

Fundamental Rights: UPSC Polity Revision Slides

LESSON SLIDES

Fundamental Rights

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

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Fundamental Rights

SPEAKER 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.

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

SPEAKER 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.

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

Part III at a glance

SPEAKER 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.

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

Articles 12 and 13: the State and judicial review

SPEAKER 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.

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

Six categories of Fundamental Rights

SPEAKER 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.

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

Citizens only or all persons?

SPEAKER 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.

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 Equality (Articles 14–18)

SPEAKER 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.

Right to Freedom (Articles 19–22)

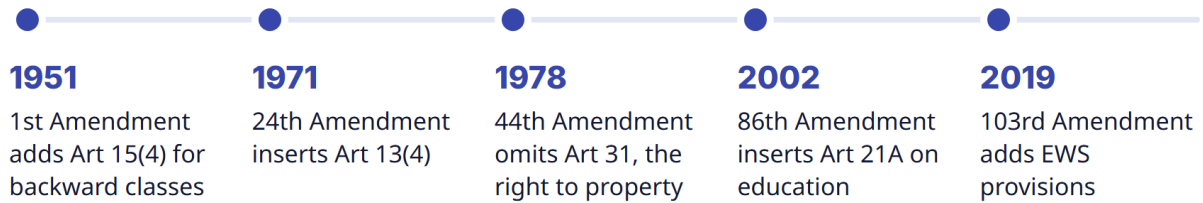
- Art 19: six freedoms for citizens, with reasonable restrictions
- Art 20: no ex post facto punishment, double jeopardy or self-incrimination
- Art 21: life and personal liberty, by procedure established by law
- Art 21A: free, compulsory education for children aged 6–14
- Art 22: safeguards against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

Right to Freedom (Articles 19–22)

SPEAKER 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



Amendments that reshaped Part III

SPEAKER 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.

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

Exploitation and religion (Articles 23–28)

SPEAKER 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.

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

Cultural and educational rights (Articles 29–30)

SPEAKER 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.

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

Article 32: right to constitutional remedies

SPEAKER 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.

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

The five writs

SPEAKER 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.

 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

Real case: the Right to Privacy (2017)

SPEAKER 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.

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

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

SPEAKER 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.

 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

Prelims practice

SPEAKER 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.

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

Revision takeaways

SPEAKER 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.