

PYQ Vault

560

questions

50

days

10

years of PYQs

DAY 18

Indian Constitution · 11 questions

Every question carries a **Flow Snapshot** — and a handwritten model answer on the channel. No PYQ will be unfamiliar.

PREVIOUS YEAR QUESTION

UPSC 2016 · 10 marks

'Article 368 does not enable Parliament to alter the basic structure or framework of the Constitution'.

● **FLOW SNAPSHOT** — how the answer moves

Intro routes

R1 Art 368 = constituent power to amend → wide but not unlimited

R2 statement settles the debate → amendment ≠ destruction of identity

Body flow

Shankari Prasad / Sajjan Singh (FRs amendable) → **Mudholkar's** "basic features" hint → Golaknath (FRs barred) → Kesavananda Bharati 1973 (any part, not basic structure) → Minerva Mills (limited amending power itself basic) → **Chandrachud** (donee can't make limited power unlimited) → elements: supremacy, democracy, secularism, federalism, judicial review

Counter-view

Austin: judicial statesmanship guarding the spirit ↔ **Sathe:** judicial rewriting without textual basis

Conclusion routes

R1 Art 368 authorizes amendment, not abrogation of identity

R2 doctrine preserves constitutional identity against majoritarian amendment

Article 368 gives Parliament constituent power to amend the Constitution. The power, though wide, is not unlimited. It permits amendment but not destruction of the Constitution's identity.

Shankari Prasad and Sajjan Singh allowed Parliament to amend Fundamental Rights, though Justice J.R. Mudholkar hinted that the Constitution has "basic features". Golaknath then barred amendment of Fundamental Rights. In Kesavananda Bharati (1973): Parliament may amend any part, but cannot alter the basic structure.

Minerva Mills: holding the limited amending power is itself a basic feature. As Chief Justice Y.V. Chandrachud put it, "the donee of a limited power cannot convert the limited power into an unlimited one".

The doctrine guards the supremacy of the Constitution, democracy, secularism, federalism and judicial review. Granville Austin called it judicial statesmanship protecting the Constitution's spirit.

Critics like S.P. Sathe see judicial rewriting without textual basis. Article 368 therefore authorizes amendment, not the abrogation of constitutional identity.

PREVIOUS YEAR QUESTION

UPSC 2016 · 10 marks

The purpose of the 42nd Constitutional Amendment was to make the economic and social democracy explicitly visible.

• **FLOW SNAPSHOT** – how the answer moves

Intro routes

R1 "mini-Constitution" → declared purpose: make social-economic democracy explicit

R2 42nd Amendment as constitutional form for socio-economic revolution → visibility as the stated aim

Body flow

declared purpose → substance proves it → Preamble additions (Socialist, Secular) → Fundamental Duties → Article 39A / 43A / 48A → DPSP primacy over FR

Counter-view

went past visibility → judicial review cut + Parliament supremacy sought → balance disturbed → **Basu**: "revision," not amendment

Conclusion routes

R1 Minerva Mills restored Parts III–IV balance → purpose real but only partly legitimate

R2 visibility achieved, overreach corrected → genuine intent, limited legitimacy

The 42nd amendment act, 1976 called the "mini-constitution", focused to make India's social and economic democracy explicit. Its purpose was to remove difficulties in achieving the socio-economic revolution.

It added "Socialist" and "Secular" to the Preamble, inserted Fundamental Duties and brought in new directives: Article 39A on equal justice & free legal aid, Article 43A on worker's participation in management. Article 48A on environmental protection.

It also tried to give DPSPs primacy over Fundamental Rights, reflecting the same socio-economic thrust.

But the amendment reduced judicial review and sought to make Parliament supreme in amendment matters. It disturbed the constitutional balance. D.D. Basu viewed it as a revision rather than a mere amendment.

Minerva Mills later struck down this excessive primacy & restored the balance between Parts III and IV. The stated purpose was real, but only partly legitimate.

PREVIOUS YEAR QUESTION

UPSC 2016 · 15 marks

Discuss the Right to Information and underline challenges being posed before it.

