remedy.
- **Art 31A** covers acquisition of estates and related rights, saved from Arts 14, 19 and 31.
- **Exam trap:** Art 31C is limited to Arts 39(b) and (c) after Kesavananda.

1967

Golak Nath v. State of Punjab

1973

Kesavananda Bharati

1978

44th Amendment: Art 31 → Art 300A



Enforcement and limits (**Arts 32-35**)

Art 32 permits direct access to the Supreme Court for **habeas corpus**, **mandamus**, prohibition, **quo warranto** and **certiorari**: Ambedkar's "heart and soul". **Art 226** gives High Courts parallel power.

Art 33 lets Parliament restrict rights of Armed Forces, public-order forces and intelligence agencies; e.g., **Army Act, 1950**.

Art 34 concerns restrictions during martial law in an area and indemnity by Parliament; it is distinct from Emergency.

Art 35 reserves legislation to Parliament for **Arts 16(3), 32(3), 33, 34** and punishment of **Arts 17 and 23** offences, ensuring uniformity across India.



Habeas corpus

Release from unlawful detention



Mandamus

Command a public duty



Prohibition

Stop excess jurisdiction



Quo warranto

Question authority to office



Certiorari

Quash an unlawful order

PART IV · DIRECTIVE PRINCIPLES

Why socio-economic rights are non-justiciable (**Arts 36–37**)

Part III was **justiciable** from 26 January 1950. A new State lacked resources to make socio-economic rights immediately enforceable, so these became directives: Ambedkar’s “instruments of instructions”.

Art 36

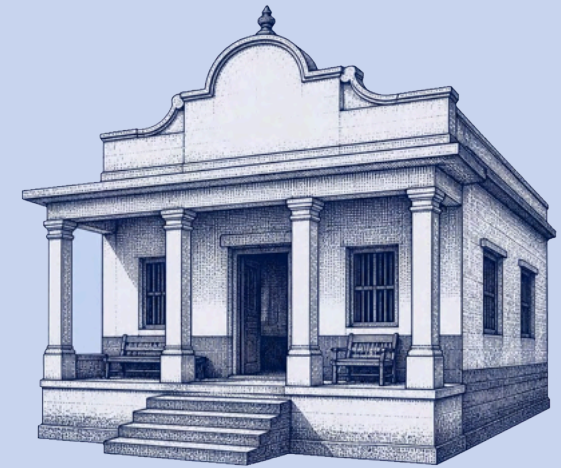
“State” has the same meaning as **Art 12**.

Art 37

Not enforceable by courts, yet fundamental to governance.

The groups run from definitions and enforceability (36–37), through socialist and economic welfare (38–43B), liberal-intellectual and governance reforms (44–50), to international relations (**51**). Citizen duties follow in Part IVA (51A).

State of Madras v. Champakam Dorairajan (1951) led to the **First Amendment**. Kesavananda treated the Part III–IV balance as **basic structure**.





The welfare blueprint (**Arts 38–39A**)

Art 38 • The welfare umbrella

A social order for the people's welfare; minimise inequalities in income, status, facilities and opportunities: **44th Amendment** (1978).

ARTICLE 39

Economic justice

Adequate livelihood; equitable distribution of resources; no concentration of wealth; equal pay for equal work; protection of workers and children.

Sanjeev Coke (1983). Clauses (b) and (c) underpin land reform laws under 31A–31C.

- **Art 39(d)** equal pay for equal work; **39(e)–(f)** protection of workers' health and children.
- **Art 39A** is implemented by the Legal Services Authorities Act, 1987.
- **Exam trap:** directive principles are not enforceable in court (Art 37).

ARTICLE 39A

Access to justice

Equal justice and free legal aid: **42nd Amendment** (1976).

Legal Services Authorities Act, 1987; *Hussainara Khatoon* (1979).



The worker lifecycle and local democracy (**Arts 40–43B**)

01

Art 41 · Enter work

Work, education and public assistance;
Mahatma Gandhi National Rural
Employment Guarantee Act (2005).

Art 40

Village panchayats; **73rd Amendment**
(1992).

The labour triad follows 41 → 42 → 43.

02

Art 42 · Conditions

Just and humane conditions, maternity
relief; **Maternity Benefit Act, 1961**.

Art 43A

Workers' participation in management;
42nd Amendment.

03

Art 43 · Living wage

Decent life and rural cottage industries;
Minimum Wages Act, 1948 and wage
codes.

Art 43B

Co-operatives; **97th Amendment** (2011),
also creating Part IXB.

Social and legal modernisation (**Arts 44–47**)



Illustration · Early childhood care.

Art 44 calls for a **Uniform Civil Code**: *Shah Bano* (1985) and *Sarla Mudgal* (1995).

Art 45 covers early childhood care and education below six. Ages 6–14 moved to **Art 21A** in 2002; Integrated Child Development Services and Anganwadi support the provision.

Art 46 promotes educational and economic interests of Scheduled Castes, Scheduled Tribes and weaker sections, working with **Arts 15(4), 16(4) and 335**.

Art 47 covers nutrition, living standards and public health, and prohibition of intoxicants except medicinal use. Examples include the National Health Mission and **National Food Security Act, 2013**.

- **Art 44** is a directive only; personal laws continue until a uniform code is enacted.
- **Art 47** also bars intoxicants except for medicinal use; cattle slaughter is addressed under Art 48.
- **Exam trap**: early childhood care is Art 45, while compulsory schooling for six to fourteen is Art 21A.

45 → 46 → 47

The human development triad.

PART IV · WIDER OBLIGATIONS

Environment, heritage, judiciary and peace (**Arts 48-51**)

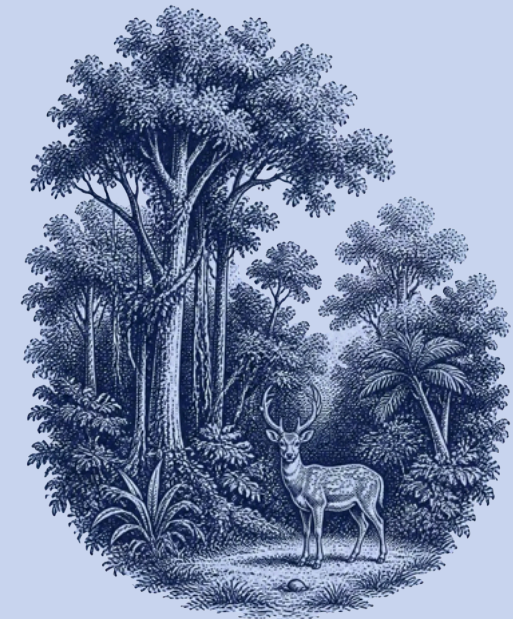
Art 48 promotes modern agriculture and animal husbandry, preserving cattle breeds and prohibiting slaughter.

Art 48A protects the environment, forests and wildlife: **42nd Amendment**; *T.N. Godavarman* (1996). It complements **Art 51A(g)**.

Art 49 protects monuments of national importance: Ancient Monuments and Archaeological Sites and **Remains Act, 1958**; Archaeological Survey of India.

Art 50 separates the judiciary from the executive: Code of Criminal Procedure 1973; *Sankalchand Himatlal Sheth* (1977).

Art 51 promotes peace, international law and arbitration, reflected in non-alignment and Panchsheel.

