



CareerUdaya
— Rise with Purpose —

Indian Polity

Fundamental Rights

Articles 14-32 | APSC CCE Notes

APSC CCE

Prelims

Mains

Case Laws

Revision

Rise with Purpose

PREPARED BY

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Student-friendly Fundamental Rights notes for APSC - simple language, landmark cases, amendments, MCQs and Mains answers

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CHAPTER 1

Fundamental Rights: Quick Map

What it means

Fundamental Rights (Part III of the Constitution) are the basic freedoms that every person enjoys against the arbitrary power of the State. This volume focuses on the rights covered in the source - the Right to Equality (Articles 17-18), the Right to Freedom (Articles 19-22), the Right against Exploitation (Articles 23-24) and the Right to Freedom of Religion (Articles 25-26).

In simple words

Think of Fundamental Rights as the 'rules of fair play' between you and the government. They tell the State what it cannot do to you - it cannot treat you as untouchable, cannot jail you without reason, cannot force you to work for free, and cannot stop you from following your faith.

Key concepts

Which rights are in this book

Right to Equality covers Article 17 (abolition of untouchability) and Article 18 (abolition of titles). Right to Freedom covers Articles 19 to 22. Right against Exploitation covers Articles 23 and 24. Right to Freedom of Religion covers Articles 25 and 26.

Some rights need a law to work

A few rights are not self-enforcing - Parliament must pass a law to give them teeth. For example, untouchability (Article 17) becomes a punishable offence only through laws made under Article 35.

Who can claim them

Some rights are only for citizens (like the six freedoms of Article 19), while others are for any person, citizen or foreigner (like Articles 20, 21, 23, 25). Knowing which is which is a favourite APSC trap.

Fundamental Rights covered (at a glance)

Group	Articles	Core idea
Right to Equality	17, 18	No untouchability; no titles
Right to Freedom	19-22	Six freedoms, fair trial, life & liberty
Against Exploitation	23, 24	No forced labour or child labour
Freedom of Religion	25, 26	Practise and manage religion freely

APSC Exam Tips

Score boosters

- First fix in your mind which right belongs to which article - half of APSC's polity questions are just matching.
- Always note 'citizens only' vs 'any person' for each article.
- Remember that Article 17 and Article 23 work against private persons too, not just the State.

Quick Revision**Fundamental Rights: Quick Map - recap**

- Part III = Fundamental Rights.
- Equality (17-18), Freedom (19-22), Against Exploitation (23-24), Religion (25-26).
- Article 35 lets Parliament make laws to enforce some rights.
- Citizens-only: Article 19. Any person: 20, 21, 23, 25.

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CHAPTER 2

Article 17: Abolition of Untouchability

What it means

Article 17 abolishes 'untouchability' and forbids its practice in any form. The Constitution and the law do not define the word itself, but the courts have explained it as the social disability forced on certain people only because of the caste they are born into - looking down on them or discriminating against them.

In simple words

Imagine being refused entry to a temple, a well or a tea stall just because of the family you were born in. Article 17 says this is illegal and shameful, and anyone who practises it can be punished.

Key concepts

What 'untouchability' means here

It is not defined in the Constitution or any Act. The Mysore High Court described it as a social disability imposed on certain classes of persons by reason of their birth in a particular caste - the practice of treating them as inferior or discriminating against them.

It is a punishable offence

Practising untouchability is a crime. But Article 17 is not self-enforcing - Parliament had to make a law under Article 35 to actually punish it.

Laws made to enforce it

The Untouchability (Offences) Act, 1955 - later renamed the Protection of Civil Rights Act, 1976 - and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 give Article 17 real force.

Works against everyone

The right under Article 17 is available against the State and against private individuals alike, because untouchability is mostly practised by private persons in society.

Laws enforcing Article 17

Law	Year	Purpose
Untouchability (Offences) Act	1955	Made untouchability punishable
Protection of Civil Rights Act	1976	Renamed and strengthened the 1955 Act
SC/ST (Prevention of Atrocities) Act	1989	Punishes atrocities against SC/ST

APSC Exam Tips

Score boosters

- Key fact: untouchability is NOT defined anywhere in the Constitution or law.
- Article 17 is enforced through Parliament's laws under Article 35 - it is not self-executing.
- It is available against private persons too - a common statement-question point.

Quick Revision

Article 17: Abolition of Untouchability - recap

- Article 17 abolishes untouchability in every form.
- Word 'untouchability' is undefined; Mysore HC = social disability by birth.
- Enforced via Article 35 laws: PCR Act 1976, SC/ST Act 1989.
- Applies against State and private persons.

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CHAPTER 3

Article 18: Abolition of Titles

What it means

Article 18 stops the State from granting titles, and stops citizens from accepting titles from foreign states. The aim is to end the old system of titles (like 'Rai Bahadur') that created artificial classes of people.

In simple words

The government cannot hand out fancy honour-titles that make some people 'superior' by name. It can still recognise real achievement (a soldier's rank, a professor's degree, or a national award for bravery), but you cannot tag a national award before or after your name.

Key concepts

What the State cannot do

The State cannot confer any title on anyone - citizen or non-citizen - except military and academic distinctions.

What citizens cannot do

No citizen may accept a title from any foreign state. A government servant must take the President's consent before accepting any title, gift (present), or salary (emolument) from a foreign state.

National awards are allowed

Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri are given for bravery, social service and the like, so they are valid. But the awardee must NOT use them as a prefix or suffix to their name.

Titles under Article 18

Allowed	Not allowed
Military distinctions	State conferring ordinary titles
Academic distinctions	Citizens taking foreign titles
National awards (for merit)	Using awards as name prefix/suffix

APSC Exam Tips

Score boosters

- Exceptions to remember: only MILITARY and ACADEMIC distinctions are allowed.
- Foreign title/gift/salary for a government servant needs the President's consent.
- National awards are valid but cannot be used as a prefix or suffix - a classic trap.

Quick Revision

Article 18: Abolition of Titles - recap

- Article 18: no State titles except military & academic.
- Citizens can't accept foreign titles.
- Govt servant needs President's consent for foreign title/gift/salary.
- Padma/Bharat Ratna valid, but not as name prefix/suffix.

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CHAPTER 4

Article 19: The Six Freedoms

What it means

Article 19 guarantees six great freedoms to every citizen. These are not absolute - the State can place 'reasonable restrictions' on each of them for reasons like the security of the country and public order.

In simple words

These six freedoms let you speak your mind, gather peacefully, form groups, travel anywhere in India, live anywhere, and do any job you like. But your freedom stops where it harms the nation or other people - so the rules come with sensible limits.

Key concepts

1. Freedom of speech and expression

Every citizen can express views by speaking, writing, printing or pictures. Reasonable restrictions apply on grounds like the sovereignty and integrity of India, security of the State and contempt of court. Case: *Kanhaiya Kumar v. State of NCT of Delhi*.

2. Freedom of peaceful assembly

Citizens can hold public meetings, demonstrations and processions - but only peacefully and without weapons. Violent or riotous assemblies are not protected. Case: *the Shaheen Bagh judgement (2020)* relied on *Mazdoor Kisan Shakti Sangathan v. Union of India (2018)*.

3. Freedom to form associations

Citizens may form trade unions, associations and co-operative societies (like Amul). The right to form co-operative societies was made a fundamental right by the 97th Constitutional Amendment Act, 2011. Note: getting official recognition for the association is NOT a fundamental right.

4. Freedom of movement

Citizens can move freely throughout India. Restrictions allowed on two grounds: the interest of the general public, and protection of any Scheduled Tribe (e.g. the Inner Line Permit system).

5. Freedom of residence

Citizens can reside and settle in any part of India - except in protected tribal areas.

