

UPSC PRELIMS 2026 POWER CAPSULES

BASIC CONCEPTS

POLITY CAPSULE -1

LIST OF TOPICS

1. Constitutionalism
2. Features of Constitution
3. Federalism
4. Political doctrines

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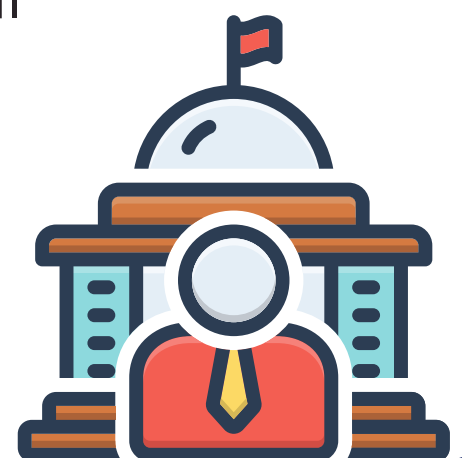
CONSTITUTION AND CONSTITUTIONALISM

- **Constitution:** It is a legal document that is the fundamental law of the country having a special sanctity.
- **Constitutionalism:** Constitutionalism is specific limitations on general State powers to prevent the exercise of arbitrary decision-making.
- **Constitutional Morality:** Steadfast adherence to values and principles enshrined in the constitution of India
- **Concept of Rule of Law: (AV Dicey):**
 - a. Absence of arbitrary power
 - b. Equality before law
 - c. Individual liberties



CONSTITUTIONALISM AS PER SUPREME COURT

- **Rameshwar Prasad Case:** Constitutionalism abhors absolutism, it is premised on the rule of law in which the subjective satisfaction is substituted by objectivity provided by the Constitution itself.
- **IR Coelho case:** Constitutionalism is a legal principle that requires control over the exercise of governmental power to ensure that the democratic principles shall not be destroyed.



CONSTITUTIONAL GOVERNMENT

1. Govt which is elected by public through an election process
2. Head of the state has limited powers
3. Specific tenure for the ruler

Examples: USA, UK, India, Pakistan, etc



NON CONSTITUTIONAL GOVERNMENT

1. No elections
2. Ruler of the country has unlimited powers.
3. No ruling limit

Examples: Brunei, Qatar. Swaziland, etc



WRITTEN CONSTITUTION

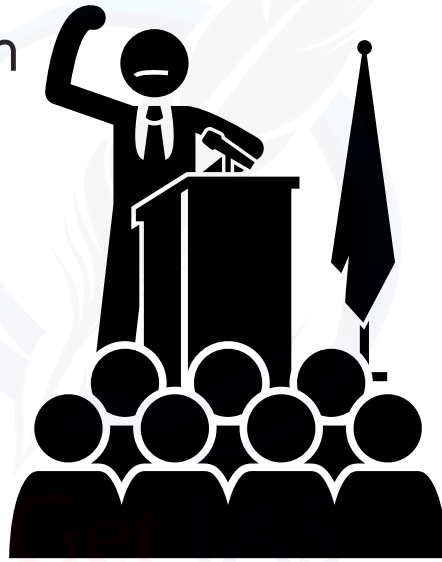
1. Found in legal documents, duly codified
2. Precise, Definite and Systematic
3. Result of conscious and deliberate efforts.
4. Example: USA, France, India

UNWRITTEN CONSTITUTION

1. Documented but not duly codified.
2. Unsystematic. Indefinite, Imprecise
3. Result of historical developments
4. Example: Britain.

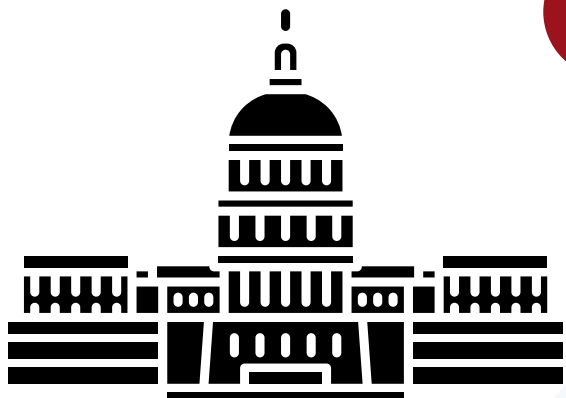
FORMS OF GOVERNMENT

The **presidential system** of government is the one in which the executive is not responsible to the legislature for its policies and acts, and is constitutionally independent of the Legislature in respect of its term of office

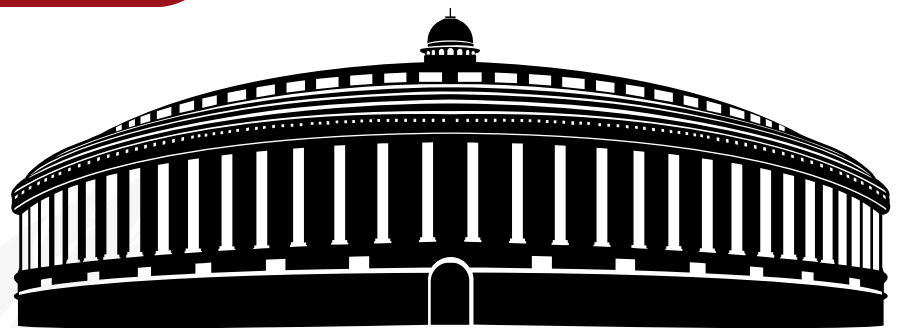


The **Parliamentary system** of government is the one in which the executive is responsible to the legislature for its policies and acts.

