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

Fundamental Rights



Fundamental Rights

Teacher notes

Open with a Prelims-style question: which article did Dr Ambedkar call the heart and soul of the Constitution? Hold the answer until the Article 32 slide. Tell aspirants that today's focus is exact article numbers, because UPSC options often differ by only one article.

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Goals

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

By the end of this session you can

Teacher notes

Read the objectives aloud. Ask aspirants to keep a blank sheet ready and write the six categories from memory at the end of the session.

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Part III at a glance

Teacher notes

Stress that justiciable means a court can enforce the right, unlike the Directive Principles in Part IV. Ask: which rights bind private individuals? Articles 17, 23 and 24 are the usual examples. A common error is to think all rights are absolute.

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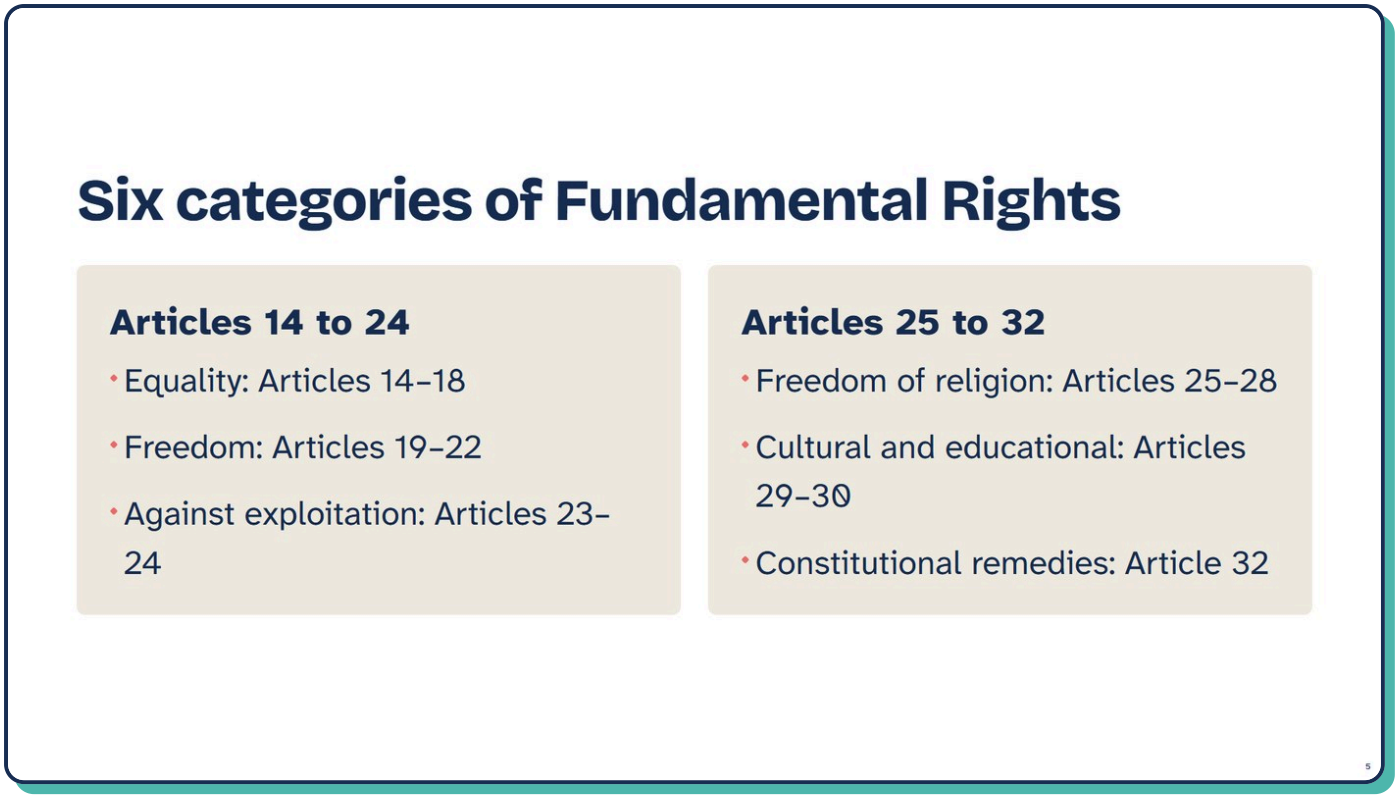


Articles 12 and 13: the State and judicial review

Teacher notes

Article 13(4) was inserted by the 24th Amendment in 1971. Ask: if amendments are outside Article 13, what limits them? Answer: the basic structure doctrine from Kesavananda Bharati in 1973.