6. Freedom of profession

Citizens can practise any profession or carry on any trade or business. But this does NOT cover immoral or dangerous activities; the State may ban these outright or control them through licensing.

The six freedoms and their limits

Freedom	Main restriction ground
Speech & expression	Security, integrity, contempt of court

Peaceful assembly	Public order; must be unarmed
Form associations	Sovereignty & public order
Movement	General public; ST protection (ILP)
Residence	Not in tribal areas
Profession/trade	No immoral/dangerous business

APSC Exam Tips

Score boosters

- Remember the six freedoms are for CITIZENS only.
- 97th Amendment (2011) added the right to form co-operative societies.
- Recognition of an association is NOT a fundamental right - a frequent statement trap.
- Link cases: speech-Kanhaiya Kumar; assembly-Shaheen Bagh / Mazdoor Kisan Shakti Sangathan.

Quick Revision

Article 19: The Six Freedoms - recap

- Article 19 = six freedoms for citizens, with reasonable restrictions.
- Speech, assembly, association, movement, residence, profession.
- Co-operative societies added by 97th Amendment, 2011.
- Movement/residence limited for ST areas (ILP).

CHAPTER 5

Article 20: Protection in Conviction for Offences

What it means

Article 20 protects every person - citizens, foreigners and even companies - against unfair conviction. It guards you against the State punishing you arbitrarily.

In simple words

If you are accused of a crime, Article 20 makes three promises: you can't be punished under a law that did not exist when you acted, you can't be punished twice for the same crime, and you can't be forced to be a witness against yourself.

Key concepts

No ex-post-facto law

You cannot be convicted for an act that was not an offence when you did it, nor given a punishment heavier than the law allowed at that time.

No double jeopardy

You cannot be prosecuted and punished for the same offence more than once. This applies only before a court of law or judicial tribunal - not before departmental or administrative authorities.

No self-incrimination

An accused cannot be forced to give evidence against himself, whether spoken or in writing.

Exceptions to self-incrimination

Taking a person's thumb impression, specimen signature, blood sample, or showing the body for identification is allowed by law to help prove the case - these are not 'being a witness against oneself'.

Three protections under Article 20

Protection	Meaning
No ex-post-facto law	No punishment under a later law
No double jeopardy	No second punishment for same offence
No self-incrimination	Can't be forced to testify against self

APSC Exam Tips

Score boosters

- Article 20 is available to foreigners and companies too, not just citizens.
- Double jeopardy applies only before courts/judicial tribunals - not administrative bodies.
- Thumb impression, blood sample etc. are EXCEPTIONS to self-incrimination.

Quick Revision

Article 20: Protection in Conviction for Offences - recap

- Article 20 = protection against arbitrary conviction (any person).
- No ex-post-facto law; no double jeopardy; no self-incrimination.
- Double jeopardy: only before a court/judicial tribunal.
- Physical evidence (thumb, blood) is an exception.

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CHAPTER 6
Article 21: Right to Life and Personal Liberty
What it means

Article 21 says no person shall be deprived of life or personal liberty except according to the 'procedure established by law' (PEL). It is the most powerful and widely interpreted right - often called the 'umbrella right' because so many other rights have been read into it.

In simple words

Article 21 is the heart of the Constitution. It protects not just your survival but your right to live with dignity - and the Supreme Court has kept widening it over the years to cover privacy, a clean environment, education and much more.

Key concepts
PEL vs Due Process of Law

India follows 'procedure established by law' (PEL), borrowed from but different to the American 'due process of law' (DPL). DPL lets judges check both whether the legislature had power to make the law AND whether the law is fair and just. PEL originally only protected against arbitrary executive action.

Why PEL was chosen

In the Constituent Assembly, Dr B.R. Ambedkar leaned toward DPL, but Alladi Krishnaswami Ayyar warned it would block future social legislation. So PEL was adopted.

A.K. Gopalan v. State of Madras (1950)

The Court took a NARROW view - personal liberty could be limited only against physical restraint (limiting bodily movement) and coercion (force or threat).

Maneka Gandhi v. Union of India (1978)

A landmark turn. After her passport was impounded without reasons, the Court overruled Gopalan and gave personal liberty a WIDE meaning. From 1978, every law (substantive or procedural) must be fair, just and reasonable - effectively merging PEL with due process.

Right to life means a dignified life

Life does not mean mere animal existence but living with dignity. In P. Rathinam the Court first held that the right to life includes a right to die (striking down Section 309 IPC). But the current law follows Gian Kaur v. State of Punjab: there is no waiver of fundamental rights, so the right to die is NOT protected under Article 21.

Right to privacy

Privacy was not originally a separate right but is now read into Article 21. Kharak Singh v. State of UP (1962) protected against unauthorised surveillance; PUCL v. Union of India (the telephone-tapping case) held privacy is part of the right to life. It was firmly established in the Puttaswamy case (2017, the Aadhaar case).

Article 21 and Emergency

Under Article 359 the President suspended Article 21 during emergencies (1962, 1971, 1976), upheld in ADM

Jabalpur v. Shivkant Shukla. The 44th Amendment, 1978 changed this - Article 21 can no longer be suspended even during an Emergency.

Key Article 21 cases

Case	What it settled
A.K. Gopalan (1950)	Narrow view of personal liberty
Maneka Gandhi (1978)	Wide view; laws must be fair & reasonable
Gian Kaur (1996)	No right to die under Article 21
Puttaswamy (2017)	Right to privacy is part of Article 21

APSC Exam Tips

Score boosters

- PEL vs DPL and the Ambedkar-Ayyar debate is a guaranteed favourite.
- Gopalan = narrow; Maneka Gandhi (1978) = wide and merges PEL with due process.
- Current position on suicide = Gian Kaur (no right to die).
- 44th Amendment (1978): Article 21 can't be suspended during Emergency.

Quick Revision

Article 21: Right to Life and Personal Liberty - recap

- Article 21: no loss of life/liberty except by procedure established by law.
- Gopalan (narrow) -> Maneka Gandhi 1978 (wide, fair-just-reasonable).
- Gian Kaur: no right to die; Puttaswamy 2017: right to privacy.
- 44th Amendment 1978: Article 21 non-suspendable in Emergency.
- Called the 'umbrella right'; for any person; a qualified right.

CHAPTER 7

Article 21A: Right to Education

What it means

Article 21A makes free and compulsory education a fundamental right for children aged 6 to 14. It was added by the 86th Constitutional Amendment Act, and Parliament gave it shape through the Right to Education Act, 2009.

In simple words

Every child between 6 and 14 has a guaranteed right to go to school for free. The government decides how to deliver it, and the RTE Act sets the rules - like reserving seats for poorer children and not failing students up to Class 8.

Key concepts

What it guarantees

Free and compulsory ELEMENTARY education to all children aged 6-14. It does NOT cover higher or professional education. The State decides how to implement it.

Right to Education Act, 2009

Key provisions include teacher-student ratio norms, guidelines for compulsory education, 25% reservation of seats in private schools for backward classes, and a no-detention policy up to Class 8.

How education sits across the Constitution

Early childhood care/education (below 6) sits in Article 45 of the DPSP (e.g. Anganwadi). Elementary education (6-14) is the fundamental right under Article 21A. The duty of parents to provide education opportunities to children aged 6-14 is in Article 51A of the Fundamental Duties.

Education across the Constitution

Provision	Stage	Nature
Article 45 (DPSP)	Below 6 (early childhood)	Not enforceable
Article 21A (FR)	6-14 (elementary)	Fundamental right
Article 51A (Duties)	6-14 (parents' duty)	Fundamental duty

APSC Exam Tips

Score boosters

- 86th Amendment added Article 21A; RTE Act came in 2009.
- It covers only ELEMENTARY (6-14) education - not higher/professional.
- Remember the 25% private-school reservation and no-detention-till-Class-8 rules.
- Match Article 45 (below 6), 21A (6-14 right), 51A (6-14 duty).

