

# POCo2 — Salient Features & Preamble

🏰 POC02 · Indian Polity – II · Chapter 2

CDS Level

★ High Priority

✦ **CDS Focus:** The Preamble and salient features are tested every CDS cycle. Direct questions ask: (1) which words were added by the 42nd Amendment, (2) what Kesavananda Bharati case held, (3) which features were borrowed from which country, and (4) the meaning of key Preamble keywords. The "federal with unitary bias" vs "quasi-federal" distinction and the blend of rigidity and flexibility are favourite concept questions.

## PART A – THE PREAMBLE

### 1. The Preamble — Text & Analysis

#### 🏰 PREAMBLE TO THE CONSTITUTION OF INDIA

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

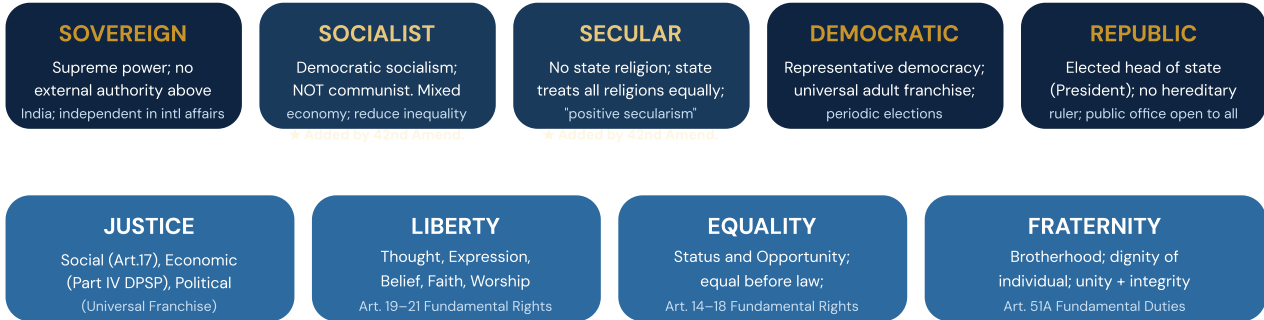
**FRATERNITY** assuring the dignity of the individual and the **unity and integrity of the Nation**;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do  
HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

💡 **Mnemonic for Preamble Keywords: Sovereign Socialist Secular Democratic Republic = SSSDR · Justice Liberty Equality Fraternity = JLEF.** Together: "Some Students Study Daily Requiring Just Learning Every Fact." Note: *Socialist, Secular, and Integrity* were added by 42nd Amendment (1976).

## 1.1 Keywords — Meaning & Significance Maximum PYQs

### PREAMBLE KEYWORDS — EXPLAINED



**ADDED BY 42nd AMENDMENT (1976) — Emergency Era — PM Indira Gandhi**  
 ★ Socialist ★ Secular ★ Integrity (in "unity and integrity of the Nation")  
 Note: The original Preamble had "unity of the Nation" — 42nd Amendment added "and integrity"

💡 **Important Distinction — Secular:** India's secularism is called "*positive secularism*" — unlike the Western concept of strict separation, India does NOT exclude religion from public life but ensures the state treats all religions *equally* and does not favour any. The state can regulate religious affairs, give grants to religious institutions, and interfere in social evil religious practices. This is why India has different personal laws for different religions.

## 1.2 Nature of the Preamble — Key Legal Rulings PYQ Direct

Case	Year	Ruling on Preamble	CDS Note
In re Berubari Union Case	1960	SC held Preamble is NOT part of the Constitution; cannot be enforced in court; does NOT confer powers or limit Constitution	First major ruling — later overruled

Case	Year	Ruling on Preamble	CDS Note
Kesavananda Bharati v. State of Kerala	1973	SC held Preamble IS part of the Constitution; can be used to interpret provisions; Preamble cannot be amended if it destroys Basic Structure	Most tested ruling – Preamble IS part of Constitution
LIC of India v. Consumer Education & Research Centre	1995	Reiterated that Preamble is part of the Constitution and a key interpretive tool	Confirmed Kesavananda view

**△ Preamble Traps:** (1) Preamble is **part of the Constitution** – Kesavananda Bharati 1973 (NOT the 1960 Berubari case which said otherwise). (2) Three words added by 42nd Amendment: **Socialist, Secular, and Integrity** – NOT "Democratic" (that was original). (3) Preamble is **amendable** – it has been amended once (by 42nd Amendment). (4) Preamble **cannot be enforced in court** as a standalone right – but courts use it to interpret other provisions. (5) "We, the People of India" – the source of sovereignty is the PEOPLE, not the government or Parliament.

