

LESSON SLIDES

Fundamental Rights

UPSC Polity revision · Part III of the Constitution (Articles 12–35)

By the end of this session you can

- 🎯 Name the six categories and their article ranges
- 🎯 Separate citizen-only rights from rights of all persons
- 🎯 Explain Article 32, Article 226 and the five writs
- 🎯 Recall the amendments that reshaped Part III
- 🎯 Apply the emergency rule for Articles 20 and 21

Part III at a glance

- Articles 12 to 35 form Part III of the Constitution
- Justiciable: enforceable in the Supreme Court and High Courts
- Mostly limits on the State; a few bind private persons too
- Not absolute: many rights carry stated restrictions
- Right to Property left Part III in 1978

Articles 12 and 13: the State and judicial review

- Art 12: 'State' covers Union and State governments and legislatures
- It also covers all local or other authorities
- Art 13: laws inconsistent with Part III are void
- 'Law' includes ordinances, orders, bye-laws, custom and usage
- Art 13(4), added in 1971, excludes Article 368 amendments

Six categories of Fundamental Rights

Articles 14 to 24

- Equality: Articles 14–18
- Freedom: Articles 19–22
- Against exploitation: Articles 23–24

Articles 25 to 32

- Freedom of religion: Articles 25–28
- Cultural and educational: Articles 29–30
- Constitutional remedies: Article 32

Citizens only or all persons?

Citizens only

- Art 15: no discrimination on listed grounds
- Art 16: equal opportunity in public jobs
- Art 19: six freedoms
- Arts 29 and 30: culture and education

All persons

- Art 14: equality before law
- Arts 20 and 21: conviction safeguards, life, liberty
- Arts 23 and 24: against exploitation
- Arts 25 to 28: freedom of religion

Right to Equality (Articles 14–18)

- Art 14: equality before law, equal protection of laws
- Art 15: no discrimination on religion, race, caste, sex, birthplace
- Art 16: equality of opportunity in public employment
- Art 17: untouchability abolished; enforcing it is an offence
- Art 18: no titles except military or academic distinctions

Right to Freedom (Articles 19–22)

- Art 19: six freedoms for citizens, with reasonable restrictions
- Art 20: no ex post facto punishment, double jeopardy or self-incrimination
- Art 21: life and personal liberty, by procedure established by law
- Art 21A: free, compulsory education for children aged 6–14
- Art 22: safeguards against arrest and detention

Amendments that reshaped Part III



Exploitation and religion (Articles 23–28)

- Art 23: bans human trafficking, begar and forced labour
- Art 24: no child below 14 in factories, mines, hazardous work
- Art 25: freedom of conscience; profess, practise, propagate religion
- Art 26: freedom to manage religious affairs
- Arts 27–28: no religious tax; limits on religious instruction

Cultural and educational rights (Articles 29–30)

- Art 29(1): citizens may conserve their language, script or culture
- Art 29(2): no denial of admission to State-aided institutions on listed grounds
- Art 30(1): religious and linguistic minorities may run institutions
- Art 30(2): no discrimination in State aid to minority institutions

Article 32: right to constitutional remedies

- Moving the Supreme Court is itself a Fundamental Right
- The Court can issue five named writs
- Art 32(4): not suspended except as the Constitution provides
- Art 226: High Courts issue writs for Part III and more
- Ambedkar called it the 'heart and soul' of the Constitution

The five writs

Liberty and public office

- Habeas corpus: produce the detained person in court
- Mandamus: order an official to do a legal duty
- Quo warranto: ask by what authority an office is held

Control of lower courts

- Prohibition: stop a lower court exceeding its jurisdiction
- Certiorari: transfer or quash a lower court's case

 Example

Real case: the Right to Privacy (2017)

- 1 Retired judge K. S. Puttaswamy challenged Aadhaar in 2012
- 2 A nine-judge Supreme Court bench heard the privacy question
- 3 24 August 2017: privacy held a Fundamental Right
- 4 Protected under Article 21 and Part III as a whole

Emergencies and exceptions (Articles 33–35, 358, 359)

- Art 358: Art 19 lapses in a war or external-aggression emergency
- Art 359: President may suspend enforcement of Part III rights
- Articles 20 and 21 are exempt since the 44th Amendment
- Arts 33–34: limits for forces; martial-law indemnity
- Art 35: certain Part III laws only Parliament can make

 Prelims practice

Which of these rights can a foreign national living in India claim?

A Freedom of speech under Article 19

B Equality before law under Article 14

C Non-discrimination under Article 15

D Minority institutions under Article 30

Revision takeaways

- ✔ Part III (Articles 12–35) has six categories of rights
- ✔ Articles 15, 16, 19, 29 and 30 are for citizens only
- ✔ Article 32 lets you go straight to the Supreme Court
- ✔ Articles 20 and 21 cannot be suspended in an emergency
- ✔ Property is now a legal right under Article 300A