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Six categories of Fundamental Rights

Teacher notes

There were seven categories until the 44th Amendment in 1978 omitted Article 31, the right to property. Ask aspirants to write the six headings in order. A common trap: Articles 31A to 31C are savings clauses, not a category of rights.

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Citizens only or all persons?

Teacher notes

Memorise the citizen-only list as 15, 16, 19, 29 and 30. The text gives the clue: Article 14 says 'any person' and Article 25 says 'all persons', while Article 19 says 'all citizens'. Ask: can a foreign tourist claim Article 21? Yes.

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Right to Equality (Articles 14–18)

Teacher notes

Article 15(4) and 16(4) allow special provisions and reservations, so equality does not mean identical treatment. Ask: does Article 18 stop the State from awarding a military honour? No, military and academic distinctions are allowed.

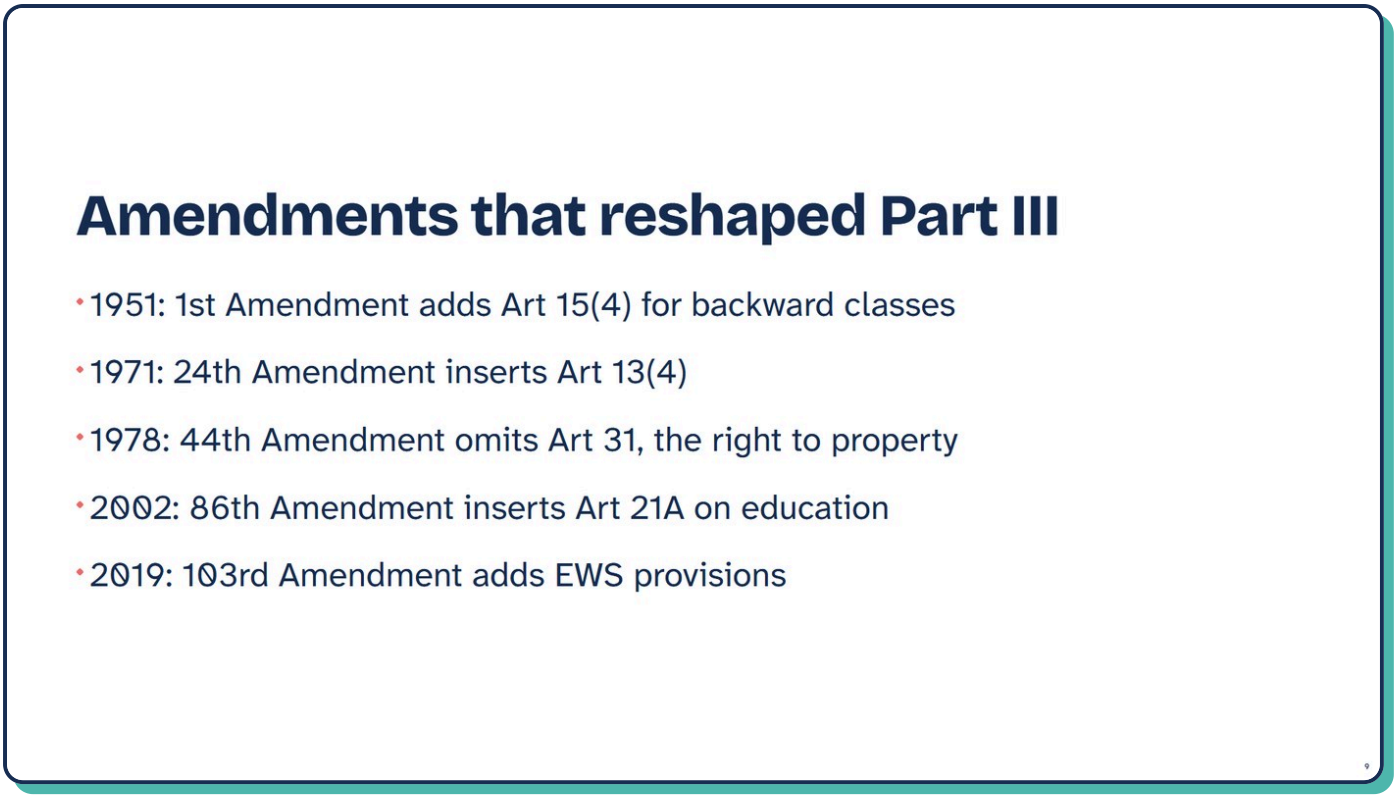
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Right to Freedom (Articles 19–22)

Teacher notes

Name the six freedoms of Article 19: speech and expression, peaceful assembly, associations or unions or co-operatives, movement, residence, and profession or trade. Ask why there are six, not seven: the property clause 19(1)(f) was omitted in 1978.



Amendments that reshaped Part III

Teacher notes

All dates come from the footnotes of the official Constitution text. Ask: which amendment also protected Articles 20 and 21 during emergencies? The same 44th Amendment. Note that Article 21A took effect on 1 April 2010.