## PART B – SALIENT FEATURES OF THE CONSTITUTION

# 2. Salient Features of the Indian Constitution

**Overview:** The Indian Constitution has several distinctive characteristics that make it unique. CDS tests these features as one-liner facts – "which country's constitution influenced this feature?" and "why is India called quasi-federal?" are the most common question formats.

## 2.1 Longhiest Written Constitution PYQ

### Longhiest Written Constitution

- ▶ India has the **longest written**

### Drawn from Various Sources

- ▶ GoI Act 1935 – Federal structure, Emergency provisions, Public

## constitution in the world

- ▶ Originally: 395 Articles, 8 Schedules, 22 Parts
- ▶ Currently (amended): ~448 Articles, 12 Schedules, 25 Parts
- ▶ Reasons for length: Governs a vast, diverse country; covers both Centre and States; comprehensive fundamental rights; detailed DPSP
- ▶ Drawn from GoI Act 1935 (which was itself very long — 321 sections)

## Service Commissions, 3 Lists

- ▶ **UK** — Parliamentary system, Cabinet system, Rule of Law, single citizenship, writs
- ▶ **USA** — Fundamental Rights, independent judiciary, judicial review, preamble concept, impeachment
- ▶ **Ireland** — Directive Principles of State Policy (DPSP)
- ▶ **Canada** — Federation with strong Centre, residuary powers to Centre
- ▶ **Australia** — Concurrent List, joint sitting of Parliament

## 2.2 Federal System with Unitary Bias

High Priority PYQ

India is "Quasi-Federal" or "Federation with strong Centre" — called by K.C. Wheare. The Constitution has both federal AND unitary features. It is *federal in normal times* and *unitary in emergencies*.

### FEDERAL VS UNITARY FEATURES OF INDIAN CONSTITUTION

#### ✓ FEDERAL FEATURES

1. Written and rigid constitution
2. Division of powers (3 lists)
3. Independent judiciary (Supreme Court)
4. Bicameral legislature (Lok Sabha + Rajya Sabha)
5. Separate governments at Centre and State
6. State legislatures (Vidhan Sabhas)
7. States have own subjects (State List)
8. Constitutional supremacy

#### ▲ UNITARY FEATURES (Strong Centre)

1. Single citizenship (not dual like USA)
2. Centre can alter State boundaries (Art. 3)
3. Residuary powers with Centre (Art. 248)
4. Emergency → Centre takes over States (Art. 356)
5. All-India Services (IAS, IPS) under Centre
6. Governors appointed by President (Centre)
7. No equal representation of States in RS
8. Integrated judiciary; Integrated audit machinery

## 2.3 Parliamentary Form of Government

PYQ

## ✦ Features of Parliamentary System

- ▶ **Nominal executive** (President) and **real executive** (PM + Council of Ministers)
- ▶ Council of Ministers is **collectively responsible** to Lok Sabha
- ▶ PM is leader of majority in Lok Sabha
- ▶ Dual membership – ministers must be members of Parliament
- ▶ PM can be removed by a *vote of no-confidence*
- ▶ President acts on *aid and advice* of the Council of Ministers (after 44th Amendment)

## ✦ Why India Chose Parliamentary System

- ▶ Familiarity – British model practised since 1919
- ▶ More accountable – executive responsible to legislature
- ▶ Flexible – no fixed term (can dissolve and re-elect)
- ▶ Suitable for India's diversity – coalition governments possible
- ▶ Presidential system (USA) rejected – less accountability, rigid
- ▶ India has *Westminster model* but with significant adaptations

## 2.4 Blend of Rigidity and Flexibility

PYQ Concept

**Rigid vs Flexible Constitution:** A *rigid* constitution requires a special procedure to amend (like USA – 2/3rd of Congress + 3/4th of states). A *flexible* constitution can be amended by simple majority (like UK – ordinary Parliament). India has a **blend**:

- **Simple majority (Flexible)** – Amendment of schedules, creating new states, forming UTs (Article 4, 169)
- **Special majority (Rigid)** – Most constitutional amendments; requires 2/3rd of members present + voting AND majority of total membership of each House (Article 368)
- **Special majority + State ratification (Most Rigid)** – Federal provisions: amendment of Preamble, fundamental rights, SC/HC jurisdiction, federal structure requires ratification by at least half the state legislatures