Quick Revision

Article 21A: Right to Education - recap

- Article 21A: free & compulsory education for ages 6-14 (86th Amendment).
- RTE Act 2009: 25% seats for backward classes, no detention till Class 8.
- Only elementary education, not higher.
- Article 45 = below 6; Article 51A(k) = parents' duty 6-14.

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CHAPTER 8

Article 22: Protection Against Arrest and Detention

What it means

Article 22 protects people against arbitrary arrest and detention. It has two parts - one for ordinary (punitive) arrests and one for preventive detention. It covers both punitive and preventive arrest, but NOT civil arrest under other laws (like arrest for not paying income tax).

In simple words

If you are arrested, Article 22 gives you safeguards: you must be told why, you can hire a lawyer, and you must be produced before a magistrate within 24 hours. But these safeguards work differently for 'preventive detention', where a person is held to STOP a crime before it happens.

Key concepts

Punitive vs Preventive

Punitive arrest punishes a person AFTER a trial or conviction for a crime already committed. Preventive detention holds a person WITHOUT trial or conviction, to stop a likely future crime.

Rights under ordinary law (punitive)

Article 22(1): right to be told the grounds of arrest and to consult and be defended by a lawyer of one's choice. Article 22(2): right to be produced before a magistrate within 24 hours (excluding journey time), and not to be detained beyond that without the magistrate's authority.

Who does NOT get these

Article 22(3): the above safeguards (22(1) and 22(2)) are not available to an enemy alien or to a person held under a preventive detention law.

Preventive detention safeguards

Article 22(4): detention cannot exceed three months unless an advisory board reports sufficient cause. Article 22(5): the detenu must be informed of the grounds and given a chance to make a representation. Article 22(6): facts against the public interest need not be disclosed. Article 22(7): Parliament may lay down the grounds, the maximum period, and the advisory board procedure.

Punitive vs Preventive detention

Basis	Punitive	Preventive
When	After the crime	Before the crime
Trial?	After trial/conviction	Without trial
24-hour rule	Applies	Does not apply
Aim	Punish	Prevent

APSC Exam Tips

Score boosters

- Civil arrest (e.g. for unpaid income tax) is NOT protected by Article 22.
- 24-hour production rule and lawyer rights do NOT apply to preventive detention or enemy aliens.
- Preventive detention beyond 3 months needs an advisory board's report.
- Both Parliament and State Legislatures can make preventive-detention laws.

Quick Revision

Article 22: Protection Against Arrest and Detention - recap

- Article 22: protection against arbitrary arrest/detention (not civil arrest).
- Punitive = after crime, after trial; Preventive = before crime, no trial.
- 22(1)-(2): grounds, lawyer, magistrate within 24 hours.
- 22(4): max 3 months without advisory board approval.

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CHAPTER 9

Articles 23 & 24: Right Against Exploitation

What it means

Articles 23 and 24 protect the weak from being exploited. Article 23 bans human trafficking and forced labour; Article 24 bans child labour in dangerous workplaces. Both are available against the State and against private persons.

In simple words

No one can be bought, sold, or made to work for free against their will, and young children cannot be put to work in factories or mines. These rights protect the most vulnerable people in society.

Key concepts

Article 23 - no trafficking or forced labour

It bans trade in human beings, 'begar' (forced labour) and similar forms of forced labour. It is available to both citizens and non-citizens, and against the State as well as private persons. Any breach is punishable under a law made by Parliament.

Article 23 - exception

The State may impose compulsory service for a public purpose (such as military or social service), and it is not bound to pay for such service.

Article 24 - no child labour in hazardous work

It prohibits employing children below 14 in any factory, mine, or hazardous work like construction, railways or chemical industries.

Article 24 - exception and laws

Children may work in harmless activities like films and TV serials. The Child Labour (Prohibition and Regulation) Act, 1986 and a 2006 ban on children as domestic help or workers in hotels and shops support this right.

Right against Exploitation

Article	Bans	Key exception
23	Trafficking & forced labour	Compulsory public service
24	Child labour (under 14) in hazardous work	Harmless work (films, TV)

APSC Exam Tips

Score boosters

- Both 23 and 24 work against private persons, not just the State.
- Article 23 exception: compulsory public service is allowed and may be unpaid.
- Article 24's cut-off is below 14 years, and only HAZARDOUS work is banned.
- Remember the Child Labour Act 1986 and the 2006 domestic-help ban.

Quick Revision

Articles 23 & 24: Right Against Exploitation - recap

- Article 23: no trafficking/forced labour (begar); against State & private.
- Exception: compulsory public service (may be unpaid).
- Article 24: no child (under 14) labour in factories/mines/hazardous work.
- Law: Child Labour (Prohibition & Regulation) Act 1986; 2006 ban.

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CHAPTER 10

Articles 25 & 26: Freedom of Religion

What it means

Articles 25 and 26 protect freedom of religion. Religion is a matter of personal faith, so the State usually does not interfere - unless a practice harms public order, morality, health, or other fundamental rights.

In simple words

You are free to follow, practise and share your faith. But this freedom is not unlimited - the State can step in if a practice hurts public order, public health or the rights of others (for example, banning triple talaq or restricting Diwali crackers).

Key concepts

Article 25 - individual freedom of religion

It gives every person freedom of conscience and the right to freely profess, practise and propagate religion. 'Profess' means declaring your faith openly (e.g. Sikhs carrying kirpans); 'practise' means rituals and worship; 'propagate' means sharing beliefs - but NOT a right to convert another person.

Conscience vs the rest

Freedom of conscience is an ABSOLUTE right (no State restriction). But the freedom to profess, practise and propagate is a QUALIFIED right - the State can place reasonable restrictions.

Article 25 - what the State may regulate

The State may regulate secular activities (economic, financial, political) linked to religion - like the management of hotels or lodges run by religious bodies. It may also open Hindu religious institutions of a public character to all classes (including Sikhs, Jains and Buddhists) for social welfare and reform.

Article 26 - freedom to manage religious affairs

This is a right of religious denominations or their sects. The Supreme Court set three tests for a 'religious denomination': a collection of individuals with a common system of belief, a common organisation, and a distinct name.

Article 25 vs Article 26

Article	Right of	Covers
25	Every individual	Conscience; profess, practise, propagate
26	Religious denominations	Manage their own religious affairs

Three tests for a religious denomination

Test	Requirement
Belief	Common system of belief

Organisation A common organisation

Name A distinct name

APSC Exam Tips

Score boosters

- Freedom of conscience = absolute; profess/practise/propagate = qualified.
- 'Propagate' does NOT include the right to convert - a favourite trap.
- State can regulate SECULAR activities of religious bodies.
- Learn the three denomination tests (belief, organisation, distinct name) for Article 26.

Quick Revision

Articles 25 & 26: Freedom of Religion - recap

- Article 25: individual freedom - conscience (absolute) + profess/practise/propagate (qualified).
- Propagate excludes conversion.
- State may regulate secular activities + open Hindu institutions to all.
- Article 26: denominations manage affairs; 3 tests = belief, organisation, name.

CASE LAWS
Important Supreme Court Cases

The landmark judgements that shaped these Fundamental Rights - learn the case and the one-line ratio.