● **FLOW SNAPSHOT** – how the answer moves

Intro routes

R1 RTI Act 2005 as a working statute → right to know operationalised

R2 right to know rooted in Art 19(1)(a) → Bennett Coleman / Manubhai Shah / PUCL

Body flow

Art 19(1)(a) base + three cases → ends colonial secrecy → transparency + accountability → tracking funds / welfare / services / records → participatory governance → turn to working gaps → pendency, poor records, weak Section 4 disclosure → 2019 Amendment + commissioner independence → political appointments → Official Secrets Act 1923 + security exemptions → no penalties → activist attacks + resistance on political parties

Counter-view

statutory promise of openness vs ground reality of delay, secrecy and weak enforcement

Conclusion routes

R1 strong in design, weak in delivery → fix enforcement and commission independence

R2 transparency becomes real only when commissions are empowered and secrecy laws are aligned

The Right to Information Act, 2005 turned the citizen's right to know into a working statute. It lets citizens seek information from public authorities. Its roots lie in Article 19(1)(a).

In *Bennett Coleman and Co. vs. Union of India* the Court held that free speech includes the right to read and be informed. *Manubhai D. Shah vs. Life Insurance Corporation* affirmed the people's right to know.

PUCL v. Union of India tied information directly to free speech. The act dismantles the colonial culture of secrecy, builds transparency and accountability. It lets citizens track public funds, welfare schemes, civic services and official records, thereby strengthening participatory governance.

Its working, however is uneven. Pendency, delay, poor record-keeping and weak voluntary disclosure under Section 4 slow the flow of information. The RTI amendment act, 2019 raised doubts about the independence of information commissioners by altering their tenure and service conditions.

The Official Secrets Act, 1923 and security exemptions narrow disclosure and Information Commissions seldom impose penalties. Attacks on activists and resistance to bringing political parties within its scope further weaken the promise.

PREVIOUS YEAR QUESTION

UPSC 2017 · 10 marks

Right to privacy is an intrinsic part of the right to life.

• **FLOW SNAPSHOT** – how the answer moves

Intro routes

R1 no textual basis → Court reads privacy into Article 21

R2 **Brandeis** "right to be left alone" → privacy as protection of life, autonomy, information

Body flow

recognition came slowly → M.P. Sharma / Kharak Singh deny or limit → Gobind links Articles 19 & 21 → Naz Foundation protects personal space → Puttaswamy (2017) nine-judge unanimous → AG's "common law right" plea rejected → held intrinsic to Article 21 → **Alok Prasanna Kumar's** core elements (autonomy, choice, control over information)

Counter-view

privacy as mere common-law right vs full constitutional right → state may still restrict, but only if lawful, necessary, proportionate

Conclusion routes

R1 privacy gives meaning to life and liberty

R2 recognition now settled, yet bounded by proportionality

Privacy finds no explicit mention in the Constitution, but the Supreme Court has placed it at the core of Article 21. Justice Louis Brandeis called it "the right to be left alone" i.e. protection of personal life, autonomy and information from unjustified intrusion.

The recognition came slowly. In *M.P. Sharma and Kharak Singh* the court denied or limited privacy. *Gobind* linked it to Article 19 and 21, and *Naz Foundation* protected a space where a person can remain himself or herself.

In *K.S. Puttaswamy vs. Union of India* (2017), a 9-judge bench, rejecting the argument that privacy was at best a common law right.

They unanimously held it "an intrinsic part of the right to life and personal liberty under Article 21". Alok Prasanna Kumar calls autonomy, choice and control over information as its core elements.

Privacy thus gives meaning to life and liberty, though the state may restrict it where lawful, necessary & proportionate.

PREVIOUS YEAR QUESTION

UPSC 2017 · 20 marks

Differentiate parliamentary supremacy from parliamentary sovereignty. Would you consider the Indian Parliament as a Sovereign Parliament? Examine.

• **FLOW SNAPSHOT** – how the answer moves

Intro routes

R1 two terms used loosely → actually different degrees of legislative power

R2 settle the distinction first → then test India against it

Body flow

supremacy = highest authority within jurisdiction, courts may review under written constitution → sovereignty = make/unmake any law, no higher limit → British model (**De Lolme**) → India rejects it: Constitution supreme → confining features (written Constitution, FRs, federal division, judicial review, Basic Structure) → Art 13 voids violating laws → Art 246 + Seventh Schedule split powers → Art 368 cannot touch basic structure → **Kashyap**: representative parliamentary democracy, not sovereign legislature

Counter-view

Jennings → supremacy itself risky → can slide into unfettered executive power when government controls the House majority

Conclusion routes

R1 supremacy within its field, not absolute sovereignty

R2 sovereignty lies with the Constitution and, through "We, the People," with the people

Supremacy and sovereignty are often used together, but they describe different degrees of legislative power. Parliamentary supremacy means Parliament holds the highest law-making authority within its assigned jurisdiction.

