BLOGS

Quick Revision Notes (QRN): Constitutional Law for CLAT PG

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These Quick Revision Notes (QRN) on Constitutional Law for CLAT PG pull together every major topic in one place, from the sources of the Constitution to the hierarchy of courts. Constitutional law is the most heavily tested subject in the paper, and its questions mix doctrine, landmark cases, and recent developments. These notes are a complete revision guide for your exam.

Use this guide as your map, and open the linked articles for detailed notes on each topic. For a case-wise list, start with our constitutional law notes with landmark cases.

Read the Quick Revision Notes (QRN) on Constitutional Law

1. Sources of the Constitution and Law Officers

The Constitution borrows from many systems. The Government of India Act, 1935 supplied the administrative framework, while **Britain gave the parliamentary model and the rule of law.** The **United States gave fundamental rights, judicial review, and the Preamble,** and **Ireland gave the Directive Principles.**

Canada gave a **federation with a strong Centre, Australia** the **Concurrent List, and the Soviet Union the Fundamental Duties.**

The law officers include the Attorney General under Article 76 and the Advocate General of each State under Article 165. Read the full list in our notes on the sources of the Constitution and law officers in India.

2. Articles 12 and 13

Article 12 defines “State” for Part III and covers the Union and State governments, legislatures, and local and other authorities. *Article 13 then declares void any law that contradicts the fundamental rights.*

It covers pre-constitutional laws as well, and the ***eclipse doctrine in Bhikaji Narain Dhakras v. State of M.P. (1955) saves them for the period before the Constitution applied.***

Article 13(2) bars the State from making a law that takes away fundamental rights, and the *24th Amendment added Article 13(4) to exclude constitutional amendments from "law".* Our article on *Article 13 of the Indian Constitution covers the doctrines of eclipse, severability, and waiver.*

3. Fundamental Rights: Overview

Part III (Articles 12 to 35) guarantees the fundamental rights, which courts enforce against the State.

They fall into six groups: *equality, freedom, protection against exploitation, freedom of religion, cultural and educational rights, and constitutional remedies.*

The right to property stopped being a fundamental right with the 44th Amendment in 1978 and now sits in Article 300A as a legal right.

For overviews and quick revision, read the fundamental rights quick revision notes, a recap of fundamental rights, and fundamental rights for CLAT.

4. Right to Equality: Articles 14-18

Article 14 combines equality before the law with equal protection of the laws. Courts apply the ***reasonable classification test, which needs an intelligible differentia and a rational nexus with the law's object***, as State of W.B. v. Anwar Ali Sarkar (1952) and Budhan Choudhry v. State of Bihar (1955) hold. E.P. Royappa v. State of T.N. (1974) added that arbitrariness violates equality, and Shayara Bano v. Union of India (2017) used "manifest arbitrariness" to strike down instant triple talaq.

Article 15 bars discrimination on grounds of religion, race, caste, sex, or place of birth, and Article 16 guarantees equality in public employment. Indra Sawhney v. Union of India (1992) upheld OBC reservation, excluded the creamy layer, and fixed a 50 percent ceiling.

Janhit Abhiyan v. Union of India (2022) upheld the 10 percent EWS quota. Article 17 abolishes untouchability, and Article 18 abolishes titles.

Detailed notes: right to equality under the Constitution and Article 14 under the Indian Constitution.

5. Right to Freedom: Articles 19-22

Article 19(1) gives six freedoms, **namely speech and expression, assembly, association, movement, residence, and profession or trade. Clauses (2) to (6) allow reasonable restrictions.**

Shreya Singhal v. Union of India (2015) struck down Section 66A of the IT Act for vagueness, and Anuradha Bhasin v. Union of India (2020) applied proportionality to internet shutdowns.

Article 20 protects against ex post facto laws, double jeopardy, and self-incrimination, and Selvi v. State of Karnataka (2010) applied the **last protection to narco-analysis.** Article 21 **guarantees life and personal liberty.**

After A.K. Gopalan (1950) read it narrowly, Maneka Gandhi v. Union of India (1978) required procedure to be fair, just, and reasonable, and K.S. Puttaswamy v. Union of India (2017) recognised privacy.

Article 21A, added by the 86th Amendment in 2002, makes education a right for children aged six to fourteen. Article 22 protects arrested persons and regulates preventive detention. Our notes on Articles 19 to 22 and landmark judgments on the right to freedom go deeper.