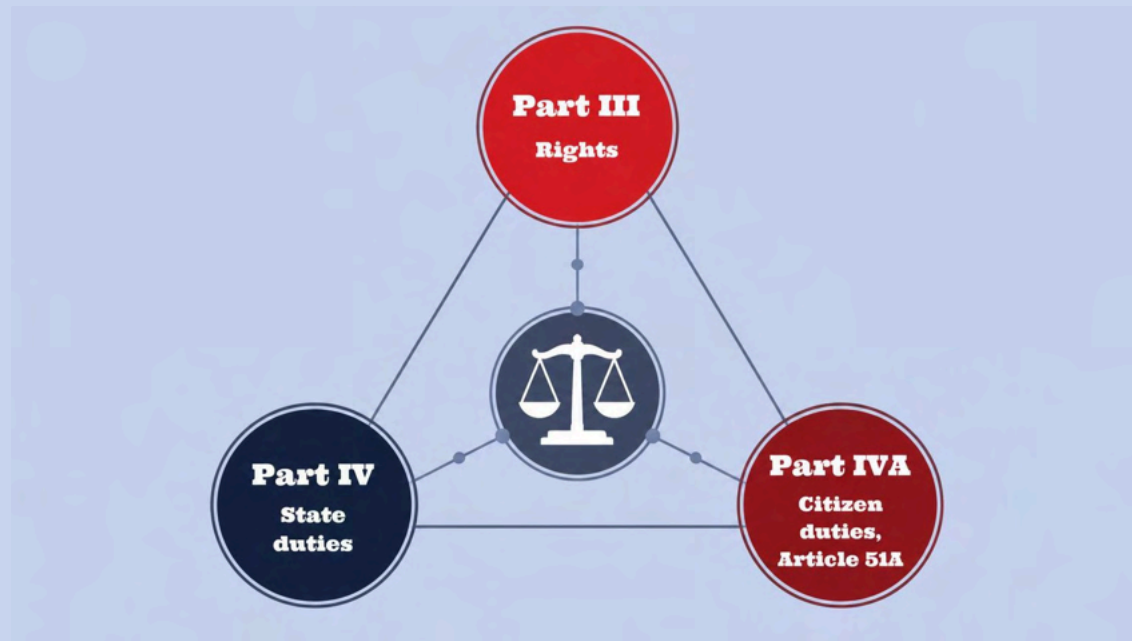


Fundamental Duties (**Art 51A**)

Art 51A contains eleven duties of every citizen: respect the Constitution; uphold sovereignty and integrity; promote harmony; preserve composite culture and the environment; develop scientific temper; safeguard public property; and educate children aged 6–14, added by the **86th Amendment** (2002).

The **42nd Amendment** (1976) inserted the duties on the Swaran Singh Committee's recommendation.

They are not enforceable like rights, but may aid judicial reasoning. The triad is rights (Part III), State duties (Part IV), and citizen duties (Part IVA, **Art 51A**), before Part V begins.





Institutions top-down: how Parts V to XVIII fit together

Union (Part V) first, then States (Part VI), then Finance and Services (Parts XII and XIV), Elections and Social Safeguards (Parts XV–XVII), and last Emergency Overrides (Part XVIII); each Part depends on those before.

Institution	Articles
President	52–62, 72, 74, 123
Attorney General	76
Supreme Court	124–147
Comptroller and Auditor General	148–151
State Judiciary	214–237
Finance Commission	280–281
Public Service Commissions	315–323
Election Commission	324–329
Scheduled Castes, Scheduled Tribes and Backward Classes Commissions	338, 338A, 338B
Linguistic Minorities Officer	350B
Emergency	352–360



The President: apex of the Union and the lifecycle of the office

All executive power of the Union is vested in the President (**Art 53**), who acts on the aid and advice of the Council of Ministers headed by the Prime Minister.

01 Arts 52-53

Creation and executive power

02 Arts 54-55

Election

03 Art 56

Five-year term

04 Art 57

Re-eligibility

05 Arts 58-59

Qualifications

06 Art 60

Oath

07 Art 61

Impeachment

08 Art 62

Filling a vacancy



The President's key powers: **Arts 72, 74 and 123**

Art 74 requires a Council of Ministers headed by the Prime Minister to aid and advise the President, who acts in accordance with that advice. The 42nd and 44th Amendments made advice binding, with one reconsideration allowed.

Art 72 covers pardons, reprieves, respites and remissions. *Maru Ram v. Union of India* (1980) and *Epuru Sudhakar v. State of Andhra Pradesh* (2006): ministerial advice governs, with limited judicial review.

Art 123 permits ordinances only when Parliament is not in session. They must be laid before both Houses and cease six weeks after reassembly.

D.C. Wadhwa v. State of Bihar (1987) condemned repeated re-promulgation as a fraud on the Constitution.

01

Promulgation

Parliament not in session

02

Parliament reassembles

Laid before both Houses

03

Six weeks

Ordinance ceases

The Attorney General for India (**Art 76**)

The legal arm of the Union Executive

Art 76 provides for appointment by the President; the appointee must be qualified to be a Supreme Court judge.

Advises the Government, appears for the Union in the Supreme Court, and has a right of audience in every court in India.

Not a member of the Council of Ministers. May speak in Parliament, without voting rights.

- **Art 76(2)**: duties include advising the Government on legal matters referred by the President.
- **Art 76(3)**: holds office during the President's pleasure; remuneration is set by the President.
- **Exam trap**: the Attorney General is not the Solicitor General; there is only one Attorney General.



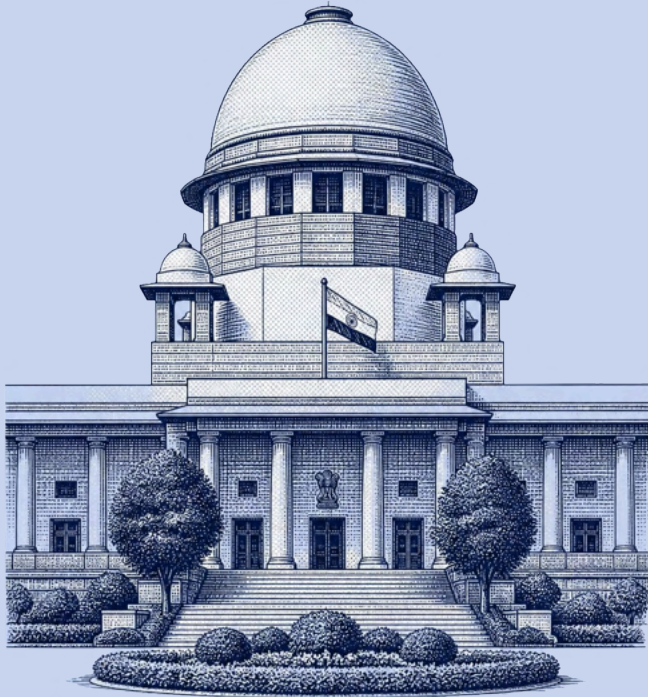


The arbiter follows Executive (52-78) and Legislature (79-123)

Arts 124-147 move from establishment to jurisdiction, then to the Court's own machinery.



Independence and the basic structure



Kesavananda Bharati v. State of Kerala (1973) established the Basic Structure doctrine. Parliament cannot amend core features such as judicial independence and federalism.

Art 124(4)–(5) protects tenure: removal only by address of both Houses for proved misbehaviour or incapacity.

Art 112 provides charged expenditure from the Consolidated Fund.

Art 124(3) sets qualifications. **Art 145(3)** requires five judges for substantial constitutional questions.

- **Art 124(3)**: five years as a High Court judge, ten years as an advocate, or a distinguished jurist.
- **Art 124(4)–(5)**: removal by address of both Houses, by special majority, for proved misbehaviour or incapacity.
- **Exam trap**: the basic structure doctrine is judge-made; the text never lists it.