Courts interpret the law, though under a written constitution they may also review it. Sovereignty goes further. A sovereign Parliament can make or unmake any law. This is the British position, caught in De Lolme's line that "The British Parliament can do everything except make a man a woman and a woman a man".

India does not follow this model. Here the Constitution, not Parliament, is supreme. Several features confine the Indian Parliament: a written Constitution, Fundamental Rights, the federal division of powers, judicial review and the Basic Structure Doctrine.

Article 13 makes any law violating Fundamental Rights void. Article 246 and the Seventh Schedule divide powers between the Union and the States. The amending power under Article 368 cannot reach the basic structure. Subhash Kashyap therefore describes India as a representative parliamentary democracy, not a sovereign legislature.

Supremacy carries its own danger. Ivor Jennings warned that parliamentary supremacy in modern practice can become unfettered executive power once the government controls the majority in the House.

The Indian Parliament thus enjoys legislative supremacy within its own field, but not absolute sovereignty. Real sovereignty rests with the Constitution, and through "We, the people of India", ultimately with the people themselves.

PREVIOUS YEAR QUESTION

UPSC 2020 · 10 marks

Comment on the Right to constitutional remedies in India

● FLOW SNAPSHOT – how the answer moves

Intro routes

R1 Article 32 = direct SC access for FR enforcement → **Ambedkar** "soul / heart" → remedy itself made a Fundamental Right

R2 rights on paper vs enforceable rights → Article 32 converts declarations into claims

Body flow

writs as the operative strength (Habeas Corpus → Mandamus → Prohibition → Certiorari → Quo Warranto) → Article 226 wider High Court power → **Bhagwati** / PIL relaxes locus standi → access widens → **Rohit De** "people's court"

Counter-view

delay, cost, restricted access weaken the remedy in practice → **Baxi**: narrowing access cuts its real value

Conclusion routes

R1 enforceability is what makes Part III real → Article 32 the operative core

R2 a remedy is only as strong as access to it → guard access to keep rights real

Article 32 gives every citizen the right to move the Supreme Court directly for the enforcement of Fundamental Rights. B.R. Ambedkar placed it above every other provision, calling it "the very soul of the Constitution and the very heart of it".

Article 32 makes the remedy itself a Fundamental Right, turning the other rights from declarations into enforceable claims. The strength of this right lies in the writs. The Supreme Court can issue Habeas Corpus, Mandamus, Prohibition, Certiorari and Quo Warranto, while Article 226 gives High courts even wider writ power.

P.N. Bhagwati widened access by relaxing locus standi through Public Interest Litigation, which, as Rohit De notes, helped make the Court a "people's court."

The remedy is not without limits. Delay, cost and restricted access weaken it in practice and Upendra Baxi cautions that narrowing access reduces its real value. However, Article 32 remains the provision that makes all other rights real.

PREVIOUS YEAR QUESTION

UPSC 2020 · 10 marks

Comment on the judicial overreach in India

● FLOW SNAPSHOT – how the answer moves

Intro routes

R1 define overreach = activism crossing constitutional limits into legislative/executive functions

R2 India = separation of functions + checks and balances
→ concern is not review but its expansion into governance

Body flow

legitimate activism protects rights / overreach disturbs institutional balance → examples: national anthem order, highway liquor ban, firecracker directions, Article 142 overuse → effects: unelected governance, no administrative expertise, reduced accountability → **Mehta** (against constitutionalism) → **Hewitt** (weakens Parliament) → "tyranny of the unelected" → **Verma's** scalpel-not-Rampuri-knife limit

Counter-view

activism is legitimate where rights are at stake; the problem is the line crossed, not review itself

Conclusion routes

R1 corrective is restraint, not surrender of judicial review

R2 curb the excess while preserving rights protection and review

Judicial overreach occurs when judicial activism crosses constitutional limits and enters legislative or executive functions. India follows a separation of functions held together by checks & balances. The concern is not judicial review itself but its expansion into governance.