Kanhaiya Kumar v. State of NCT of Delhi	Freedom of speech and expression (Article 19).
Mazdoor Kisan Shakti Sangathan v. Union of India (2018)	Basis of the Shaheen Bagh judgement on peaceful assembly.
A.K. Gopalan v. State of Madras (1950)	Narrow view of personal liberty (physical restraint & coercion).
Maneka Gandhi v. Union of India (1978)	Widened personal liberty; laws must be fair, just and reasonable.
P. Rathinam v. Union of India	Initially held right to die was part of Article 21 (later overruled).
Gian Kaur v. State of Punjab	No right to die; no waiver of fundamental rights.
Kharak Singh v. State of UP (1962)	Protected against unauthorised surveillance (privacy).
PUCL v. Union of India	Telephone-tapping case; privacy is part of right to life.
Justice K.S. Puttaswamy v. Union of India (2017)	Right to privacy a fundamental right (Aadhaar case).
ADM Jabalpur v. Shivkant Shukla	Upheld suspension of Article 21 during Emergency (later undone by 44th Amendment).

AMENDMENTS

Important Constitutional Amendments

The key amendments that expanded or protected these rights.

44th Amendment Act, 1978	Article 21 (and 20) cannot be suspended even during a National Emergency.
86th Amendment Act	Inserted Article 21A - right to education for children aged 6-14; reshaped Article 45 and added Article 51A(k).
97th Amendment Act, 2011	Made the right to form co-operative societies a fundamental right under Article 19(1)(c).

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REFERENCE

Important Definitions

Crisp, exam-ready definitions of the core terms in this volume.

Untouchability	Social disability forced on persons by reason of birth in a particular caste (undefined in law).
Title	An honour-name that creates an artificial class; banned by Article 18 (except military/academic).
Reasonable restriction	A fair limit the State may place on a freedom for reasons like public order or security.
Ex-post-facto law	A law that punishes an act done before the law existed - barred by Article 20.
Double jeopardy	Being prosecuted and punished twice for the same offence - barred by Article 20.
Self-incrimination	Being forced to give evidence against oneself - barred by Article 20.
Procedure established by law (PEL)	A law made by a competent legislature, followed correctly - India's standard under Article 21.
Due process of law (DPL)	American standard letting courts test both the power to make a law and its fairness.
Personal liberty	Freedom from physical restraint and, after Maneka Gandhi, from any unfair law.
Right to privacy	Protection of one's private life; read into Article 21 (Puttaswamy, 2017).
Punitive detention	Holding a person after trial/conviction, to punish a committed crime.
Preventive detention	Holding a person without trial, to stop a likely future crime.
Advisory board	A body that reviews preventive detention beyond three months.
Begar	Forced labour without payment - banned by Article 23.
Religious denomination	A group with a common belief, common organisation and a distinct name (Article 26).
Freedom of conscience	An absolute inner freedom to choose one's faith (Article 25).

GLOSSARY

Important Constitutional Terms

A quick glossary of polity terms an APSC aspirant must know.

Article 35	Empowers Parliament to make laws to enforce certain fundamental rights (e.g. Article 17).
Protection of Civil Rights Act, 1976	Renamed Untouchability (Offences) Act, 1955; punishes untouchability.
SC/ST (Prevention of Atrocities) Act, 1989	Punishes atrocities against Scheduled Castes and Tribes.
Inner Line Permit (ILP)	A permit restricting movement into certain protected tribal areas.
Co-operative society	A member-owned body (e.g. Amul); right to form one added by the 97th Amendment.
Article 359	Lets the President suspend the enforcement of certain rights during Emergency.
RTE Act, 2009	Implements Article 21A; sets norms like 25% reservation and no-detention till Class 8.
Article 45	DPSP provision now focused on early childhood care and education (below 6).
Article 51A	Fundamental Duties, including parents' duty to educate children aged 6-14.
Enemy alien	A national of a hostile country; denied Article 22(1)-(2) safeguards.
Profess / Practise / Propagate	The three components of religious freedom under Article 25.
Umbrella right	Nickname for Article 21, which shelters many other rights.
No-detention policy	RTE rule against failing students up to Class 8.
Specimen evidence	Thumb impression, signature or blood sample - an exception to self-incrimination.

REVISION

Quick Revision Notes

The fastest pass over every chapter - ideal for the day before the exam.

1. Fundamental Rights: Quick Map

- Part III = Fundamental Rights.
- Equality (17-18), Freedom (19-22), Against Exploitation (23-24), Religion (25-26).
- Article 35 lets Parliament make laws to enforce some rights.
- Citizens-only: Article 19. Any person: 20, 21, 23, 25.

2. Article 17: Abolition of Untouchability

- Article 17 abolishes untouchability in every form.
- Word 'untouchability' is undefined; Mysore HC = social disability by birth.
- Enforced via Article 35 laws: PCR Act 1976, SC/ST Act 1989.
- Applies against State and private persons.

3. Article 18: Abolition of Titles

- Article 18: no State titles except military & academic.
- Citizens can't accept foreign titles.
- Govt servant needs President's consent for foreign title/gift/salary.
- Padma/Bharat Ratna valid, but not as name prefix/suffix.

4. Article 19: The Six Freedoms

- Article 19 = six freedoms for citizens, with reasonable restrictions.
- Speech, assembly, association, movement, residence, profession.
- Co-operative societies added by 97th Amendment, 2011.
- Movement/residence limited for ST areas (ILP).

5. Article 20: Protection in Conviction for Offences

- Article 20 = protection against arbitrary conviction (any person).
- No ex-post-facto law; no double jeopardy; no self-incrimination.
- Double jeopardy: only before a court/judicial tribunal.
- Physical evidence (thumb, blood) is an exception.

6. Article 21: Right to Life and Personal Liberty

- Article 21: no loss of life/liberty except by procedure established by law.
- Gopalan (narrow) -> Maneka Gandhi 1978 (wide, fair-just-reasonable).
- Gian Kaur: no right to die; Puttaswamy 2017: right to privacy.
- 44th Amendment 1978: Article 21 non-suspendable in Emergency.
- Called the 'umbrella right'; for any person; a qualified right.

7. Article 21A: Right to Education

- Article 21A: free & compulsory education for ages 6-14 (86th Amendment).
- RTE Act 2009: 25% seats for backward classes, no detention till Class 8.
- Only elementary education, not higher.
- Article 45 = below 6; Article 51A(k) = parents' duty 6-14.

8. Article 22: Protection Against Arrest and Detention

- Article 22: protection against arbitrary arrest/detention (not civil arrest).
- Punitive = after crime, after trial; Preventive = before crime, no trial.
- 22(1)-(2): grounds, lawyer, magistrate within 24 hours.
- 22(4): max 3 months without advisory board approval.

9. Articles 23 & 24: Right Against Exploitation

- Article 23: no trafficking/forced labour (begar); against State & private.
- Exception: compulsory public service (may be unpaid).
- Article 24: no child (under 14) labour in factories/mines/hazardous work.
- Law: Child Labour (Prohibition & Regulation) Act 1986; 2006 ban.

10. Articles 25 & 26: Freedom of Religion

- Article 25: individual freedom - conscience (absolute) + profess/practise/propagate (qualified).
- Propagate excludes conversion.
- State may regulate secular activities + open Hindu institutions to all.
- Article 26: denominations manage affairs; 3 tests = belief, organisation, name.

CONCEPTS

Frequently Asked Concepts

Twenty conceptual doubts APSC aspirants often raise, answered simply.

Q1. Is the word 'untouchability' defined in the Constitution?

A. No. Neither the Constitution nor any Act defines it. Courts (e.g. the Mysore High Court) describe it as a social disability imposed by birth in a caste.

Q2. Why is Article 17 not 'self-enforcing'?

A. Because it needs Parliament's law (under Article 35) to actually punish the practice - like the Protection of Civil Rights Act, 1976.

Q3. Can a person use 'Padma Shri' before their name?

A. No. National awards are valid honours, but Article 18 bars using them as a prefix or suffix to one's name.

Q4. Are the Article 19 freedoms absolute?

A. No. They are subject to 'reasonable restrictions' on grounds like security of the State, public order and the integrity of India.

Q5. Is recognition of an association a fundamental right?