Comptroller and Auditor General: financial audit closing Part V (Arts 148-151)

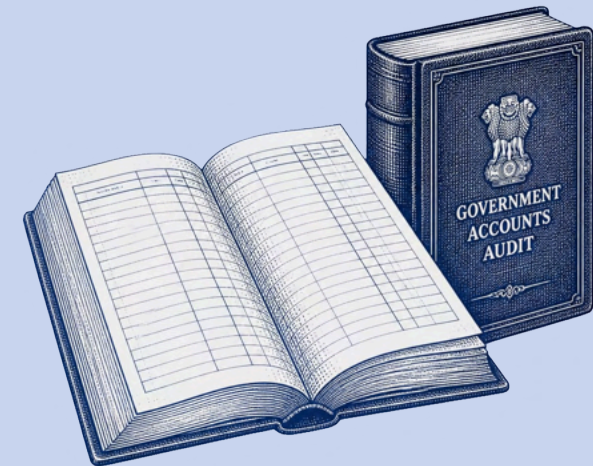
Art 151 concerns audit of Union and State accounts.

Art 148 provides appointment by the President; tenure is six years or until age 65. Removal follows the protection given to a Supreme Court judge.

Reports → Legislatures → PAC

Reports go to Parliament and State Legislatures, then to the Public Accounts Committee.

- **Art 149:** Parliament sets the Comptroller and Auditor General's duties and powers by law.
- **Art 150:** Union and State accounts are kept in forms prescribed by the President.
- **Exam trap:** the auditor reports; it does not decide policy or spending.





The State Judiciary (**Arts 214–237**)

Tier	Union	State
Executive	52–78	153–167
Legislature	79–123	168–213
Judiciary	Supreme Court	High Courts, 214–231 Subordinate Courts, 233–237
Ordinances	President, Art 123	Governor, Art 213

Arts 214 and 231

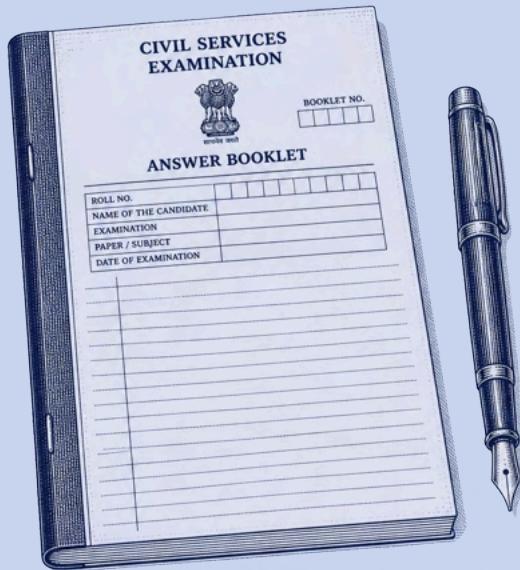
Each State has a High Court. A common High Court may serve two or more States, or a State and a Union Territory.

Art 235

Subordinate courts function under High Court superintendence.



Finance Commission and Public Service Commissions (**Arts 280–281, 308–323**)



Arts 280–281 · Finance Commission

Arts 268–279 catalogue central taxes shared with States. **Art 280** creates an impartial body every five years to compute the distribution formula, advise on grants and augment State Consolidated Funds. Accepted recommendations are binding in practice.

Arts 308–323 · Public services

Arts 308–314 define recruitment and tenure, including All-India Services under **Art 312**.

Arts 315–323 create independent commissions, shielding recruitment and discipline from patronage. Union Public Service Commission conducts the Civil Services Examination and is consulted on discipline under **Art 320**.

- **Art 280:** a Finance Commission is constituted by the President every fifth year.
- **Art 316:** members serve six years or until age 62, whichever is earlier.
- **Exam trap:** Art 281 requires the President to lay the Finance Commission's recommendations before Parliament.

The Election Commission of India (**Arts 324–329**)

Art 324 Autonomous Commission's superintendence of elections

Art 325 No communal electorates

Art 326 Universal Adult Suffrage

Arts 327–328 Legislative power over elections

Art 329 No judicial interference mid-election

N.P. Ponnuswami v. Returning Officer (1952): election petitions are the only remedy.

The **Chief Election Commissioner** is removable only like a Supreme Court judge.

- **Art 324(1)**: superintendence, direction and control of elections to Parliament, State legislatures, the President and the Vice-President.
- **Art 324(5)**: the CEC is removable on the grounds applicable to a Supreme Court judge.
- **Exam trap**: Art 329 bars courts from interfering mid-election; the remedy is an election petition afterwards.



National Commissions and linguistic safeguards (Arts 330–351)

Arts 330–335 in Part XVI mandate reserved seats and service reservation. **Arts 338, 338A and 338B** create permanent monitoring commissions.

The **89th Amendment (2003)** split the unified commission into Scheduled Castes and Scheduled Tribes bodies. The **102nd Amendment (2018)** gave constitutional status to the Backward Classes commission.

Arts 341, 342 and 342A govern notification of community lists.

Arts 343–349 in Part XVII cover official and court languages. **Arts 350–351** protect linguistic minorities, including grievances in one's mother tongue under **Art 350**.

Art 350B's Special Officer was created by the **7th Amendment (1956)**, reporting to the President and Parliament.

- **Art 330**: seats reserved for Scheduled Castes and Scheduled Tribes in the Lok Sabha; **Art 332** does the same for State Assemblies.
- **Art 334**: reservation of seats is time-bound and extended by amendment.
- **Exam trap**: Art 335 considers claims of Scheduled Castes and Scheduled Tribes without lowering efficiency.





Emergency Provisions (**Arts 352–360**)

Part XVIII temporarily converts India into a quasi-unitary system to preserve national survival.



S.R. Bommai v. Union of India (1994): **Art 356** is judicially reviewable. No dismissal on purely political grounds; a floor test determines majority.

The **44th Amendment** (1978) added written reasons and parliamentary approval within specified periods.

- **Art 352:** national emergency on war, external aggression or armed rebellion.
- **Art 356:** President's Rule in a State; **Art 360:** financial emergency.
- **Exam trap:** Art 359 may suspend enforcement of Fundamental Rights, but never Arts 20 and 21.

Voting as a fundamental right (**Arts 324–326**)

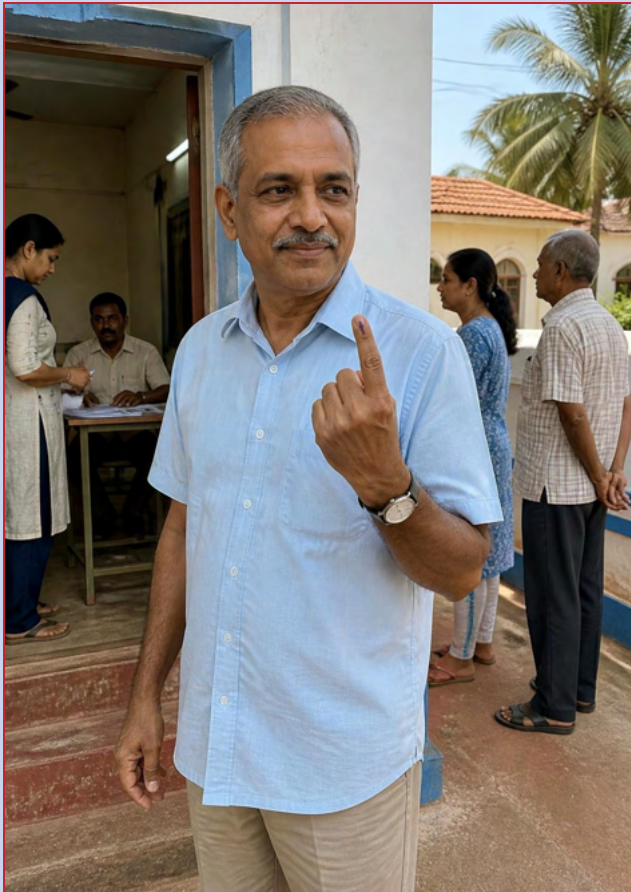


Illustration · Voters at a polling booth.