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Exploitation and religion (Articles 23–28)

Teacher notes

Article 23(2) still allows the State to impose compulsory service for public purposes. Ask: is Article 25 absolute? No, it is subject to public order, morality, health and other provisions of Part III.

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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

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Cultural and educational rights (Articles 29–30)

Teacher notes

Article 29 protects any section of citizens with a distinct language, script or culture, not only minorities. Ask: on what two bases does Article 30 recognise minorities? Religion and language.

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Article 32: right to constitutional remedies

Teacher notes

Answer the opening question now: Article 32. Ask why a High Court's writ power is wider: Article 226 adds 'for any other purpose'. A common error is to say Article 32 can never be suspended; Article 359 allows suspension during an emergency.

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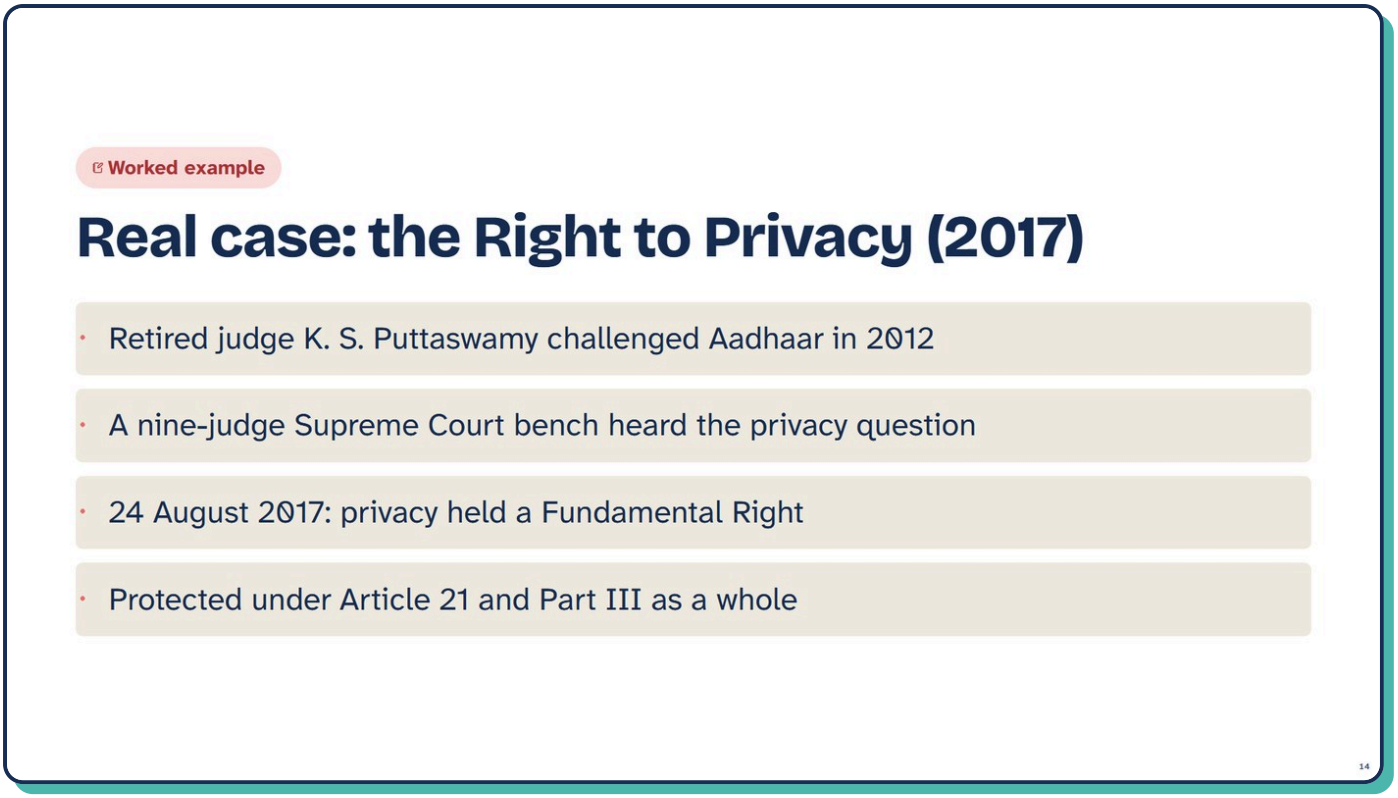


The five writs

Teacher notes

Prohibition is issued while a case is still pending, to stop it; certiorari moves or quashes it. Ask: which writ would you use against someone holding a public office without legal qualification? Quo warranto.