A. No. You have the right to FORM an association, but getting it officially recognised is not a fundamental right.

Q6. Who can claim Article 20 and Article 21?

A. Any person - citizens, foreigners, and even companies (for Article 20). They are not limited to citizens.

Q7. What is the difference between PEL and DPL?

A. PEL (India) checks that a valid law's procedure is followed; DPL (USA) also lets courts judge whether the law itself is fair. After Maneka Gandhi (1978), the two have effectively merged in India.

Q8. How did Maneka Gandhi's case change Article 21?

A. It overruled the narrow Gopalan view and held that any law affecting life or liberty must be fair, just and reasonable - greatly widening personal liberty.

Q9. Is there a 'right to die' under Article 21?

A. No. Although P. Rathinam first allowed it, the current position (Gian Kaur) is that there is no right to die, because fundamental rights cannot be waived.

Q10. Is the right to privacy a separate fundamental right?

A. It is not a separate article - it is read into Article 21. It was firmly established in the Puttaswamy case (2017).

Q11. Can Article 21 be suspended during an Emergency?

A. Not any more. The 44th Amendment (1978) ensures Article 21 cannot be suspended even during a National Emergency.

Q12. What does Article 21A guarantee, and to whom?

A. Free and compulsory ELEMENTARY education to children aged 6-14. It does not cover higher or professional education.

Q13. What is the difference between punitive and preventive detention?

A. Punitive detention punishes after a trial for a crime already done; preventive detention holds a person without trial to stop a likely crime.

Q14. Does the 24-hour rule apply to preventive detention?

A. No. The right to be produced before a magistrate within 24 hours applies to ordinary (punitive) arrests, not to preventive detention or enemy aliens.

Q15. Do Articles 23 and 24 apply against private persons?

A. Yes. Both rights work against the State and private individuals alike.

Q16. Can the State force anyone to work?

A. Generally no (Article 23 bans forced labour), but it may impose compulsory service for a public purpose, and need not pay for it.

Q17. Does 'propagate' in Article 25 include converting others?

A. No. You may share your beliefs, but the right to propagate does not include forcibly converting another person.

Q18. Which part of religious freedom is absolute?

A. Freedom of conscience is absolute; the freedom to profess, practise and propagate is a qualified right that the State may reasonably restrict.

Q19. What are the three tests for a religious denomination?

A. A common system of belief, a common organisation, and a distinct name (Article 26).

Q20. When can the State interfere in religion?

A. When a practice harms public order, morality, health, the welfare state's objectives or other fundamental rights - e.g. banning triple talaq.

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SUMMARY

Exam-Oriented Summary

Every must-remember fact of this volume, distilled into one place.

- Article 17 abolishes untouchability (undefined word); enforced via Article 35 laws; works against private persons.
- Article 18 bars State titles (except military/academic) and foreign titles; national awards can't be name prefixes.
- Article 19 gives citizens six freedoms with reasonable restrictions; co-operative societies added by 97th Amendment.
- Article 20: no ex-post-facto law, no double jeopardy, no self-incrimination - for any person.
- Article 21 uses PEL; Gopalan (narrow) -> Maneka Gandhi 1978 (wide); Gian Kaur (no right to die).
- Right to privacy read into Article 21 via Puttaswamy (2017); 44th Amendment protects 21 in Emergency.
- Article 21A: free education for ages 6-14 (86th Amendment); RTE Act 2009.
- Article 22: punitive vs preventive; 24-hour rule; 3-month preventive limit with advisory board.
- Articles 23-24: no trafficking/forced labour and no hazardous child labour; against private persons too.
- Articles 25-26: conscience absolute, profess/practise/propagate qualified; propagate excludes conversion.

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LAST-MINUTE

Final Revision Section

One-line triggers for the last 30 minutes before the exam.

Rapid-fire recall

- Untouchability undefined; PCR Act 1976; SC/ST Act 1989.
- Titles: only military & academic allowed.
- Six freedoms = citizens only; co-operatives by 97th Amendment 2011.
- Article 20 = no ex-post-facto, no double jeopardy, no self-incrimination.
- Double jeopardy only before courts, not administrative bodies.
- India follows Procedure Established by Law (PEL).
- Gopalan 1950 narrow; Maneka Gandhi 1978 wide.
- Gian Kaur: no right to die; Puttaswamy 2017: privacy.
- ADM Jabalpur upheld 21 suspension; 44th Amendment 1978 undid it.
- Article 21A: ages 6-14, 86th Amendment, RTE Act 2009.
- RTE: 25% private seats reserved; no detention till Class 8.
- Article 22: magistrate within 24 hours (not for preventive/enemy alien).
- Preventive detention: max 3 months without advisory board.
- Article 23 exception: compulsory public service (may be unpaid).
- Article 24: no child under 14 in hazardous work; films allowed.
- Article 25: conscience absolute; propagate excludes conversion.
- Article 26 denomination tests: belief, organisation, distinct name.

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PRELIMS PRACTICE

APSC-Style MCQs (with answers)

32 statement-based, assertion-reason and analytical MCQs - the modern APSC pattern. Each has four options, the correct answer, a full explanation and a difficulty rating.

Q1. With reference to Article 17, consider the following statements:

MEDIUM

1. The term 'untouchability' is clearly defined in the Constitution.
2. It is a punishable offence enforced through laws made under Article 35.

Which is/are correct?

- (A) 1 only
- (B) 2 only
- (C) Both 1 and 2
- (D) Neither 1 nor 2

Answer: (B) 2 only

Explanation: Statement 1 is wrong - 'untouchability' is not defined in the Constitution or any law. Statement 2 is correct - Article 17 is enforced through laws made under Article 35.

Q2. Which of the following correctly describes the enforceability of Article 17?

MEDIUM

- (A) It is self-enforcing and needs no legislation
- (B) It is enforced only against the State
- (C) It needs parliamentary legislation under Article 35 and applies against private persons too
- (D) It can be enforced only by State legislatures

Answer: (C) It needs parliamentary legislation under Article 35 and applies against private persons too

Explanation: Article 17 is not self-enforcing; Parliament legislates under Article 35 (e.g. PCR Act 1976), and the right is available against private persons as well as the State.

Q3. Consider the following laws and match them with abolition of untouchability:

EASY

1. Protection of Civil Rights Act, 1976
2. SC/ST (Prevention of Atrocities) Act, 1989
3. Right to Education Act, 2009

Which are linked to enforcing Article 17?

- (A) 1 and 2 only
- (B) 2 and 3 only
- (C) 1 and 3 only
- (D) 1, 2 and 3

Answer: (A) 1 and 2 only

Explanation: The PCR Act 1976 and the SC/ST Act 1989 enforce Article 17. The RTE Act 2009 relates to Article 21A, not untouchability.

Q4. Under Article 18, which of the following is permitted?

EASY

- (A) A citizen accepting a title from a foreign state
- (B) The State conferring military and academic distinctions
- (C) Using 'Bharat Ratna' as a suffix to one's name
- (D) A government servant accepting a foreign gift without consent

Answer: (B) The State conferring military and academic distinctions

Explanation: Article 18 allows military and academic distinctions. Foreign titles, using national awards as a name prefix/suffix, and unauthorised foreign gifts to government servants are barred.

Q5. Assertion (A): A government servant must obtain the President's consent before accepting a gift or salary from a foreign state. HARD

Reason (R): Article 18 seeks to prevent the State from creating artificial classes through titles.

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

Answer: (A) Both A and R are true and R is the correct explanation of A

Explanation: Both statements are true and R explains A - Article 18's purpose of preventing artificial classes is why foreign emoluments need the President's consent.

Q6. The six freedoms under Article 19 are guaranteed to: EASY

- (A) All persons including foreigners
- (B) Citizens only
- (C) Only natural-born citizens
- (D) Citizens and companies

Answer: (B) Citizens only

Explanation: Article 19's six freedoms are available only to citizens, unlike Articles 20 and 21 which extend to any person.