Two related topics deserve attention. Prisoners keep their Article 21 rights, as Sunil Batra v. Delhi Administration (1978) held, and our article on open correctional institutions in India applies this to prison reform.

The right to protest flows from Articles 19(1)(a), (b), and (c). In Ramlila Maidan Incident, In re (2012), the Court affirmed the right to assemble peacefully, while Amit Sahni v. Commissioner of Police (2020) held that **protesters cannot block public roads indefinitely.** Read our update on the right to protest and recent developments.

6. Right against Exploitation: Articles 23 & 24

Article 23 prohibits trafficking in human beings, begar, and other forced labour. People's **Union for Democratic Rights v. Union of India (1982) held that paying less than the minimum**

wage amounts to forced labour. Article 24 bars employing children below fourteen in factories, mines, or other hazardous work. See our notes on Articles 23 and 24.

7. Writs: Articles 32 & 226

Article 32 is itself a fundamental right, and **Dr. Ambedkar called it the "heart and soul" of the Constitution.** The Supreme Court issues writs under it only for enforcing fundamental rights. High Courts issue writs under Article 226 for fundamental rights and for any other purpose, which makes their power wider.

The ***five writs are habeas corpus, mandamus, prohibition, certiorari, and quo warranto.*** L. Chandra Kumar v. Union of India (1997) held that tribunal decisions remain open to High Court review under Articles 226 and 227. Our guides on writs under the Indian Constitution and types of writs for CLAT cover each writ with examples.

8. Directive Principles of State Policy

Part IV (Articles 36 to 51) lays down goals for State policy, and Article 37 makes them non-justiciable. They include *a livelihood for all, equal pay for equal work (Article 39), a uniform civil code (Article 44), environmental protection (Article 48A), and separation of the judiciary from the executive (Article 50).*

The relationship between Parts III and IV changed over time. ***State of Madras v. Champakam Dorairajan (1951)*** ***held that fundamental rights prevail,*** but ***Minerva Mills v. Union of India (1980)*** ***held that harmony between the two is a basic feature.*** Read our detailed notes on DPSP under the Indian Constitution.

9. Fundamental Duties

Article 51A came through the 42nd Amendment in 1976, on the Swaran Singh Committee's recommendation.

It lists eleven duties, and the 86th Amendment in 2002 added the eleventh, which asks **parents to provide education to children aged six to fourteen.** *Duties are not directly enforceable, yet courts use them to interpret laws and to support environmental and public interest claims.*

Study them through our articles on fundamental duties under the Constitution of India, fundamental duties for CLAT, and a recap of fundamental duties.

10. Separation of Powers

India does not follow a rigid separation of powers, and Ram Jawaya Kapur v. State of Punjab (1955) said so. The Court has nevertheless treated the idea as part of the basic structure, and Indira Gandhi v. Raj Narain (1975) is an important example. In **the NJAC case, the Court struck down the 99th Amendment to protect judicial independence.**

For analysis, read our pieces on separation of powers under the Indian Constitution and a critical analysis of separation of powers.

11. Powers of the President

Under Article 72 of the Constitution of India, the **President exercises sovereign executive power to grant clemency.**

Three specific mechanisms utilized to alter a judicial sentence are remission, commutation, and respite.

The primary structural differences between these three powers are outlined below:

Comparison Matrix: Remission vs. Commutation vs. Respite

Parameter	Remission	Commutation	Respite
Core Definition	*Reduces the duration (quantum) of the sentence without changing its fundamental nature.*	*Changes the character (nature) of the punishment to a lighter or milder form.*	*Awards a lesser sentence than originally imposed due to humanitarian factors.*
Focus Area	Alters quantity only.	Alters quality / type of punishment.	Alters sentence based on special facts/status.
Primary Trigger	Good behavior, prison records, or general routine amnesty.	Used to temper excessively harsh judgments (e.g., death row).	Restricted to extraordinary personal circumstances.

Key Example	Reducing 10 years of rigorous imprisonment to 5 years of rigorous imprisonment.	Converting a death sentence to life imprisonment, or rigorous imprisonment to simple imprisonment.	Softening a sentence due to a convict's pregnancy, mental insanity, or physical disability.

12. Federalism and Centre-State Relations

The Constitution creates a federal structure with a unitary bias. Articles 245 to 255 divide legislative powers through the three lists in the Seventh Schedule, and Article 248 gives the residuary power to Parliament.