## 2.5 Other Salient Features

PYQ



## Independent Judiciary

- ▶ Integrated single judicial system (unlike USA's dual courts)
- ▶ Judges appointed by President on advice of collegium
- ▶ Difficult to remove – impeachment by Parliament
- ▶ Power of judicial review – can strike down laws
- ▶ SC is guardian of Constitution and Fundamental Rights



## Fundamental Rights (Part III)

- ▶ Borrowed from USA; Articles 12–35
- ▶ 6 FRs: Right to Equality, Freedom, against Exploitation, Religion, Cultural/Educational, Constitutional Remedies
- ▶ Right to Property removed by 44th Amendment (1978) – now legal right (Art. 300A)
- ▶ Justiciable – enforceable in court
- ▶ Some suspended during Emergency (Art. 359)



## Directive Principles (Part IV)

- ▶ Borrowed from Ireland; Articles 36–51
- ▶ Not justiciable (cannot be enforced in court)
- ▶ Socio-economic goals; guide state policy
- ▶ Three categories: Socialistic, Gandhian, Liberal-Intellectual
- ▶ Courts have ruled DPSP + FRs must be read harmoniously



## Fundamental Duties (Part IVA)

- ▶ Borrowed from USSR; added by **42nd Amendment 1976**
- ▶ Originally 10 duties; 11th added by **86th Amendment 2002** (education of children)
- ▶ Non-justiciable (cannot be enforced in court)
- ▶ Article 51A; inspired by Swaran Singh Committee recommendation



## Universal Adult Franchise

- ▶ Every citizen aged 18+ has the right to vote
- ▶ Voting age lowered from 21 to 18 by **61st Amendment 1988**
- ▶ No discrimination based on religion, race, caste, sex, literacy, wealth
- ▶ This was a radical democratic move in 1950 – most democracies had literacy tests



## Single Citizenship

- ▶ Unlike USA (dual citizenship – national + state), India has only **single citizenship**
- ▶ All Indians are citizens of India – not of their states
- ▶ Can move freely and get employment anywhere in India
- ▶ Borrowed from UK parliamentary tradition

## 2.6 Kesavananda Bharati Case (1973) – Basic Structure Doctrine

High Priority PYQ

**Kesavananda Bharati v. State of Kerala (1973)** – decided by a 13-judge Constitutional Bench (largest ever); 7:6 majority ruling. **Key holdings:** (1) Parliament has power to amend any part of the Constitution including Fundamental Rights. (2) BUT Parliament **cannot destroy the Basic Structure** of the Constitution. (3) Preamble is part of the Constitution. (4) The Basic Structure doctrine was born here – the most important constitutional doctrine in India's judicial history.

### ✦ What is Basic Structure?

- ▶ The SC did NOT give an exhaustive list – evolved over time
- ▶ Includes: Supremacy of Constitution, Republican & Democratic form of govt, Secular character, Separation of powers, Federal character, Unity & Integrity, Independence of Judiciary, Free & Fair elections, Judicial review, Rule of Law
- ▶ Any amendment that destroys these = unconstitutional

### ✦ Why This Case Matters for CDS

- ▶ Directly asked: "In which case was it held that Preamble is part of the Constitution?"
- ▶ Directly asked: "Basic Structure doctrine originated in which case?"
- ▶ This case struck down clause 4(b) of 42nd Amendment which said courts can't question amendments
- ▶ It reversed the effect of *Golak Nath v. Punjab (1967)* – which had said Parliament cannot amend FRs at all

### ⚠ Key Cases on Preamble & Basic Structure – CDS Sequence:

**Berubari (1960)** – Preamble NOT part of Constitution → **Kesavananda (1973)** – Preamble IS part; Basic Structure born → **Minerva Mills (1980)** – Parliament cannot destroy Basic Structure; harmony between FRs and DPSP → **Waman Rao (1981)** – Basic Structure applies to future amendments. Remember the sequence: 1960 said NO, 1973 said YES.