September 2026: Election Commissioners Sukhbir Singh Sandhu and Vivek Joshi recorded 14 formal objections over 10 months against Chief Election Commissioner Gyanesh Kumar.

Goa's ECINet failure deleted 97 eligible voters. Centralised software blocked Electoral Registration Officer corrections; welfare such as the Goa Mediclaim Scheme was lost.

Art 325 requires a single general roll; **Art 326** gives Universal Adult Suffrage at 18+. Read with the Representation of the People Act, 1950, Secs 19 and 21, and the Representation of the People Act, 1951, Sec 62.

Kuldip Nayar (2006): statutory right. *Rajbala* (2015): constitutional right. In Anoop Baranwal (2023), Justice Rastogi's dissent saw **Arts 19(1)(a) and 21**.

Ambedkar and K.T. Shah proposed a Fundamental Right in the Constituent Assembly. The first election enrolled 173 million voters under Sukumar Sen.

- **Art 325**: one general electoral roll; no separate electorates for religion, race, caste or sex.
- **Art 326**: adult suffrage, lowered to 18 by the 61st Amendment (1988).
- **Exam trap**: Art 329 bars courts from interfering mid-election; only election petitions follow.



Conflict inside the Election Commission of India and removal of a Chief Election Commissioner

The Election Commission of India calls file observations standard and says final decisions were unanimous. A formal dissent note records a reasoned disagreement.

Secs 17–18, **2023 Act** make the Chief Election Commissioner “first among equals”: one vote each; unanimity where possible, otherwise 2:1; dissent is allowed.

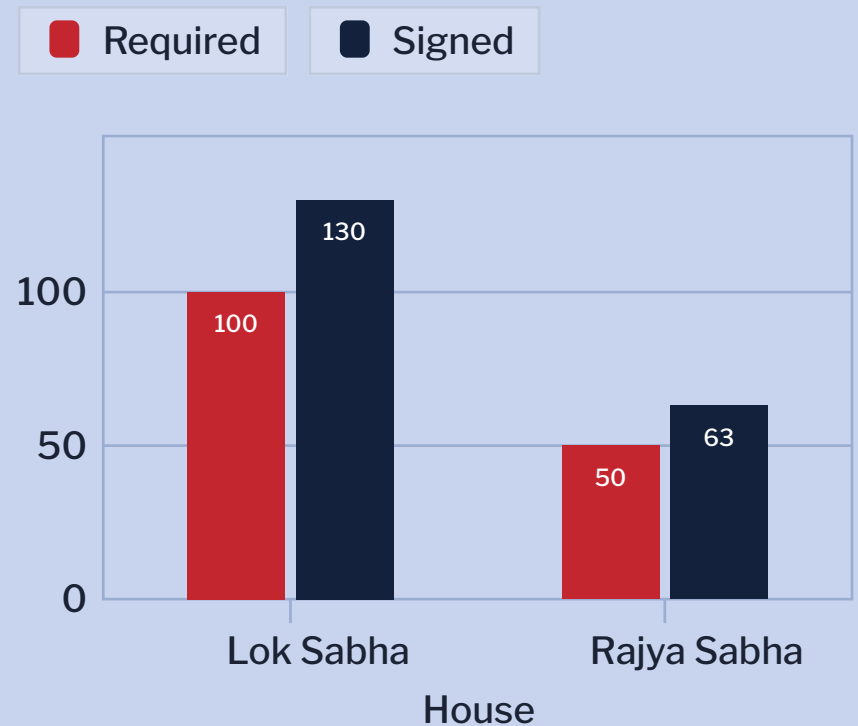
Art 324(5) and Sec 11(2) protect removal like a Supreme Court judge. **Art 124(4)** requires proved misbehaviour or incapacity.

Judges (Inquiry) **Act, 1968**: 100 Lok Sabha or 50 Rajya Sabha MPs give notice → Speaker/Chairman admits → three-member inquiry → special majority in both Houses → Presidential order.

12 March 2026 notices had 130 Lok Sabha and 63 Rajya Sabha signatures; rejected in April 2026. No Chief Election Commissioner has ever been impeached.

- **Art 324(5)**: other Election Commissioners can be removed only on the Chief Election Commissioner’s recommendation.
- The Chief Election Commissioner’s removal follows the **Art 124(4)–(5)** procedure.
- **Exam trap**: an impeachment motion needs both Houses, not a simple majority in one House.

MPs’ SIGNATURES VS REQUIRED

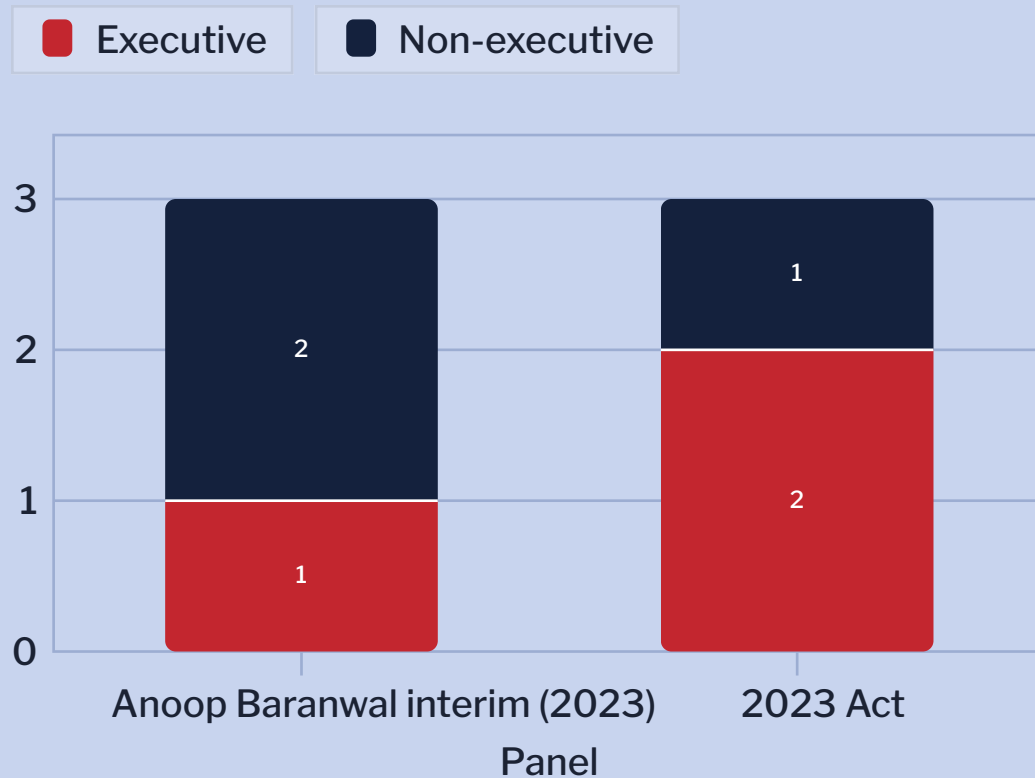


The March 2026 notices exceeded both signature thresholds.