FEATURES



- Presidential System (Eg: USA)
- Single executive: Real and Nominal just one
- Non-responsibility
- Separation of Power
- Political homogeneity not necessary
- Lower house has fixed term



- Parliamentary system (Eg: India, UK)
- Dual executive: Real and Nominal
- Collective responsibility (Article 74, 75)
- Fusion of power
- Political homogeneity
- Dissolution of lower house

In India, constitutionalism ensured by Indian constitution which was adopted by constituent assembly of India on *26 November 1949* and became effective on *26 January 1950*. The constitution lays down the framework that demarcates fundamental political code, structure, procedure, power and duties of the government institutions and sets out fundamental rights, directive principles, and duties of the citizens.

Comprehensiveness and Sources

- Longthiest written constitution - 25 parts, 12 schedule and more than 400 articles.
- Inspiration from various sources - USA (FR) UK(parliament) etc.
- Mixture of rigidity and flexibility - amendments by special
- majority and simple majority.

Federalism and Governance

- Federal system with unitary bias.
- Parliamentary form of government.
- Synthesis of Parliamentary sovereignty and judicial supremacy.
- Three-tier system of government
Union, State, and Panchayati Raj (Part IX & IXA).
- Emergency provisions (Part XVIII)

Features of Indian constitution

Rights, Duties, and Citizenship

- Fundamental Rights (Articles 12-35)
- Directive principles of state policy (Articles 36 to 51)
- Fundamental duties (Articles 51A)
- A secular state (Articles 25 to 30)
- Universal adult franchisee
- Single citizenship

Institutions and Safeguards

- Integrated and independent judiciary - SC, HC, and subordinate courts.
- Independent constitutional bodies (like Election Commission of India , Comptroller and Auditor General, UPSC).

FORMS OF POLITY ARRANGEMENT

*There are two types of a government –
federal government and unitary government*

Unitary system

It is a governing system in which a single central government has total power over all of its other political subdivisions.



Federalism

It is a system of polity in which power is divided between Union and its constituent units i.e. states.

Best examples:

UK – Unitary form of Government
US– Federal Form of Government

FEATURES OF UNITARY SYSTEM

1. Single government
2. Constitution will be written or unwritten
3. No division of power
4. Constitution may be supreme or not may be supreme
5. Constitution can be rigid or flexible
6. Judiciary (independent or maybe not independent)
7. Legislature maybe bicameral or a unicameral.

FEATURES OF FEDERALISM

1. Written constitution
2. Multiple level of government
3. Rigid Constitution
4. An independent judiciary
5. Dual polity
6. Division of powers
7. Supremacy of Constitution
8. Bicameralism



CHARACTERISTICS OF FEDERALISM

1. Two or more levels (or tiers) of government—generally federal (central) and provincial (state) govt.
2. Each tier has own **JURISDICTION** in specific matters of legislation, taxation and administration.
3. The existence and authority of each tier of government is constitutionally guaranteed.
4. The fundamental provisions of the constitution cannot be unilaterally changed by one level of government. Such changes require the consent of both the levels of government.
5. Courts have the power to interpret the constitution and the powers of different levels of government.
6. Sources of revenue for each level of government are clearly specified to ensure its financial autonomy.
7. The federal system has dual objectives:
 - i) To safeguard and promote the unity of the country
 - ii) Accommodate regional diversity



FEDERALISM IN INDIA

(Indian federalism is quasi federal type having both unitary and federal features)

UNITARY FEATURES

1. Residuary power with central government
2. State boundary alteration without their consent
3. Single citizenship
4. All India services
5. Post of governor of states
6. Integrated audit by CAG
7. Emergency provisions
8. Appointments of High Court judges by President
9. Article 1 – union of state

FEDERAL FEATURES

1. Written constitution
2. Supremacy of the Constitution
3. Division of powers (7th schedule)
4. Independent judiciary
5. Bicameralism (Rajya Sabha)



More features of unitary features reflect tilt towards central government. However SC in SR Bommai case 1994 held that Federalism is basic structure and part of Indian constitution.

KEY DOCTRINES IN INDIAN POLITY

1. Separation of Power: (SOP)

- Govt. divided into branches to avoid concentration of power.
- **In India:** not absolute → overlap between Executive & Legislature (PM + CoM are part of both).