Q7. Which Constitutional Amendment made the right to form co-operative societies a part of Article 19? MEDIUM

- (A) 44th Amendment
- (B) 86th Amendment
- (C) 97th Amendment
- (D) 73rd Amendment

Answer: (C) 97th Amendment

Explanation: The 97th Constitutional Amendment Act, 2011 added the right to form co-operative societies to Article 19(1)(c).

Q8. With reference to the freedom of assembly under Article 19, consider: MEDIUM

1. It includes the right to hold meetings and processions.
2. The assembly must be peaceful and unarmed.
3. It protects even violent assemblies if the cause is genuine.

Which are correct?

- (A) 1 and 2 only
- (B) 2 and 3 only
- (C) 1 and 3 only
- (D) 1, 2 and 3

Answer: (A) 1 and 2 only

Explanation: Statements 1 and 2 are correct. Statement 3 is wrong - violent or riotous assemblies are not protected.

Q9. Which statement about the freedom to form associations is correct? HARD

- (A) The right to obtain recognition of an association is a fundamental right
- (B) Citizens cannot form trade unions
- (C) The right to form an association is fundamental, but recognition of it is not
- (D) Only the State can form associations

Answer: (C) The right to form an association is fundamental, but recognition of it is not

Explanation: Forming an association is a fundamental right, but obtaining official recognition for it is not a fundamental right.

Q10. The Inner Line Permit (ILP) system is an example of a reasonable restriction on which freedom? MEDIUM

- (A) Freedom of speech
- (B) Freedom of movement/residence
- (C) Freedom of profession
- (D) Freedom of assembly

Answer: (B) Freedom of movement/residence

Explanation: Movement and residence can be restricted to protect Scheduled Tribes - the ILP is such a restriction.

Q11. Article 20 protections are available to:

EASY

- (A) Citizens only
- (B) Foreigners only
- (C) Citizens, foreigners and companies
- (D) Only persons accused of serious crimes

Answer: (C) Citizens, foreigners and companies

Explanation: Article 20 protects any person - citizens, foreigners and legal persons such as companies.

Q12. Consider the protections under Article 20:

HARD

1. No ex-post-facto law.
2. No double jeopardy.
3. No self-incrimination.

Which of these applies even before a departmental/administrative authority?

- (A) 1 only
- (B) 2 only
- (C) None of these (double jeopardy is only before courts)
- (D) All three

Answer: (C) None of these (double jeopardy is only before courts)

Explanation: Double jeopardy (no second punishment) applies only before a court of law or judicial tribunal, not before departmental/administrative authorities.

Q13. Which of the following would NOT violate the rule against self-incrimination?

MEDIUM

- (A) Forcing an accused to give an oral confession
- (B) Forcing an accused to write a self-condemning statement
- (C) Taking the accused's thumb impression or blood sample
- (D) Compelling the accused to testify against himself

Answer: (C) Taking the accused's thumb impression or blood sample

Explanation: Taking thumb impressions, specimen signatures, blood samples or exhibiting the body are exceptions and do not violate the rule against self-incrimination.

Q14. India's Article 21 follows 'procedure established by law' (PEL) rather than 'due process of law' (DPL). Who, in the Constituent Assembly, argued against DPL fearing it would obstruct social legislation?

HARD

- (A) Dr B.R. Ambedkar
- (B) Alladi Krishnaswami Ayyar
- (C) Jawaharlal Nehru
- (D) K.M. Munshi

Answer: (B) Alladi Krishnaswami Ayyar

Explanation: Alladi Krishnaswami Ayyar argued that DPL would create problems for future social legislation, so PEL was adopted.

Q15. Which case gave personal liberty under Article 21 a NARROW interpretation, limited to physical restraint and coercion?

MEDIUM

- (A) Maneka Gandhi v. Union of India
- (B) A.K. Gopalan v. State of Madras
- (C) Gian Kaur v. State of Punjab
- (D) Puttaswamy v. Union of India

Answer: (B) A.K. Gopalan v. State of Madras

Explanation: A.K. Gopalan (1950) took a narrow view, limiting personal liberty to protection against physical restraint and coercion.

Q16. Assertion (A): After 1978, every law affecting life and liberty must be fair, just and reasonable. Reason (R): In Maneka Gandhi, the Supreme Court overruled the narrow view in Gopalan and widened personal liberty.

MEDIUM

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

Answer: (A) Both A and R are true and R is the correct explanation of A

Explanation: Both are true and R explains A - the Maneka Gandhi (1978) ruling is exactly why all such laws must now be fair, just and reasonable.

Q17. What is the current legal position on the 'right to die' under Article 21?

MEDIUM

- (A) It is protected, following P. Rathinam
- (B) It is not protected, following Gian Kaur
- (C) It is protected during emergencies only
- (D) It depends on the State legislature

Answer: (B) It is not protected, following Gian Kaur

Explanation: Although P. Rathinam first recognised it, the present position (Gian Kaur) is that there is no right to die, as fundamental rights cannot be waived.

Q18. The right to privacy was firmly established as part of Article 21 in which case?

EASY

- (A) Kharak Singh (1962)
- (B) PUCL (telephone-tapping)
- (C) Puttaswamy (2017)
- (D) ADM Jabalpur

Answer: (C) Puttaswamy (2017)

Explanation: The Puttaswamy case (2017, the Aadhaar case) firmly established the right to privacy as part of Article 21.

Q19. With reference to Article 21 during an Emergency, consider:

HARD

1. Article 359 was used to suspend Article 21 in 1962, 1971 and 1976.
2. The 44th Amendment (1978) made Article 21 non-suspendable during Emergency.

Which is/are correct?

- (A) 1 only
- (B) 2 only
- (C) Both 1 and 2
- (D) Neither

Answer: (C) Both 1 and 2

Explanation: Both are correct. Article 21 was earlier suspended via Article 359 and upheld in ADM Jabalpur, but the 44th Amendment (1978) ended this.

Q20. Article 21A guarantees free and compulsory education to children of which age group?

EASY

- (A) 0-6 years
- (B) 6-14 years
- (C) 6-18 years
- (D) 0-14 years

Answer: (B) 6-14 years

Explanation: Article 21A (added by the 86th Amendment) guarantees free and compulsory elementary education to children aged 6-14.

Q21. Match education provisions with the Constitution:

MEDIUM

1. Article 45 (DPSP)
2. Article 21A (FR)
3. Article 51A (Duties)

Which provision is the ENFORCEABLE fundamental right?

- (A) 1 only
- (B) 2 only
- (C) 3 only
- (D) 1 and 3

Answer: (B) 2 only

Explanation: Article 21A is the enforceable fundamental right. Article 45 (DPSP) is non-justiciable and Article 51A is a fundamental duty.

Q22. Which is NOT a provision of the Right to Education Act, 2009?

MEDIUM

- (A) 25% reservation of seats in private schools for backward classes
- (B) No-detention policy up to Class 8
- (C) Free higher and professional education
- (D) Teacher-student ratio norms

Answer: (C) Free higher and professional education

Explanation: The RTE Act covers only elementary education, not higher or professional education. The other options are genuine provisions.

Q23. Which of the following is NOT protected under Article 22?

MEDIUM

- (A) A person arrested under an ordinary criminal law
- (B) A person held under preventive detention
- (C) A person arrested for non-payment of income tax (civil arrest)
- (D) A person facing punitive arrest

Answer: (C) A person arrested for non-payment of income tax (civil arrest)

Explanation: Article 22 covers punitive and preventive arrests, but NOT civil arrest such as detention for non-payment of income tax.

