CA & GK

Important Constitution Topics for CLAT: Your Complete Guide

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The Indian Constitution is one of the most important areas for CLAT aspirants. It shows up in the Legal Reasoning section, where you apply constitutional principles to fact-based passages, and in the Current Affairs and GK section, where you need to know the basics of governance. It is also the foundation for everything you will study in law school. Here are the topics that deserve your attention.

1. The Preamble

The Preamble is the Constitution's introduction and states its core philosophy. Know these points:

- It declares India a **Sovereign, Socialist, Secular, Democratic Republic**.
- The words *Socialist*, *Secular* and *Integrity* were added by the **42nd Amendment (1976)**.
- It secures Justice, Liberty, Equality and Fraternity.
- In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court held that the Preamble is part of the Constitution.

2. Fundamental Rights (Articles 12–35)

This is the most frequently tested area. Focus on these provisions:

- **Article 12:** Defines "State." Know what counts as an authority under it.
- **Article 14:** Equality before law and equal protection of laws. Understand the "reasonable classification" test.
- **Articles 15 and 16:** Prohibition of discrimination and equality of opportunity in public employment, including reservations.
- **Article 17:** Abolition of untouchability.
- **Article 19:** Six freedoms, including speech and expression, assembly, association, movement, residence and profession. Learn the reasonable restrictions in Article 19(2).

Article 20: Protection in Respect of Conviction for Offences

- **Article 20(1), no ex post facto criminal laws:** No one can be convicted for an act that was not an offence when committed, or punished more severely than the law then allowed.
- **Article 20(2), no double jeopardy:** No one can be prosecuted and punished more than once for the same offence. It applies only to proceedings before a court or judicial tribunal (*Maqbool Hussain v. State of Bombay*).
- **Article 20(3), no self-incrimination:** No accused person can be compelled to be a witness against themselves. In *Selvi v. State of Karnataka* (2010), the Supreme Court held that narco-analysis, polygraph and brain-mapping tests without consent violate this right.
- **Article 21:** Right to life and personal liberty. Its scope has expanded enormously through judicial interpretation to include privacy, dignity, a clean environment and

speedy trial.

- **Article 21A:** Right to education for children aged 6 to 14, added by the **86th Amendment (2002)**.

Along with Article 21, Article 20 **cannot be suspended during a National Emergency**.

Article 22: Protection Against Arrest and Detention

For ordinary arrests, the person must be told the grounds of arrest, may consult a lawyer of their choice, and must be produced before a magistrate within **24 hours** (excluding travel time). *D.K. Basu v. State of West Bengal* (1997) laid down guidelines to prevent custodial abuse.

For preventive detention, a person can be detained without trial to prevent future harm. They must be told the grounds as soon as possible, can make a representation, and detention beyond **three months** needs approval from an Advisory Board. These safeguards do not apply to enemy aliens or to people detained under preventive detention laws in the way they apply to ordinary arrests.

Article 23: Prohibition of Traffic in Human Beings and Forced Labour

Article 23 prohibits human trafficking, *begar* (unpaid forced labour) and similar forms of forced labour. Unlike most Fundamental Rights, it is available **against private individuals** as well as the State. The State may impose compulsory service for public purposes, but without discrimination on religion, race, caste or class. In *PUDR v. Union of India* (1982, the Asiad case), the Court held that paying workers less than minimum wage amounts to forced labour.

Article 24: Prohibition of Child Labour

No child below **14** may be employed in a factory, mine or other hazardous work. *M.C. Mehta v. State of Tamil Nadu* (1996) gave strong directions on child labour in hazardous industries. Read it alongside the Child Labour (Prohibition and Regulation) Act and Article 21A.

Article 25: Freedom of Religion

Every person has freedom of conscience and the right to **profess, practise and propagate** religion, subject to public order, morality and health. The right belongs to all persons, not only citizens. Key points:

- **Essential Religious Practices test:** Introduced in *Commissioner, Hindu Religious Endowments v. Shirur Mutt* (1954). Only practices essential to a religion get protection.
- ***Stanislaus v. State of Madhya Pradesh* (1977):** "Propagate" does not include a right to convert others.
- ***Bijoe Emmanuel v. State of Kerala* (1986):** Students who did not sing the national anthem on religious grounds but stood respectfully could not be expelled.
- ***Shayara Bano v. Union of India* (2017):** Instant triple talaq was struck down.
- ***Indian Young Lawyers Association v. State of Kerala* (2018, Sabarimala):** Excluding women of menstruating age from the temple was held unconstitutional. The matter was later referred to a larger bench.

Article 26: Freedom to Manage Religious Affairs

Every religious denomination has the right to establish and maintain religious institutions, manage its own affairs in matters of religion, own property and administer it according to law. Remember that Article 25 protects individuals while Article 26 protects **religious denominations**. In *Shirur Mutt*, the Court defined a denomination as a group with a common faith, organisation and distinctive name.

Article 27: No Compulsory Taxes for Religion

No person can be compelled to pay any **tax** whose proceeds go to promote or maintain any particular religion. The article covers taxes, not fees. A fee paid for a specific service, such as the administration of a temple, is allowed (*Shirur Mutt*).