# ⚡ POCo2 Memory Chart — Fast Revision

## 📄 Preamble — SSSDR

- ♦ Sovereign — supreme, independent
- ♦ Socialist — mixed economy ★42nd
- ♦ Secular — no state religion ★42nd
- ♦ Democratic — elected representatives
- ♦ Republic — elected head of state

## ⚖️ Preamble — JLEF

- ♦ Justice — social, economic, political
- ♦ Liberty — thought, expression, belief
- ♦ Equality — status and opportunity
- ♦ Fraternity — dignity + unity + integrity
- ♦ ★ Integrity added by 42nd Amendment

## 📅 42nd Amendment 1976

- ♦ Added: Socialist + Secular + Integrity
- ♦ Emergency era — PM Indira Gandhi
- ♦ Also added: Fundamental Duties (51A)
- ♦ Called "Mini Constitution"
- ♦ 44th Amendment (1978) reversed many changes

## ⚖️ Key Cases

- ♦ Berubari 1960 — Preamble NOT part
- ♦ **Kesavananda 1973 — Preamble IS part**
- ♦ Basic Structure born — Kesavananda 1973
- ♦ Minerva Mills 1980 — FR + DPSP harmony
- ♦ 13-judge bench; 7:6 majority

## 🌐 Sources — Features

- ♦ Parliamentary system — UK
- ♦ Fundamental Rights — USA
- ♦ DPSP — Ireland
- ♦ Fundamental Duties — USSR
- ♦ Federal structure + Emergency — GoI 1935

## 🔑 Salient Features

- ♦ Longest written constitution (world)
- ♦ Quasi-federal / federal with unitary bias
- ♦ Parliamentary (not presidential) system
- ♦ Blend of rigidity and flexibility
- ♦ Single citizenship; universal adult franchise

📄 **Topic-Wise PYQs & Tricky Questions**

**Q1. Which words were added to the Preamble by the 42nd Constitutional Amendment (1976)?** CDS PYQ

- (a) Sovereign, Democratic, Republic (b) Socialist, Secular, Integrity  
(c) Justice, Liberty, Equality (d) Fraternity, Secular, Unity

✓ Answer: (b) Socialist, Secular, Integrity

The 42nd Amendment (1976) added the words **Socialist, Secular** (before "Democratic Republic") and **Integrity** (in "unity and integrity of the Nation"). "Sovereign," "Democratic," "Republic," "Justice," "Liberty," "Equality," and "Fraternity" were all in the original Preamble. "Integrity" was added to "unity" – making it "unity and integrity." This is the most directly tested Preamble question in CDS.

**Q2. In which case did the Supreme Court hold that the Preamble is part of the Constitution?** CDS PYQ

- (a) In re Berubari Union (1960) (b) Golak Nath v. Punjab (1967)  
(c) Kesavananda Bharati v. Kerala (1973) (d) Minerva Mills v. Union of India (1980)

✓ Answer: (c) Kesavananda Bharati v. Kerala (1973)

In **Kesavananda Bharati v. State of Kerala (1973)**, the Supreme Court (13-judge bench, 7:6 majority) held that the Preamble is part of the Constitution and can be used to interpret constitutional provisions. It also established the Basic Structure doctrine. The Berubari case (1960) had previously held the opposite – that the Preamble is NOT part of the Constitution. Kesavananda overruled the Berubari view.

**Q3. The term 'Republic' in the Preamble means:** CDS PYQ

- (a) India has no President (b) India has no monarchy; head of state is elected  
(c) India is independent of all external authority (d) India allows dual citizenship

✓ Answer: (b) India has no monarchy; head of state is elected

"Republic" means the head of state is **elected** (directly or indirectly) and not hereditary. In India, the President is elected (indirectly by an electoral college) for a fixed term of 5 years. This contrasts with countries like UK and Japan which are monarchies. "Sovereign" means supreme power/independent of external authority. Single citizenship is a separate feature not implied by "Republic."

**Q4. Which feature makes India a 'quasi-federal' state?** Tricky

- (a) Written Constitution (b) Independent Judiciary  
(c) Residuary powers vested with Centre; State boundaries alterable by Parliament  
(d) Bicameral Legislature

✓ Answer: (c) Residuary powers vested with Centre; State boundaries alterable by Parliament

India is "quasi-federal" (federal with unitary bias) because, unlike a true federation, **residuary powers are with the Centre** (Article 248) and **Parliament can alter state boundaries and create new states** (Article 3) without states' consent. Also: single citizenship, integrated judiciary, IAS/IPS controlled by Centre, Emergency provisions, and Governors appointed by President — all make the Centre dominant. Written constitution and bicameral legislature are found in both federal and unitary systems.