Where legitimate activism protects rights, overreach disturbs the institutional balance. The pattern shows in the national anthem order, the liquor ban near highways, firecracker directions and the overuse of Article 142 to issue policy directions in areas better handled by elected bodies. Such intervention creates unelected governance, often without administrative expertise and reduces accountability.

Pratap Bhanu Mehta argues that judicial governance goes against constitutionalism, while Vernon Hewitt cautions that intervention in the legislative process can weaken Parliament. Critics call it a "tyranny of the unelected".

Justice J.S. Verma the limit : activism is "a sharp-edged tool which has to be used as a scalpel by a skillful surgeon to cure the malady. The corrective is restraint, not the surrender of review.

PREVIOUS YEAR QUESTION

UPSC 2021 · 10 marks

Mention the founding principles that define India's Constitution.

● **FLOW SNAPSHOT** – how the answer moves

Intro routes

- R1** authority belongs to the people, not Crown/class/ruler
→ sovereignty is the base
- R2** **Austin**: "social document" → unity + democracy + social revolution as the frame

Body flow

popular sovereignty ("We, the People") → republic + democracy (adult franchise, responsible executive) → rule of law / Article 14 → Fundamental Rights (Part III → political democracy) → DPSP (Part IV → social-economic democracy) → secularism (Articles 25–30, S.R. Bommai) → federalism with strong Union → independent judiciary

Counter-view

Austin's social aim vs **K.T. Shah** — Constitution "almost entirely political and not at all social or economic"

Conclusion routes

- R1** these principles fuse a plural society into one democratic community
- R2** political democracy + social democracy together → peaceful social revolution

India's constitution rests on a conviction : that authority belongs to the people, not to any Crown, class or ruler. Granville Austin called it "first and foremost a social document", built to combine national unity, democracy and social revolution.

Popular sovereignty is the base, expressed in "We, the People of India". From it flows republicanism and democracy - an elected head of state, universal adult franchise and a responsible executive. Rule of law and equality before law, anchored in Article 14, ensure that no authority stands above the law.

Fundamental Rights in Part III secure civil and political democracy, while the DPSPs in Part IV lay the ground for social & economic democracy.

Secularism, reflected in Articles 25-30 and affirmed in S.R. Bommai vs. Union of India, keeps the state neutral while permitting social reform. Federalism with a strong Union holds a diverse country together and an independent judiciary guards these limits.

Together these principles turn a plural society into one democratic political community committed to social transformation.

PREVIOUS YEAR QUESTION

UPSC 2021 · 10 marks

Underline the significance of the first constitutional amendment.

● **FLOW SNAPSHOT** – how the answer moves

Intro routes

- R1** June 1951 amendment → first use of amending power to protect socio-economic reform from FR
- R2** triggered by early adverse rulings → reservation, speech, land reform all under strain

Body flow

response to *Champakam / Romesh Thappar* / land-reform litigation → Art 15(4): affirmative action & social engineering → Art 19(2)/19(6): wider reasonable restrictions → Art 31A/31B + Ninth Schedule: shield land-reform laws → opens Parliament–judiciary contest

Counter-view

Ninth Schedule immunity not absolute → I.R. Coelho subjects post-Kesavananda laws to basic structure review

Conclusion routes

- R1** significance = template for amendment-driven socio-economic justice
- R2** significance = origin of the long rights-vs-reform, Parliament-vs-court contest

The First constitutional amendment, passed in June 1951. It set the pattern for using the amending power to protect socio-economic reform from Fundamental Rights challenges. It responded to judicial decisions that had created practical difficulties.

Champakam Dorairajan had checked reservation policy, Romesh Thappar limited speech restrictions and land reform litigation threatened zamindari abolition. To meet these, the Amendment added Article 15(4), enabling special provisions for socially and educationally backward classes, SCs and STs.

It opened the way for affirmative action and social engineering. It recast Article 19(2) and 19(6) to allow wider reasonable restrictions, including public order, friendly relations with foreign states and incitement to an offence.

Articles 31A and 31B, with the new Ninth Schedule, protected land reform laws from court review.

Its significance lies in beginning the long Parliament - judiciary contest over rights and reform. I.R. Coelho held that Ninth Schedule laws added after Kesavananda remain open to basic structure review.

PREVIOUS YEAR QUESTION

UPSC 2022 · 10 marks

The Preamble of the Indian Constitution reflects itself as a 'social contract'. Elucidate.