Q24. The right to be produced before a magistrate within 24 hours is:

HARD

- (A) Available to all detainees including those under preventive detention
- (B) Available under ordinary (punitive) arrest but not to preventive detention or enemy aliens
- (C) Available only to citizens
- (D) Available only with the advisory board's approval

Answer: (B) Available under ordinary (punitive) arrest but not to preventive detention or enemy aliens

Explanation: The 24-hour rule (Article 22(2)) applies to ordinary arrests; under Article 22(3) it does not extend to preventive detention or enemy aliens.

Q25. Under preventive detention, detention beyond three months generally requires:

MEDIUM

- (A) A magistrate's order
- (B) An advisory board's report of sufficient cause
- (C) The President's consent
- (D) A Supreme Court order

Answer: (B) An advisory board's report of sufficient cause

Explanation: Article 22(4) requires an advisory board to report sufficient cause for detention beyond three months.

Q26. Consider:

EASY

1. Punitive detention follows a trial or conviction.
2. Preventive detention is imposed without trial to prevent a future offence.

Which is/are correct?

- (A) 1 only
- (B) 2 only
- (C) Both 1 and 2
- (D) Neither

Answer: (C) Both 1 and 2

Explanation: Both correctly distinguish punitive (after the crime, after trial) from preventive (before the crime, without trial) detention.

Q27. Which statement about Article 23 is correct?

HARD

- (A) It applies only against the State
- (B) It permits the State to impose compulsory public service, possibly unpaid
- (C) It bans only the trafficking of citizens
- (D) It allows 'begar' for public purposes

Answer: (B) It permits the State to impose compulsory public service, possibly unpaid

Explanation: Article 23 allows the State to impose compulsory service for a public purpose (and it need not pay). It applies against private persons too and protects all persons.

Q28. Article 24 prohibits the employment of children below 14 years in:

EASY

- (A) All forms of work including films
- (B) Factories, mines and hazardous activities
- (C) Only agricultural work
- (D) Only government undertakings

Answer: (B) Factories, mines and hazardous activities

Explanation: Article 24 bans children under 14 from factories, mines and hazardous work, but not harmless work like films and TV serials.

Q29. With reference to Article 25, which is correct?

MEDIUM

- (A) Freedom of conscience is a qualified right
- (B) Freedom to propagate includes the right to convert others
- (C) Freedom of conscience is absolute; profess/practise/propagate are qualified
- (D) The State cannot regulate any activity connected with religion

Answer: (C) Freedom of conscience is absolute; profess/practise/propagate are qualified

Explanation: Freedom of conscience is absolute, while the freedom to profess, practise and propagate is qualified. 'Propagate' does not include conversion, and the State may regulate secular activities of religious bodies.

Q30. The Supreme Court's three tests for a 'religious denomination' under Article 26 are a common belief, a common organisation and:

MEDIUM

- (A) A distinct name
- (B) A registered trust
- (C) A place of worship
- (D) A minimum number of members

Answer: (A) A distinct name

Explanation: The three tests are a common system of belief, a common organisation, and a distinct name.

Q31. Which of the following is the correct ground on which the State may interfere with religious practice?

EASY

- (A) Mere dislike of the practice
- (B) Public order, morality or health
- (C) Political opposition
- (D) Administrative convenience

Answer: (B) Public order, morality or health

Explanation: The State may restrict religious practice on grounds such as public order, morality, health, the objectives of a welfare state or other fundamental rights (e.g. banning triple talaq).

Q32. Assertion (A): Article 21 is often called the 'umbrella right'.

MEDIUM

Reason (R): The Supreme Court has read many other rights, such as privacy and a dignified life, into Article 21.

- (A) Both A and R are true and R is the correct explanation of A
- (B) Both A and R are true but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

Answer: (A) Both A and R are true and R is the correct explanation of A

Explanation: Both are true and R explains A - Article 21 is the 'umbrella right' precisely because so many rights have been read into it.

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MAINS PRACTICE
Descriptive (Mains) Questions

8 APSC Mains-style questions (10/15/20 marks) with model answers, key points, answer structure and conclusion.

Q1. Explain the significance of Article 17 in abolishing untouchability. Why is it described as not 'self-enforcing'?
10 MARKS

Article 17 abolishes 'untouchability' and forbids its practice in any form, striking at a deep-rooted social evil. Interestingly, the word itself is not defined in the Constitution or any law; courts such as the Mysore High Court have explained it as a social disability imposed on persons by reason of their birth in a particular caste. Article 17 is described as not self-enforcing because the Constitution does not itself prescribe punishment - Parliament must legislate under Article 35. Laws such as the Protection of Civil Rights Act, 1976 (originally the Untouchability Offences Act, 1955) and the SC/ST (Prevention of Atrocities) Act, 1989 give it real force, and importantly the right is available against private persons, not just the State.

Key Points

- Article 17 abolishes untouchability in every form.
- The word is undefined in the Constitution.
- Enforced through Article 35 legislation.
- PCR Act 1976 and SC/ST Act 1989.
- Available against private persons.

Answer Structure

Define Article 17 -> note the undefined term -> explain Article 35 enforcement -> list enabling laws -> conclude on social justice.

Conclusion

Article 17, backed by parliamentary law, transforms a moral ideal into an enforceable guarantee of human dignity and social equality.

Q2. Discuss the six freedoms guaranteed under Article 19 and the idea of 'reasonable restrictions'.
10 MARKS

Article 19 guarantees citizens six freedoms: speech and expression; peaceful, unarmed assembly; forming associations and co-operative societies; movement throughout India; residence anywhere in the country; and practising any profession or trade. None of these is absolute - each is subject to 'reasonable restrictions' the State may impose on grounds like the security of the State, public order, and the sovereignty and integrity of India. For instance, assembly must be peaceful and unarmed, movement may be restricted to protect Scheduled Tribes (the Inner Line Permit), and dangerous or immoral trades may be banned. The 97th Amendment (2011) added the right to form co-operative societies, though the right to have an association officially recognised is not itself a fundamental right.

Key Points

- Speech, assembly, association, movement, residence, profession.
- Available to citizens only.
- Each subject to reasonable restrictions.
- Co-operative societies added by 97th Amendment.
- Recognition of association is not a fundamental right.

Answer Structure

List the six freedoms -> explain reasonable restrictions -> give examples/grounds -> mention 97th Amendment -> conclude on balance.

Conclusion

Article 19 strikes a careful balance between individual liberty and the larger interests of society, which is why its freedoms come with reasonable, not arbitrary, limits.

Q3. Distinguish between punitive and preventive detention under Article 22.

10 MARKS

Article 22 protects against arbitrary arrest and has two limbs. Punitive detention punishes a person after a trial or conviction for a crime already committed; preventive detention holds a person without trial to stop a likely future offence. Under ordinary (punitive) arrest, Article 22(1) and 22(2) give the right to be told the grounds of arrest, to consult a lawyer, and to be produced before a magistrate within 24 hours. However, these safeguards do not extend to enemy aliens or to those under preventive detention. For preventive detention, Article 22(4) caps detention at three months unless an advisory board reports sufficient cause, and 22(5) gives the detenu the right to be informed and to make a representation.

Key Points

- Punitive = after trial/conviction.
- Preventive = without trial, to prevent a crime.
- Ordinary safeguards: grounds, lawyer, 24-hour magistrate rule.
- These do not apply to preventive detention/enemy aliens.
- Preventive: 3-month limit, advisory board.

Answer Structure

Define both -> table of differences -> safeguards under each -> conclude on liberty vs security.

Conclusion

Article 22 thus balances individual liberty against the State's need for security, granting stronger safeguards for ordinary arrests than for preventive detention.

Q4. Trace the evolution of the interpretation of 'personal liberty' under Article 21 through the major Supreme Court judgements.