IN THE NEWS · APPOINTMENTS

Appointing Election Commissioners (Arts 324, 145(3))



The 2023 panel has a 2:1 executive majority.

September 2026: Justices Datta and Sharma split over the Chief Election Commissioner and **Other Election Commissioners Act, 2023**, replacing the Chief Justice of India on the panel with a Cabinet Minister.

Justice Datta said two judges could decide and called the Leader of the Opposition's role "ornamental". Justice Sharma said **Art 145(3)** required five judges.

The matter went to the Chief Justice of India for a five-judge bench; a permanent **Constitution Bench** was urged.

Art 324(2) had a 73-year vacuum, 1950–2023. *Anoop Baranwal* (March 2023) created an interim panel of the Prime Minister, Leader of the Opposition and Chief Justice of India.

- **Art 324(2)**: the President appoints the Chief Election Commissioner and other Election Commissioners, subject to any law Parliament makes.
- **Exam trap**: the Constitution sets no selection procedure of its own, so the 2023 Act and *Anoop Baranwal* fill the gap.



IN THE NEWS • COMPLETE JUSTICE

Article 142 and the Chhatra Janta Party cases

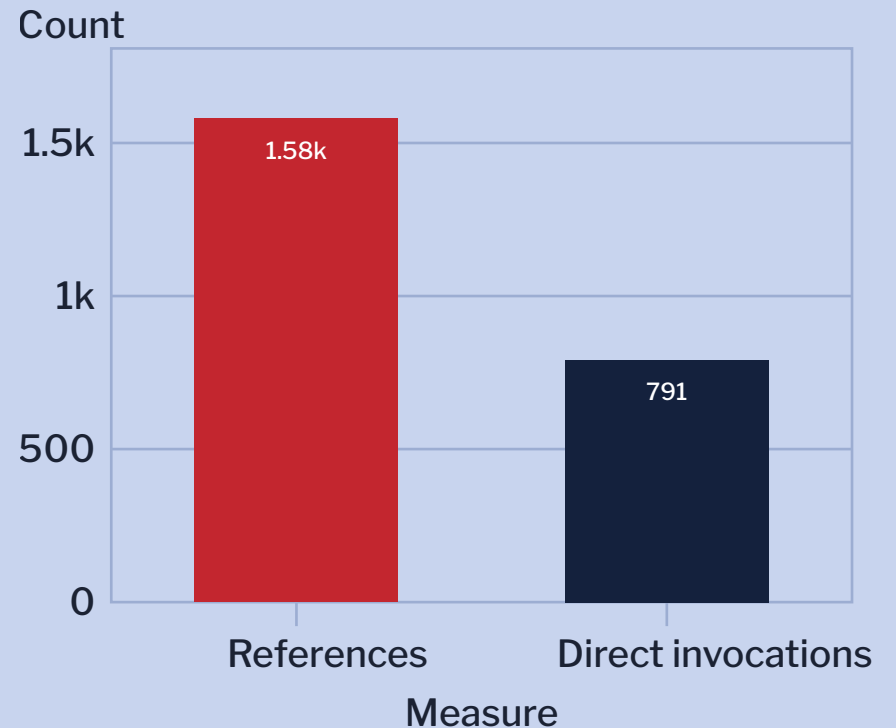
September 2026: the Supreme Court used **Art 142** to quash thousands of First Information Reports against Chhatra Janta Party members after settlement with the Centre, bypassing **Section 528** of the Bharatiya Nagarik Suraksha Sanhita.

Art 142(2) concerns attendance, discovery and contempt. “Complete justice” traces to Sec 210, Government of **India Act, 1935**, and Draft **Art 118, 27** May 1949.

Prem Chand Garg (1962) and *Supreme Court Bar Association (1998)* set limits: supplement, not supplant.

Landmark uses: Bhopal Gas settlement (1989): \$470 million, with **Art 142** used to complete the settlement. **Ayodhya title case (2019):** 5 acres for a mosque. **Shilpa Sailesh v. Union of India (2023):** divorce granted without the cooling-off period.

ARTICLE 142 USAGE



IIM Ahmedabad study, 1950–2023: 791 direct invocations out of 1,579 references.



IN THE NEWS · PROPERTY

Article 300A and the right to property

BEFORE 1978

Art 31 · Part III

Property was a Fundamental Right.

AFTER THE 44TH AMENDMENT

Art 300A · Part XII

A constitutional right, not a Fundamental Right.

No deprivation save by authority of law

Art 31 was repealed by the **44th Amendment** (1978). **Art 32** is not directly available for the property right; the remedy lies under **Art 226**.

Context includes *Golak Nath* (1967), **Arts 31A–31C** and the Ninth Schedule.

- **Art 300A** protects every “person”, so non-citizens are also covered.
- **Art 300A** requires only authority of law; the amount of compensation is a statutory question.
- **Exam trap:** a property claim cannot go directly to the Supreme Court under Art 32.

Add specific 2026 land-acquisition cases you track.



Article 262 and the Sone River dispute

September 2026: Bihar and Jharkhand's Memorandum of Understanding resolved a 25-year dispute. Of 7.75 million acre-feet, Bihar receives 5.75 and Jharkhand 2.

Art 262(1) lets Parliament provide adjudication of inter-State river disputes; **(2)** permits exclusion of court jurisdiction. Read with the Inter-State **River Water Disputes Act, 1956**.

Indrapuri Barrage is in Rohtas, Bihar; canals serve Palamu and Garhwa.

The Sone rises at Amarkantak, crosses five States and joins the Ganga above Patna. Tributaries include Rihand, Kanhar and North Koel. The Bansagar Agreement dates to 1973; November 2000 bifurcation left no formula.

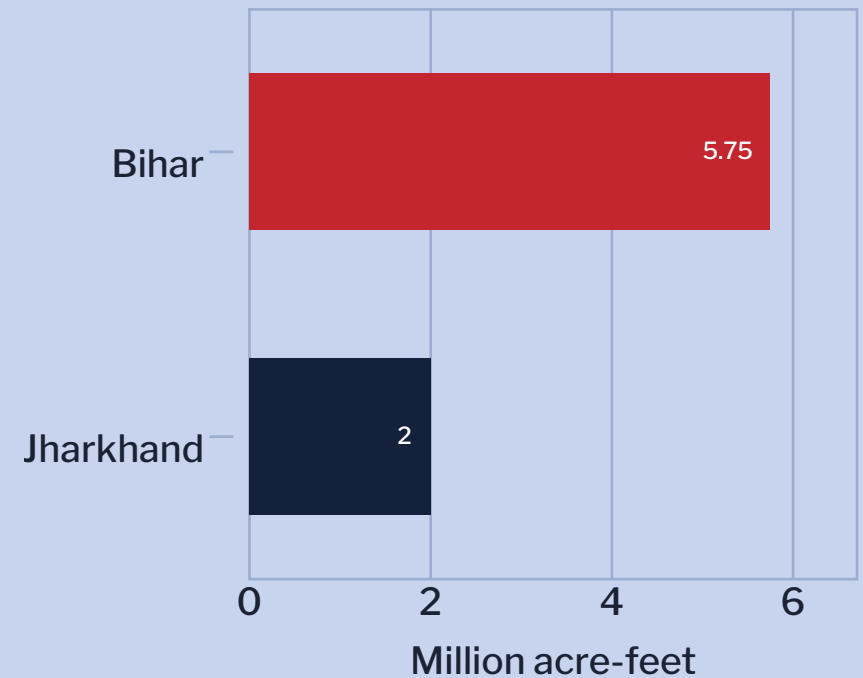
Art 262, not "262A"

There is no **Article 262A**.