2. Constitutional Provisions:

- Art. 50 → Separation of judiciary & executive.
- Art. 121, 122 → Judicial conduct can't be discussed in legislature.
- Art. 361 → President/Governors immune from court for official duties.

3. Judicial Pronouncements:

- Kesavananda Bharati (1973) → SoP = Integral part of basic structure.
- Indira Gandhi v. Raj Narain (1975) → SoP is limited in India.
- NJAC case (2015) → struck down to protect judicial independence.

DOCTRINE OF CHECKS AND BALANCES

- Checks and balances is a principle of government under which separate branches are empowered to prevent actions by other branches and are induced to share power.
- Checks and balances are applied primarily in constitutional governments.
- They are of fundamental importance in tripartite governments, such as that of the United States, which separate powers among legislative, executive, and judicial branches.



In Indian Context

- **Checks on Judiciary:** The judges of SC and HC are appointed by the executive, but they may be removed only if they are impeached by the Parliament.
- **Checks on Executive:** The executive is responsible to the Legislature in its functioning.
- **Checks by Judiciary on Legislature and Executive:** Through the tool of Judicial review and using the doctrine of basic structure.



DOCTRINE OF BASIC STRUCTURE

- **Judicial innovation** propounded in Kesavananda Bharati Case (24 April 1973).
- **Principle:** Parliament's power to amend the Constitution (Art. 368) is limited – it cannot alter/destroy the basic structure.

Key point: Power to amend \neq Power to destroy.

- Court did not define the Basic Structure, but listed essential principles.



Examples (by SC rulings):

1. Kesavananda Bharati (1973) → Basic structure exists.
2. SR Bommai (1994) → Secularism is part of basic structure.
3. L. Chandra Kumar (1997) → Judicial independence & review are basic structure.



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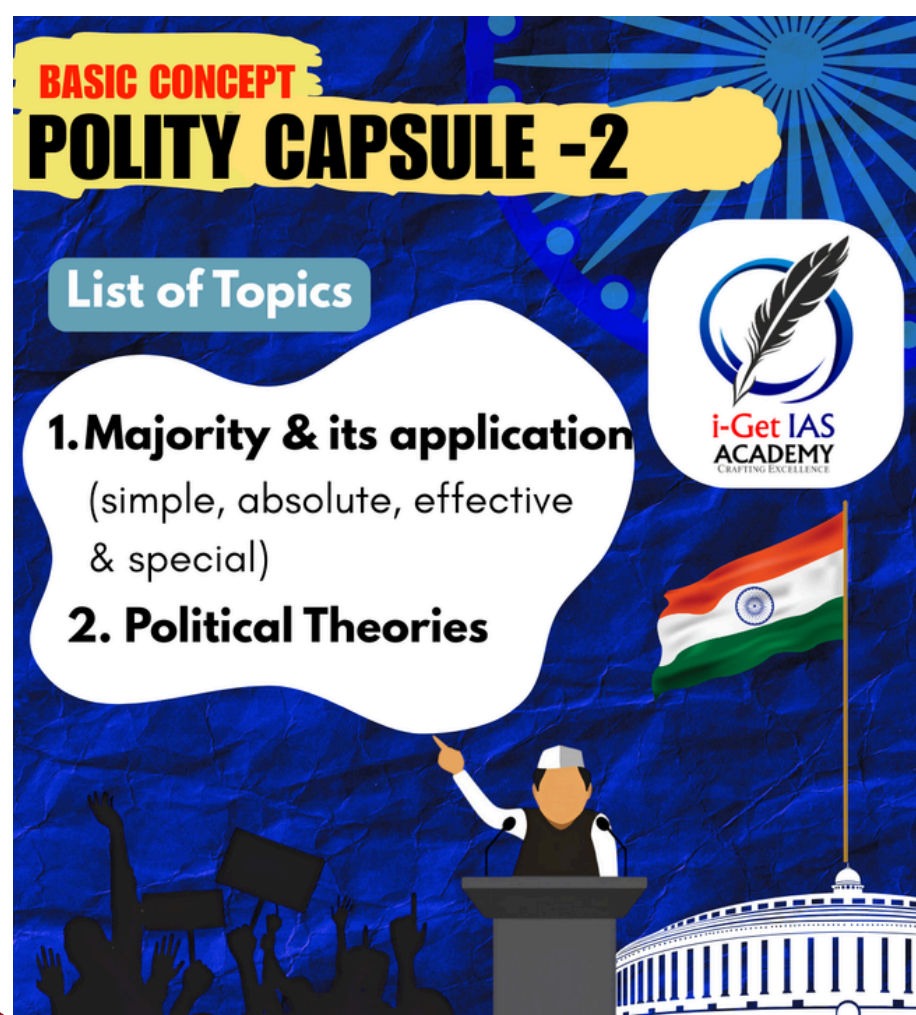
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BASIC CONCEPT
POLITY CAPSULE -2

List of Topics

- 1. Majority & its application**
(simple, absolute, effective & special)
- 2. Political Theories**