15 MARKS

Article 21 protects life and personal liberty, allowing their deprivation only by 'procedure established by law' (PEL) - a phrase chosen over the American 'due process' after Alladi Krishnaswami Ayyar warned it might block social legislation. In A.K. Gopalan (1950) the Court read personal liberty narrowly, covering only physical restraint and coercion. The turning point was Maneka Gandhi (1978), where, after her passport was impounded without reasons, the Court overruled Gopalan and held that any law affecting life or liberty must be fair, just and reasonable - effectively merging PEL with due process. The Court further held that life means a life of dignity; while P. Rathinam briefly recognised a right to die, Gian Kaur settled that no such right exists because fundamental rights cannot be waived. Privacy, once not a separate right, was read into Article 21 (Kharak Singh, PUCL) and firmly established in Puttaswamy (2017). Finally, the 44th Amendment (1978) ensured Article 21 can no longer be suspended even during an Emergency, undoing ADM Jabalpur.

Key Points

- PEL vs DPL and the Ambedkar-Ayyar debate.
- Gopalan (1950): narrow view.
- Maneka Gandhi (1978): wide view, fair-just-reasonable.
- Gian Kaur: no right to die.
- Puttaswamy (2017): right to privacy.
- 44th Amendment: 21 non-suspendable.

Answer Structure

Introduce Article 21 and PEL -> Gopalan -> Maneka Gandhi -> dignified life/right to die -> privacy -> Emergency -> conclude on expanding scope.

Conclusion

From a narrow guarantee in 1950, Article 21 has grown into an 'umbrella right' protecting dignity, privacy and fairness - a vivid example of the Constitution as a living document.

Q5. Compare 'procedure established by law' (PEL) with 'due process of law' (DPL). How did Indian law move closer to DPL over time? 10 MARKS

'Procedure established by law' (PEL), followed in India, means that life or liberty may be taken away if a valid law's procedure is followed. 'Due process of law' (DPL), the American standard, goes further: courts can examine both whether the legislature had the power to make the law and whether the law is fair and complies with natural justice (no bias, fair hearing). DPL therefore tests substantive law (what the law should be) as well as procedural law (how it is applied), while PEL originally guarded only against arbitrary executive action. India deliberately chose PEL after Alladi Krishnaswami Ayyar cautioned that DPL would hamper future social legislation, even though Dr Ambedkar leaned toward DPL. The gap narrowed dramatically in Maneka Gandhi (1978), when the Court insisted that any procedure affecting liberty must itself be fair, just and reasonable - in effect importing the substance of due process into PEL.

Key Points

- PEL = India; DPL = USA.
- DPL tests both power and fairness; PEL originally only executive arbitrariness.
- Constituent Assembly debate (Ambedkar vs Ayyar).
- Maneka Gandhi merged the two in practice.
- Substantive vs procedural law.

Answer Structure

Define PEL and DPL -> explain the difference -> Constituent Assembly choice -> Maneka Gandhi's effect -> conclude.

Conclusion

Although India formally retains PEL, the Maneka Gandhi ruling means there is now little practical difference between PEL and due process - laws must be both validly made and fundamentally fair.

Q6. Examine the scope of religious freedom under Articles 25 and 26, including the limits the State may impose. 10 MARKS

Article 25 gives every individual freedom of conscience and the right to freely profess, practise and propagate religion. Freedom of conscience - the inner freedom to choose one's faith - is absolute, while the freedom to profess (declare), practise (worship and rituals) and propagate (share beliefs) is a qualified right that the State may reasonably restrict; notably, 'propagate' does not include a right to convert others. The State may also regulate secular activities tied to religion (such as the management of lodges run by religious bodies) and may open Hindu religious institutions of a public character to all classes, including Sikhs, Jains and Buddhists. Article 26 protects religious denominations and their sects in managing their own affairs; the Supreme Court has laid down three tests for a denomination - a common system of belief, a common organisation, and a distinct name. All these freedoms yield to public order, morality, health and other fundamental rights, which is why practices like triple talaq could be restricted.

Key Points

- Article 25: individual; conscience + profess/practise/propagate.
- Conscience absolute; the rest qualified.
- Propagate excludes conversion.
- State may regulate secular activities; open Hindu institutions.
- Article 26: denominations; three tests.
- Limits: public order, morality, health.

Answer Structure

Article 25 individual freedom -> absolute vs qualified -> State's regulatory power -> Article 26 denominations and tests -> grounds of restriction -> conclude.

Conclusion

Articles 25 and 26 secure both individual and collective religious freedom while empowering the State to keep faith within the bounds of public order, morality and constitutional values.

Q7. 'The Right to Freedom under Articles 19 to 22 forms the core of personal liberty in the Constitution. Discuss with reference to the six freedoms, protection in conviction, the right to life, and protection against arrest.

Articles 19 to 22 together form the constitutional core of personal liberty. Article 19 grants citizens six freedoms - speech, assembly, association (including co-operative societies after the 97th Amendment), movement, residence and profession - each subject to reasonable restrictions for ends like security and public order. Article 20 shields any person, including foreigners and companies, from arbitrary conviction through three guarantees: no ex-post-facto law, no double jeopardy (only before courts), and no self-incrimination (with exceptions like thumb impressions and blood samples). Article 21, the 'umbrella right', protects life and personal liberty under 'procedure established by law'; through Gopalan, Maneka Gandhi, Gian Kaur and Puttaswamy the judiciary expanded it to cover dignity, fairness and privacy, while the 44th Amendment made it non-suspendable even during Emergency. Article 22 then safeguards against arbitrary arrest, giving punitive detainees the right to know the grounds, to a lawyer, and to be produced before a magistrate within 24 hours, while regulating preventive detention through a three-month limit and an advisory board.

Key Points

- Article 19: six freedoms with reasonable restrictions.
- Article 20: three protections in conviction.
- Article 21: life, dignity, PEL, key cases.
- Article 22: arrest and detention safeguards.
- Citizens-only vs any-person distinctions.
- Role of the judiciary in widening these rights.

Answer Structure

Introduce the Right to Freedom cluster -> Article 19 -> Article 20 -> Article 21 with cases -> Article 22 -> who can claim each -> conclude on liberty.

Conclusion

Read together, Articles 19-22 - continually broadened by the courts - make personal liberty a living, enforceable reality rather than a mere paper promise.

Q8. Critically examine how constitutional amendments and Supreme Court judgements have shaped the Fundamental Rights discussed in this volume.

The Fundamental Rights in this volume have been continuously reshaped by both Parliament and the courts. Amendments have expanded and protected rights: the 44th Amendment (1978) made Article 21 non-suspendable even during Emergency, undoing the damage of ADM Jabalpur; the 86th Amendment inserted Article 21A, turning elementary education into a fundamental right backed by the RTE Act, 2009; and the 97th Amendment (2011) made forming co-operative societies a fundamental right under Article 19. Judicial interpretation has been equally transformative: A.K. Gopalan's narrow reading of personal liberty gave way to the expansive Maneka Gandhi ruling that all laws must be fair, just and reasonable; Gian Kaur clarified that there is no right to die; and Puttaswamy (2017) recognised privacy as part of Article 21. This interplay shows the legislature widening rights through amendments and the judiciary breathing life into them through interpretation.

Key Points

- 44th Amendment: Article 21 non-suspendable.
- 86th Amendment: Article 21A right to education.
- 97th Amendment: co-operative societies.
- Maneka Gandhi, Gopalan, Gian Kaur, Puttaswamy, ADM Jabalpur.
- Interplay of legislature and judiciary.

Answer Structure

Introduce the dynamic nature of FRs -> key amendments -> key judgements -> their combined effect -> conclude on the living Constitution.

Conclusion

Together, amendments and judgements demonstrate that Fundamental Rights are not frozen text but a living framework, steadily expanded to protect human dignity against changing threats.

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