- **Art 262(1)**: Parliament may provide by law for adjudication of inter-State river water disputes.
- **Art 131** original jurisdiction excludes river water disputes covered by Art 262.
- **Exam trap**: the Inter-State River Water Disputes Act, 1956 is the statute; Art 262 is the constitutional base.

SONE WATER SPLIT · MAF

State



Bihar 5.75 million acre-feet; Jharkhand 2 million acre-feet; total 7.75 million acre-feet.

IN THE NEWS · ASYMMETRIC GOVERNANCE

A governance model for Ladakh (proposed **Art 371-K**)

The Ministry of Home Affairs rejects Sixth Schedule status over security near the China border and proposes **Art 371-K**: a *sui generis* model with a directly elected body above the Ladakh Autonomous Hill Development Councils.

The Sixth Schedule, **Arts 244(2) and 275(1)**, covers Assam, Meghalaya, Tripura and Mizoram, with councils up to 30 members. The Fifth Schedule, **Art 244(1)**, has no elected councils.

Arts 239AA and 239AB concern Delhi. The **Jammu and Kashmir Reorganisation Act, 2019** left Ladakh without a legislature.

The friction concerns law and order and bureaucracy under the elected body, versus **Governor** or Lieutenant Governor control as under **Art 371H**.

- **Art 244(2)**: Sixth Schedule district councils make laws on land, forests and customary matters.
- **Art 371H** gives the Governor special responsibility for law and order in Arunachal Pradesh, a model for Ladakh.
- **Exam trap**: the Fifth Schedule under **Art 244(1)** has no elected councils.

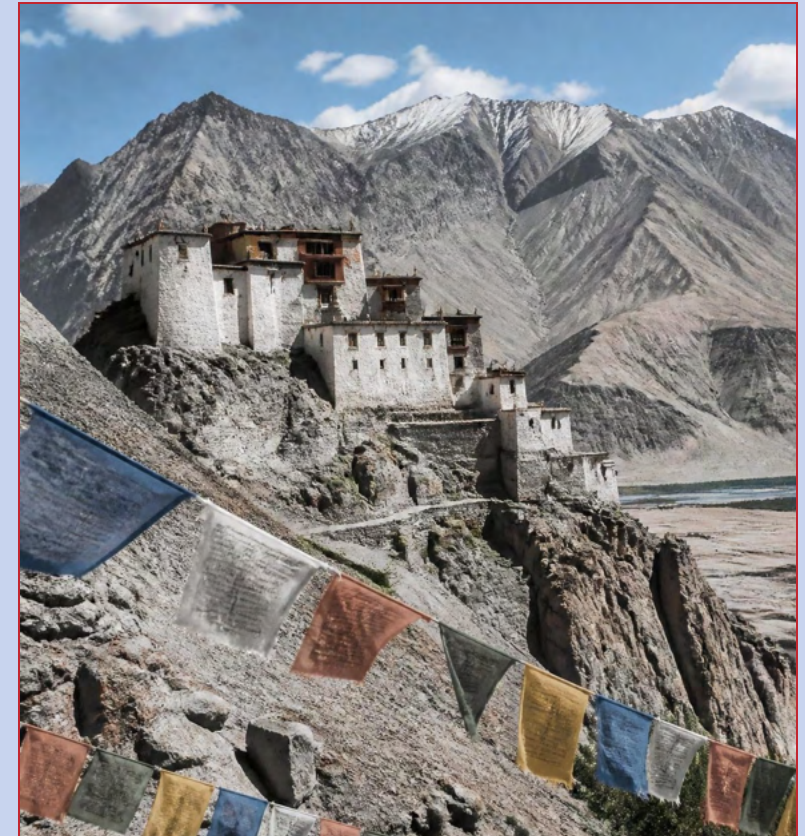


Illustration · Ladakh.

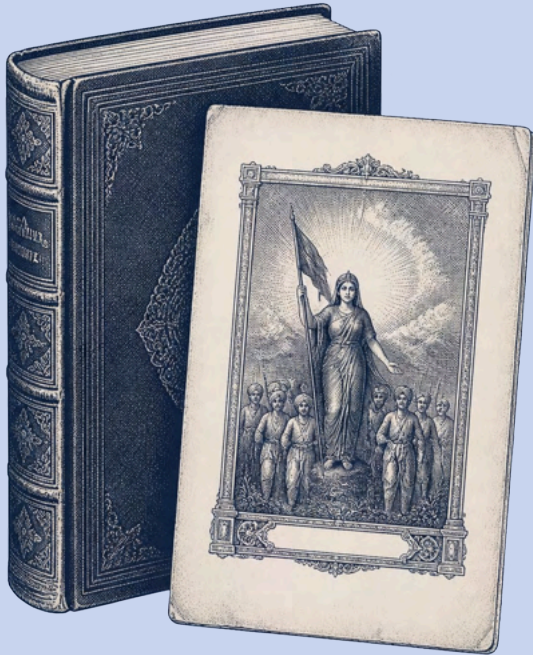


Articles 371A to 371J: region-specific provisions in Part XXI

Article	State	Amendment
371	Maharashtra, Gujarat	Original
371A	Nagaland	13th (1962)
371B	Assam	22nd (1969)
371C	Manipur	27th (1971)
371D-E	Andhra Pradesh, Telangana	32nd (1973)
371F	Sikkim	36th (1975)
371G	Mizoram	53rd (1986)
371H	Arunachal Pradesh	55th (1986)
371I	Goa	56th (1987)
371J	Karnataka	98th (2012)

Art 371 provides Maharashtra and Gujarat development boards; Original **Art 371** (1950): a 10-year clause for Part B States; accords: 16-Point (1960), Six-Point Formula (1973), Mizo Peace Accord (1986); **Art 370** now omitted.

Vande Mataram and conscience (**Arts 19(1)(a), 21, 25, 26, 51A**)



22 September 2026: a three-judge bench led by Chief Justice of India Surya Kant heard T.M. Krishna's petition against singing all six stanzas with penal consequences. The Court said a conscientious objector cannot face penal consequences.

Sec 3 of the Prevention of Insults to **National Honour Act, 1971** is relevant. **Art 51A** covers the Anthem and Flag, not the national song.

Bijoe Emmanuel v. State of Kerala (1986): respectful silence is not disrespect.

Only the first two stanzas were customary. The song appears in *Anandamath*, Bankim Chandra Chatterjee, 1882.

- **Art 51A(a)** names the Constitution, the National Flag and the National Anthem, not the national song.
- **Art 25** protects conscience; respectful silence during a song is not disrespect (*Bijoe Emmanuel*).
- **Exam trap:** “Vande Mataram” is the National Song; “Jana Gana Mana” is the National Anthem.

IN THE NEWS · HORIZONTAL EQUALITY

Article 17 and purity (Haldwani)

10 August: a *shuddhikaran* ritual at Haldwani's Ramlila ground took place two days after Mallikarjun Kharge's rally.

Art 17 applies only with evidence of caste-based “purity and pollution”.

Protection of Civil Rights Act Sec 7(1)(d) is relevant. **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act** Sec 3(1)(r) requires intent to humiliate in public view.

Cases include *Surya Narayan Choudhary* (1988) and *Sukanya Shantha* (2024).