**Q5. The Directive Principles of State Policy (DPSP) in the Indian Constitution were borrowed from:** CDS PYQ

- (a) USA (b) Canada (c) Ireland (d) Australia

✓ Answer: (c) Ireland

The Directive Principles of State Policy (Articles 36–51, Part IV) were borrowed from the **Irish Constitution (1937)**, which in turn was influenced by the Spanish Constitution of 1931. DPSP are non-justiciable (not enforceable in court) but are fundamental to governance. They represent socio-economic rights — right to work, equal pay, free legal aid, etc. Fundamental Rights came from USA; DPSP from Ireland — a commonly tested pairing.

**Q6. The Fundamental Duties were added to the Constitution by which Amendment?** CDS PYQ

- (a) 44th Amendment (1978) (b) 42nd Amendment (1976)  
(c) 52nd Amendment (1985) (d) 86th Amendment (2002)

✓ Answer: (b) 42nd Amendment (1976)

Fundamental Duties (Article 51A, Part IVA) were added to the Constitution by the **42nd Constitutional Amendment (1976)**, based on the Swaran Singh Committee's recommendation. Originally 10 duties. The 86th Amendment (2002) added the 11th duty — the duty of parents/guardians to provide education opportunities for children aged 6–14. Fundamental Duties were borrowed from the USSR constitution. They are non-justiciable.

**Q7. The 'Basic Structure' doctrine of the Indian Constitution was propounded in:**

CDS PYQ

- (a) Shankari Prasad v. Union of India (1951) (b) Golak Nath v. State of Punjab (1967)  
(c) Kesavananda Bharati v. State of Kerala (1973)  
(d) Minerva Mills v. Union of India (1980)

✓ Answer: (c) Kesavananda Bharati v. State of Kerala (1973)

The Basic Structure doctrine was propounded in the **Kesavananda Bharati case (1973)** by a 13-judge constitutional bench (the largest ever in SC history). The court held by 7:6 that while Parliament can amend any part of the Constitution, it cannot destroy the "Basic

Structure." This doctrine was later reinforced in *Minerva Mills* (1980), *Waman Rao* (1981), and other cases. *Golak Nath* (1967) had held Parliament cannot amend Fundamental Rights at all — *Kesavananda* modified this.

**Q8. India is described as a "parliamentary form of government." Which feature is NOT associated with this form?** Tricky

- (a) Council of Ministers collectively responsible to Lok Sabha
- (b) President is the real executive
- (c) Prime Minister leads the majority party in legislature
- (d) Executive can be removed by legislature through vote of no-confidence

✓ **Answer: (b) President is the real executive**

In a parliamentary form of government, the President is the **nominal/constitutional head** — NOT the real executive. The **Prime Minister and Council of Ministers are the real executive**. The President acts on the aid and advice of the CoM (Art. 74). Options (a), (c), and (d) are all features of parliamentary government. In contrast, in a Presidential system (like USA), the President is the real executive and is NOT responsible to the legislature.

## Quick Reference — POC02

### 42nd Amendment (1976)

- Added: Socialist + Secular + Integrity
- Added: Fundamental Duties (10 originally)
- Called "Mini Constitution"
- Emergency era; PM Indira Gandhi
- 44th Amendment (1978) reversed many parts

### Key Cases

- *Berubari* 1960 — Preamble NOT part
- *Kesavananda* 1973 — Preamble IS part
- Basic Structure — *Kesavananda* 1973
- *Minerva Mills* 1980 — FR + DPSP balance
- 13-judge bench; 7:6 majority

### Borrowed Features

- FRs — USA
- DPSP — Ireland
- Fundamental Duties — USSR
- Parliamentary system — UK
- Federal structure — Gol Act 1935

## Preamble

### Keywords

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- Original (1950): Sovereign Democratic Republic
- Added 1976: Socialist + Secular + Integrity
- JLEF: Justice Liberty Equality Fraternity
- Source of sovereignty: "We, the People"
- Date in Preamble: 26 November 1949

## Federal Features

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- Written constitution; 3 lists; Bicameral
- Independent SC; Separate govts
- UNITARY: Single citizenship; Residuary-Centre
- Emergency → Centre takes over
- Governor appointed by President

## Numbers

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- Original Articles: 395 (now ~448)
- Original Schedules: 8 (now 12)
- Original Parts: 22 (now 25)
- Fundamental Duties: 10+1=11
- Voting age: 21→18 by 61st Amend. 1988

 **Mock Tests**

 **Subject Quiz**

 **Telegram**

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