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Real case: the Right to Privacy (2017)

Teacher notes

Use the case to show how Article 21 grows through interpretation. Ask aspirants to list other rights read into Article 21 that they have met in current affairs. Keep the discussion to what the Court decided, not political opinion.

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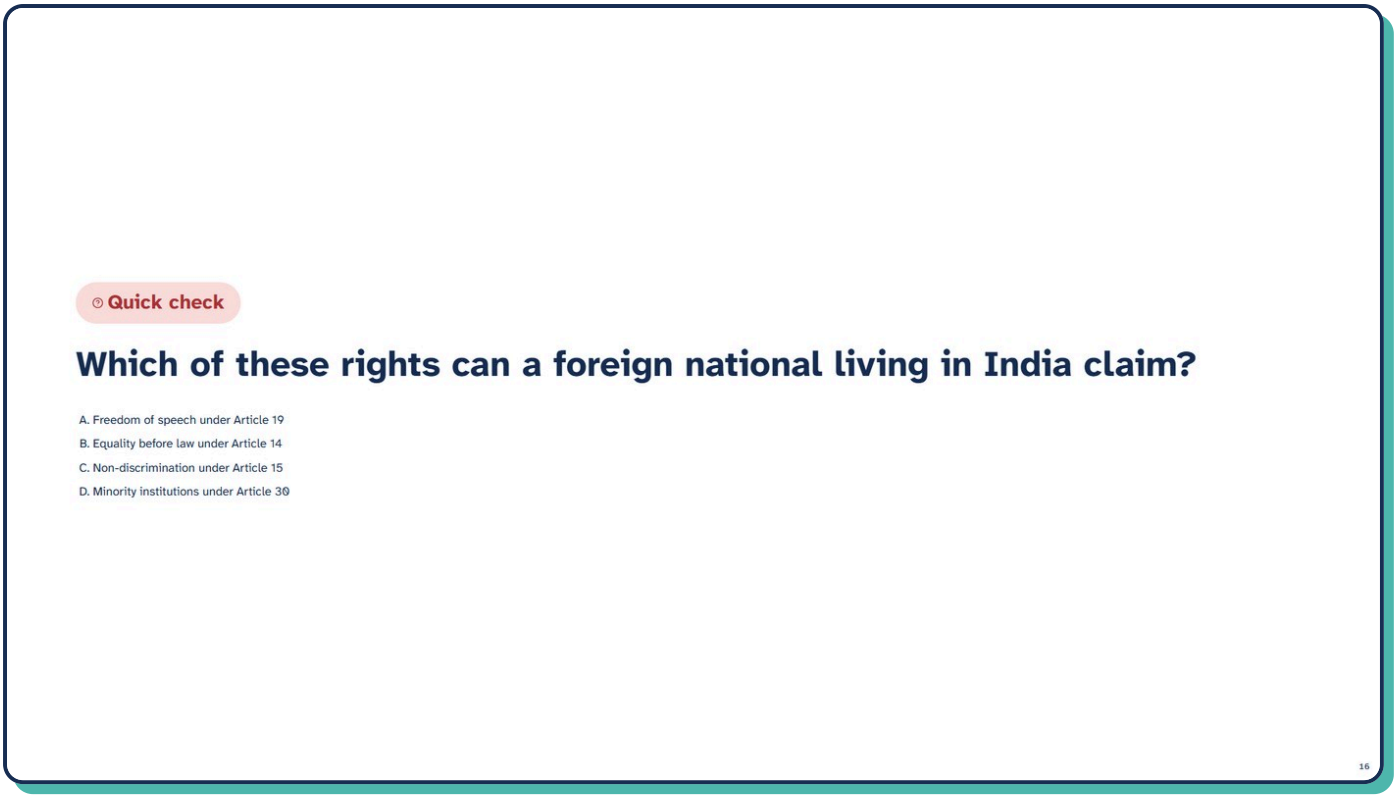


Emergencies and exceptions (Articles 33–35, 358, 359)

Teacher notes

Article 358 works automatically: once a National Emergency on grounds of war or external aggression is proclaimed, Article 19 no longer limits the State, with no presidential order needed. Since the 44th Amendment it does not apply to an emergency on grounds of armed rebellion. Article 359 needs a presidential order and now reads 'the rights conferred by Part III (except articles 20 and 21)'. Ask: why protect exactly these two? They cover punishment under law and life and liberty, the rights most at risk in an emergency.

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Prelims practice

Teacher notes

Answer: B, Article 14, which applies to any person. Articles 15, 19 and 30 are limited to citizens. Ask a student to name one more right that foreigners can claim, such as Article 21.

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Revision takeaways

Teacher notes

Ask aspirants to write the six categories and the citizen-only list from memory. Then take the five-question quiz on the page and set previous years' Prelims questions on Part III as homework.

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