Linked provisions are **Arts 14, 15 and 21**.

- **Art 17** is enforced by the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- **Art 17** is narrower than Art 14: it covers the practice of untouchability, not general inequality.
- **Exam trap:** an isolated ritual is not an Art 17 offence without caste-based intent or public humiliation.

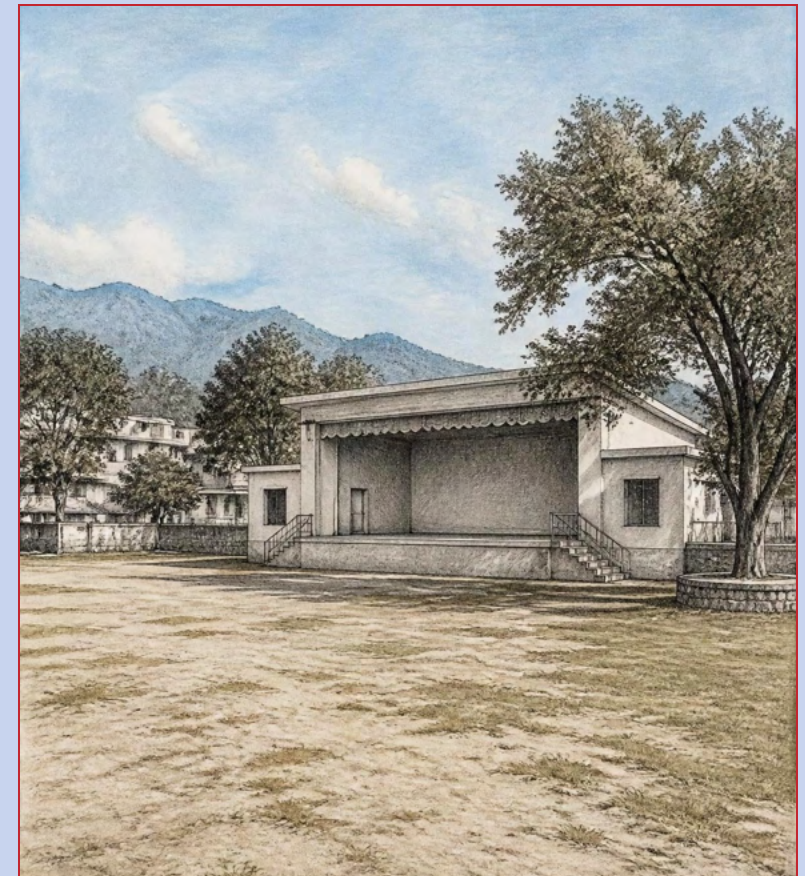


Illustration · Haldwani's Ramlila ground.

Jurists on the Supreme Court (**Art 124(3)**)

Justice Ujjal Bhuyan says the “distinguished jurist” clause has remained unused for over 76 years.

Five years

As a High Court judge

Ten years

As a High Court advocate

Jurist

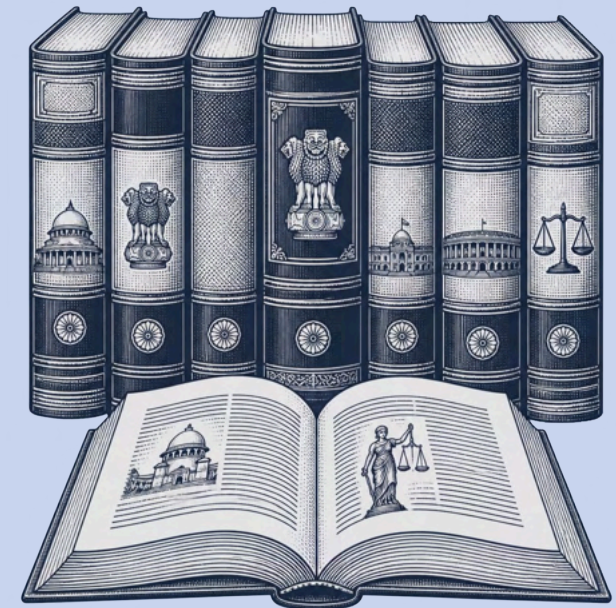
Distinguished, in the President’s opinion

Art 124(3) offers these alternative qualifications. **Art 217** omits the jurist route after the **44th Amendment**.

Hurdles include a Collegium recommendation, lack of courtroom experience and Rule 49 of the **Bar Council of India Rules**.

Constituent Assembly, **24 May 1949**: H.V. Kamath and the International Court of Justice model. The comparison includes Felix Frankfurter, **1939**.

- **Art 124(3)(a)–(b)**: tenure-based routes through High Court judgeship or High Court advocacy.
- **Art 124(3)(c)**: the jurist route rests on the President’s opinion and is rarely used.
- **Exam trap**: the jurist route appears in Art 124(3) but not in Art 217 for High Courts.





QUICK REVISION · I

Articles 1-51A

Article	Heading
Preamble	Source of authority and objectives
1	Name and territory of the Union
2	Admission or establishment of new States
3	Formation and alteration of States
4	Laws under 2 and 3 not Art 368 amendments
5-11	Citizenship
12	Definition of State
13	Laws inconsistent with Fundamental Rights
14	Equality before law
15	No discrimination
16	Equal opportunity in public employment
17	Abolition of untouchability

Article	Heading
18	Abolition of titles
19	Six freedoms
20	Protection in conviction for offences
21 / 21A	Life and liberty / Education
22	Arrest and detention safeguards
23-24	Forced labour and child labour
25-28	Freedom of religion
29-30	Cultural and educational rights
31A-31C	Saving of certain laws
32	Constitutional remedies
36-51	Directive Principles
51A	Fundamental Duties

Articles 52–371J

Article	Heading
52–62	President: office, election, term, impeachment
72	Pardoning power
74	Council of Ministers to aid and advise
76	Attorney General
123	Ordinance power
124–147	Supreme Court
124(3)	Qualifications of Supreme Court judges
142	Orders for complete justice
145(3)	Five-judge Constitution Bench
148–151	Comptroller and Auditor General of India
213	Governor's ordinance power
214–237	High Courts and subordinate courts

Article	Heading
13	Eclipse and severability of invalid laws
244	Fifth and Sixth Schedules
262	Inter-State water disputes
280	Finance Commission
300A	Right to property
315–323	Public Service Commissions
324–329	Elections and Election Commission
338–338B	Scheduled Castes, Scheduled Tribes and Backward Classes commissions
350B	Special Officer for Linguistic Minorities
352 / 356 / 360	National, State, Financial Emergency
368	Power to amend
371A–371J	Special provisions for States



Landmark cases and their ratio (1 of 3)

Case (year)	Article / Concept	Ratio
<i>Shankari Prasad Singh Deo v. Union of India</i> (1951)	Art 368 and Fundamental Rights	Art 368 amendments to Fundamental Rights upheld as not “law” under Art 13 (later overruled in Golak Nath)
<i>A.K. Gopalan v. State of Madras</i> (1950)	Art 21	Narrow reading: a procedure established by law alone was needed to deprive a person of liberty
<i>Romesh Thappar v. State of Madras</i> (1950)	Art 19(1)(a)	Freedom of speech and the circulation of journals protected under Art 19(1)(a) ; the ban was struck down
<i>I.C. Golak Nath v. State of Punjab</i> (1967)	Art 13 and Art 368	Parliament cannot amend Fundamental Rights under Art 368 (overruled in Kesavananda Bharati)
<i>Kesavananda Bharati v. State of Kerala</i> (1973)	Art 368	Parliament may amend any part, including Fundamental Rights, but cannot alter the basic structure
<i>Maneka Gandhi v. Union of India</i> (1978)	Art 14, 19 and 21	Procedure under Art 21 must be fair, just and reasonable; rights read together
<i>Minerva Mills Ltd. v. Union of India</i> (1980)	Art 368	Unlimited amending power destroys the basic structure ; Art 368(4)–(5) struck down; balance of Parts III and IV
<i>Maru Ram v. Union of India</i> (1980)	Art 72 and Art 161	Pardon power exercised on ministerial advice; the President and Governor act on aid and advice
<i>Bijoe Emmanuel v. State of Kerala</i> (1986)	Art 19(1)(a) and Art 25	Students who respectfully declined to sing the national anthem could not be expelled