Article 28: Religious Instruction in Educational Institutions

- **Wholly State-funded institutions:** No religious instruction.
- **State-recognised or aided institutions:** Religious instruction may be given, but attendance is voluntary.
- **Institutions administered by the State but set up under a trust or endowment:** Religious instruction is allowed.

Article 29: Protection of Interests of Minorities

- **Article 29(1):** Any section of citizens with a distinct language, script or culture has the right to conserve it.
- **Article 29(2):** No citizen can be denied admission to a State-run or State-aided institution only on grounds of religion, race, caste or language.

Despite the heading, Article 29 applies to **all citizens**, including the majority community, as the text uses "any section of citizens."

Article 30: Right of Minorities to Educational Institutions

Religious and linguistic minorities have the right to **establish and administer educational institutions** of their choice. Key cases:

- ***St. Stephen's College v. University of Delhi*** **(1992):** Minority institutions may reserve a reasonable share of seats for their community.
- ***T.M.A. Pai Foundation v. State of Karnataka*** **(2002):** Minority status is determined **state-wise**, and regulation is allowed to ensure educational standards.
- ***Aligarh Muslim University*** **case (2024):** A seven-judge bench overruled *S. Azeez Basha* (1967), which had held that AMU was not a minority institution because it was established by statute. The final status of AMU was left to a regular bench.

Article 31: Right to Property (Repealed)

Article 31 originally made property a Fundamental Right, but it caused repeated clashes between Parliament and the judiciary. The **44th Amendment (1978)** removed it from Part III. Property is now a **constitutional right under Article 300A**, which says no person shall be deprived of property except by authority of law. The related Articles **31A, 31B and 31C** remain in force, protecting agrarian reform laws, the Ninth Schedule and laws giving effect to Directive Principles.

Quick Comparison: Article 29 vs Article 30

Point	Article 29	Article 30
Who is protected	Any section of **citizens**	**Minorities** (religious or linguistic)

Right given	Conserve language, script, culture	Establish and administer educational institutions
Basis	Language, script, culture	Religion or language

- **Article 32:** The right to constitutional remedies, which Dr. B.R. Ambedkar called the “heart and soul” of the Constitution. Know the five writs: habeas corpus, mandamus, prohibition, certiorari and quo warranto.

3. Directive Principles of State Policy (Part IV)

DPSPs are guidelines for the State to build a welfare society. They are **non-justiciable**, meaning courts cannot enforce them directly. Remember the difference between Fundamental Rights and DPSPs, and the key cases on their relationship, such as *Minerva Mills v. Union of India* (1980), which held that harmony between the two is part of the basic structure.

4. Fundamental Duties (Article 51A)

Added by the 42nd Amendment on the recommendation of the Swaran Singh Committee, Fundamental Duties were later expanded to **eleven** by the 86th Amendment. Questions here are usually direct and factual.

5. Union and State Governments

Understand how the system works:

- **The President:** Election, powers, ordinance-making power (Article 123) and pardoning power (Article 72).
- **Parliament:** Lok Sabha, Rajya Sabha, types of bills (ordinary, money, financial) and the legislative process.
- **The Prime Minister and Council of Ministers:** Collective responsibility.
- **Governor:** Appointment and discretionary powers.

6. The Judiciary

Study the structure and powers of the Supreme Court and High Courts, including original, appellate and advisory jurisdiction. Know the concepts of **judicial review**

and **Public Interest Litigation (PIL)**, as well as the appointment of judges through the collegium system.

7. Amendment of the Constitution (Article 368)

Learn the procedures: simple majority, special majority, and special majority with ratification by half the states. This links directly to the **Basic Structure Doctrine**, one of the most important concepts in Indian constitutional law. It holds that Parliament can amend the Constitution but cannot alter its basic features.

8. Federalism and Centre-State Relations

The Seventh Schedule contains the **Union, State and Concurrent Lists**. Understand legislative, administrative and financial relations, and remember that India has a federal structure with a strong unitary bias.

9. Emergency Provisions

Know the three types: national emergency (Article 352), state emergency or President's Rule (Article 356) and financial emergency (Article 360). Also note the effect of the 44th Amendment on emergency powers.

10. Landmark Judgments

CLAT passages often draw on constitutional case law. Prioritize:

- *Kesavananda Bharati* (1973): Basic Structure Doctrine
- *Maneka Gandhi v. Union of India* (1978): Expanded interpretation of Article 21
- *Minerva Mills* (1980): Balance between Fundamental Rights and DPSPs
- *K.S. Puttaswamy v. Union of India* (2017): Right to privacy as a fundamental right
- *Navtej Singh Johar v. Union of India* (2018): Decriminalization of consensual same-sex relations.
- Current constituion related issue like Harish Rana Case

Preparation Tips

1. **Read the Constitution's key articles directly.** Even a basic familiarity helps you spot the right principle in a passage.

2. **Focus on application, not rote learning.** CLAT tests how you apply principles to facts.
3. **Make case notes.** Record the case name, year, issue and holding in a few lines.
4. **Follow current affairs.** Recent Supreme Court rulings and constitutional debates often feature in the paper.
5. **Practice mock tests.** Regular practice builds speed and accuracy.

Final Thoughts

The Constitution is both a scoring opportunity and the base for your legal career. With consistent study, a focus on landmark cases and regular practice, you can handle this section confidently. Start with the Preamble and Fundamental Rights, build outward, and revise often.