● **FLOW SNAPSHOT** – how the answer moves

Intro routes

R1 "We, the People" → Constitution an act of the people, not imposed → popular sovereignty

R2 Preamble as a constitutional covenant → citizens constitute authority, state promises the four ideals

Body flow

adopted / enacted / given to themselves → covenant: citizens create authority + accept democratic rule ↔ state secures justice–liberty–equality–fraternity → people retain sovereignty → social-contract frame: **Hobbes** (order) → **Locke** (rights, limited govt) → **Rousseau** (general will) → **Rawls** (justice as fairness) → Indian traditions (**Manu** / **Kautilya** / Buddhist: obligation, public order)

Counter-view

not a purely Western import; Indian traditions widen the idea → and the contract here is constitutional + democratic + welfare-oriented, not a Hobbesian surrender of liberty

Conclusion routes

R1 Preamble not passive → it fixes legitimacy, purpose and limits of government

R2 covenant binding citizens and state → a constitutional, democratic, welfare-oriented social contract

"We, the People of India" makes the constitution an act of people. It is adopted, enacted and given by the people to themselves.

This makes the Preamble a constitutional covenant in which citizens create political authority, accept constitutional and democratic rule.

The state in turn promises to secure justice, liberty, equality & fraternity. Sovereignty stays with the people. This bargain draws on social contract thinking. Thomas Hobbes ties the contract to order and security; John Locke to limited government and rights. Jean-Jacques Rousseau to the general will & popular sovereignty. John Rawls to justice as fairness. Indian traditions are not absent - Manu, Kautilya and Buddhist thought also carry ideas of political obligation and public order.

The Preamble is therefore not a passive introduction. It fixes the legitimacy, purpose and limits of government, binding citizens & state in a contract that is constitutional, democratic and welfare-oriented.

PREVIOUS YEAR QUESTION

UPSC 2023 · 15 marks

The main goal of the Fundamental Duties in the Indian Constitution is to generate civic responsibility among the citizens. Explain.

● FLOW SNAPSHOT – how the answer moves

Intro routes

R1 locate FDs (Part IVA, Art 51A, 42nd Amendment / Swaran Singh) → purpose not punishment but civic responsibility

R2 rights must be balanced by responsibilities → duties bind rights to responsible conduct

Body flow

content shows the aim (respect Constitution, unity, harmony, environment, scientific temper, public property → civic discipline) → deeper basis: rights & duties correlatives → **Gandhi** (*Hind Swaraj*) / **Mazzini** (*Duties of Man*) / **V.K.R.V. Rao** → duties give rights ethical ground → civic goal guides law (non-justiciable yet directive) → *Rural Litigation & Entitlement Kendra* (environmental duty) → **Verma Committee** (integrity, accountability, leadership)

Counter-view

goal can turn into disciplining → **Anupama Rao** (duty as precondition for citizenship) / **Chandhoke** / **Nandy** (state moral authoritarianism)

Conclusion routes

R1 rights without duties = entitlement without accountability; duties without rights = oppression

R2 true goal = civic & moral education, not coercive enforcement

Fundamental duties sit in Part IV-A, Article 51 A, added by the 42nd amendment, 1976 on the recommendation of the Swaran Singh committee. Their purpose was never punishment.

It was to cultivate civic responsibility by reminding citizens that rights must be balanced by responsibilities. Citizens are asked to respect the Constitution, uphold unity, promote harmony, protect the environment, develop scientific temper and safeguard public property. Together these build civic discipline and democratic conduct rather than legal compulsion.

The deeper basis that rights and duties are correlatives. In Hind Swaraj, Mahatma Gandhi wrote that real rights are a result of the performance of duty.

Giuseppe Mazzini, in *The Duties of Man*, distrusted any transformation invoking only rights. Professor V.K.R.V. Rao added that without duties people may lack the willingness to fulfil them. Duties thus give rights their ethical ground.

This civic goal also guides law. Though non-justiciable, duties shape interpretation: in *Rural Litigation and Entitlement Kendra vs. State of Uttar Pradesh*, environmental duty supported a ban on illegal mining. The Justice J.S. Verma committee stressed integrity, accountability and leadership in public life.

Critics caution that this goal can turn into disciplining. Anupama Rao sees duty becoming a precondition for citizenship, while Neera Chandhoke and Ashis Nandy fear state moral authoritarianism. Their best role, therefore remains civic and moral education, not coercive enforcement.

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