Landmark cases and their ratio (2 of 3)

Case (year)	Article / Concept	Ratio
<i>D.C. Wadhwa v. State of Bihar</i> (1987)	Art 213 and Art 123	Re-promulgating ordinances repeatedly without legislative approval is a fraud on the Constitution
<i>T.N. Seshan v. Union of India</i> (1995)	Art 324	Election Commission is a multi-member body; the Chief Election Commissioner and Election Commissioners have equal status
<i>Unni Krishnan, J.P. v. State of Andhra Pradesh</i> (1993)	Art 21 and Art 45	Right to education is implicit in the right to life under Art 21 , subject to the State's economic capacity
<i>Indra Sawhney v. Union of India</i> (1992)	Art 16(4)	50% ceiling on reservations; creamy layer excluded from Other Backward Classes benefits
<i>S.R. Bommai v. Union of India</i> (1994)	Art 356	Art 356 proclamations are judicially reviewable; secularism is part of the basic structure
<i>Vishaka v. State of Rajasthan</i> (1997)	Art 19(1)(g) and Art 21	Binding guidelines against workplace sexual harassment until Parliament legislates
<i>D.K. Basu v. State of West Bengal</i> (1997)	Art 21 and Art 22	Guidelines on arrest, detention and custodial procedure to protect life and liberty
<i>Prem Chand Garg v. Excise Commissioner, U.P.</i> (1962)	Art 142	Complete-justice orders under Art 142 cannot override express statutory provisions
<i>Supreme Court Bar Association v. Union of India</i> (1998)	Art 142	Art 142 cannot be used to supersede substantive law



Landmark cases and their ratio (3 of 3)

Case (year)	Article / Concept	Ratio
<i>Selvi v. State of Karnataka</i> (2010)	Art 20(3)	Narco-analysis, polygraph and brain-mapping tests without consent violate the protection against self-incrimination
<i>Justice K.S. Puttaswamy (Retd.) v. Union of India</i> (2017)	Art 21	Privacy is an intrinsic part of life and personal liberty and a fundamental right
<i>Navtej Singh Johar v. Union of India</i> (2018)	Art 14, 19 and 21	Section 377 read down; consensual adult intimacy decriminalised
<i>Shreya Singhal v. Union of India</i> (2015)	Art 19(1)(a)	Section 66A of the Information Technology Act struck down as vague and overbroad
<i>Kuldip Nayar v. Union of India</i> (2006)	Art 324	Right to vote is a statutory, not fundamental, right; Art 324 guards the electoral process
<i>Anoop Baranwal v. Union of India</i> (2023)	Art 324	Interim panel with PM, Leader of Opposition and Chief Justice of India to appoint the Chief Election Commissioner and Election Commissioners until Parliament legislates
<i>Sukanya Shantha v. Union of India</i> (2024)	Art 17	Caste-based discrimination in prison manuals violates Art 17 and must be struck down



Schedules at a glance

Schedule	Subject
First	States and Union Territories
Second	Salaries of President, Governors, Speakers, judges, Comptroller and Auditor General of India
Third	Oaths and affirmations
Fourth	Allocation of Rajya Sabha seats
Fifth	Administration of Scheduled Areas and Scheduled Tribes (Art 244(1))
Sixth	Tribal areas of Assam, Meghalaya, Tripura, Mizoram (Art 244(2), 275(1))
Seventh	Union, State and Concurrent Lists
Eighth	Recognised languages (22)
Ninth	Laws protected from challenge (Art 31B)
Tenth	Anti-defection (52nd Amendment, 1985)
Eleventh	Panchayat powers (Art 243G)
Twelfth	Municipality powers (Art 243W)



Ten amendments that shaped the Constitution (1 of 2)

Amendment	Year	Article(s) affected	Key changes	Political and legal context
1st	1951	Arts 15(4), 19(2), 31A, 31B ; Ninth Schedule	Special provision for backward classes and Scheduled Castes and Scheduled Tribes; new speech restrictions (public order, incitement); land-reform laws shielded by 31A/31B and the Ninth Schedule	Passed after Romesh Thappar and other speech rulings; Nehru government's land-reform agenda
7th	1956	Art 1 ; First Schedule; Arts 153, 216, 222	Abolished the Part A, B and C State classification; created Union Territories; reorganised States	Followed the States Reorganisation Act 1956 and the Fazl Ali Commission's linguistic-based recommendations
42nd	1976	Preamble ; Arts 31C, 39, 51A, 368(4)–(5)	Added "Socialist", "Secular" and "Integrity" to the Preamble ; Part IV-A with Fundamental Duties (Art 51A); Directive Principles given priority; Art 368(4)–(5) barred courts from reviewing amendments	Passed during the Emergency on the Swaran Singh Committee's advice; Art 368(4)–(5) later struck down in Minerva Mills (1980)
44th	1978	Arts 19, 22, 300A, 352, 359	Property removed from Fundamental Rights and made a legal right under Art 300A ; Emergency safeguards restored (armed rebellion, not internal disturbance)	Janata government's response to Emergency abuses after the 1977 election
52nd	1985	Arts 101, 102, 190, 191 ; Tenth Schedule	Anti-defection law: legislators who defect are disqualified; exception for mergers of two-thirds of a House	Rajiv Gandhi government responded to floor-crossing politics; upheld in Kihoto Hollohan (1992)



Ten amendments that shaped the Constitution (2 of 2)

Amendment	Year	Article(s) affected	Key changes	Political and legal context
73rd	1992	Part IX (Arts 243–243O); Eleventh Schedule	Three-tier Panchayati Raj; one-third of seats reserved for women; Scheduled Castes and Scheduled Tribes reservation; State Election and Finance Commissions; 29 subjects listed	Narasimha Rao government's push for grassroots democracy and decentralisation
74th	1992	Part IXA (Arts 243P–243ZG); Twelfth Schedule	Municipalities as constitutional bodies in three tiers; reserved seats; ward committees; State Finance Commissions; 18 subjects listed	Parallel to the 73rd for urban local bodies, completing the local self-government framework
86th	2002	Art 21A; Art 45; Art 51A(k)	Free and compulsory education for children aged 6–14 made a fundamental right ; early childhood care added to the Directive Principles; parental duty to educate children	Vajpayee government, following Unni Krishnan (1993) and Mohini Jain (1992)
101st	2016	Arts 246A, 269A, 279A ; GST Council	Goods and Services Tax subsumed central and state indirect taxes; GST Council set up with the Union and States; implemented July 2017	Long-pending tax reform; Modi government; cooperative federalism through the Council
103rd	2019	Arts 15(6), 16(6)	10% reservation in education and public employment for economically weaker sections outside existing categories; upheld in Janhit Abhiyan v. Union of India (2022)	Debated against the 50% ceiling set in Indra Sawhney; upheld by a 3:2 majority