Article 254 resolves repugnancy between Union and State laws on concurrent subjects.

***S.R. Bommai v. Union of India (1994)* called federalism a basic feature. In the *2023 Delhi services case*, a Constitution Bench held that the elected government controls services, except for public order, police, and land. *Union of India v. Mohit Minerals (2022)* held that GST Council recommendations are only persuasive, which reinforces cooperative federalism.**

For a comparison with the United States, Canada, and Australia, read our article on federalism and Centre-State relations.

13. Ordinance-Making Power

Article 123 lets the President issue an ordinance when Parliament is not in session and immediate action is needed, and Article 213 gives the Governor a similar power.

An ordinance has the force of an Act, but it must be laid before the legislature and lapses six weeks after reassembly unless approved earlier.

D.C. Wadhwa v. State of Bihar (1987) condemned repeated re-promulgation as a fraud on the Constitution, and Krishna Kumar Singh v. State of Bihar (2017) examined the effect of lapsed ordinances.

See our notes on the ordinance-making power of the President and Governor.

14. Emergency Provisions

Part XVIII (Articles 352 to 360) provides for three emergencies. **A national emergency under Article 352 applies in case of war, external aggression, or armed rebellion, and it needs the Cabinet's written advice.**

Parliament must approve it within one month by a special majority. Under Article 359, the right to move courts for the enforcement of fundamental rights may be suspended, but not for Articles 20 and 21.

A State emergency under Article 356 follows a failure of constitutional machinery, and S.R. Bommai (1994) made the proclamation subject to judicial review. A financial emergency under Article 360 has never been used.

ADM Jabalpur v. Shivkant Shukla (1976), which upheld the suspension of habeas corpus during the 1975 Emergency, was overruled in Puttaswamy (2017).

Our three articles on emergencies cover these in depth: emergency provisions under the Constitution of India, national emergency under the Indian Constitution, and emergency provisions in India.

15.Amendments and the Basic Structure

Article 368 governs amendments. Shankari Prasad (1951) and Sajjan Singh (1965) held that Parliament can amend fundamental rights, **Golak Nath (1967) reversed this**, and **Kesavananda Bharati v. State of Kerala (1973) settled that Parliament cannot alter the basic structure.**

Minerva Mills (1980) and I.R. Coelho v. State of T.N. (2007) later applied the doctrine to amendments and to Ninth Schedule laws.

Some important amendments include the ***42nd (1976), the 44th (1978), the 52nd (1985, anti-defection), the 73rd and 74th (1992, local government), the 101st (2016, GST), the 103rd (2019, EWS), the 105th (2021, States' power to identify backward classes), and the 106th (2023, women's reservation).***

Read our two articles on important constitutional amendments and amendments every CLAT PG aspirant must know.

16. Judicial Review

Judicial review lets courts test laws and executive acts against the Constitution. Articles 13, 32, 226, and 227 supply the power, and Kesavananda Bharati and L. Chandra Kumar treat it as part of the basic structure.

Courts review legislation for competence and constitutionality, and they review administrative action for legality, reasonableness, and procedural fairness.

Our detailed note on Quick Revision Notes (QRN) on Constitutional Law covers the doctrine, its limits, and the cases: judicial review under the Constitution of India.

17. Hierarchy of the Indian Judiciary

The Supreme Court sits at the top, with **original jurisdiction (Article 131)**, **appellate jurisdiction (Articles 132 to 134), special leave jurisdiction (Article 136), advisory jurisdiction (Article 143), and review power (Article 137).**

Rupa Ashok Hurra v. Ashok Hurra (2002) *created the curative petition. The Supreme Court has a sanctioned strength of 34 judges, including the Chief Justice, after the 2019 amendment.*

High Courts follow, with writ powers under Article 226 and supervisory powers over subordinate courts under Article 227. District courts, civil courts, and magistrates form the subordinate judiciary.

For more, read understanding the hierarchy of the Indian judiciary and everything to know about the Indian judiciary for CLAT.

18. Practice and Revision

Finish each topic with questions. Start with our constitutional law questions for CLAT, move to questions on constitutional law for CLAT PG 2026, and then attempt the practice paper on constitutional law, Part I. Review every wrong answer against the relevant case, since CLAT PG tests principles through short fact patterns.