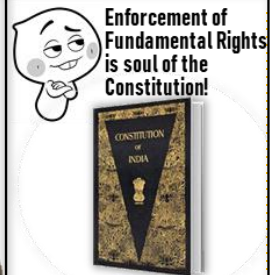


All Inclusive Static Crash Course Prelims 2022

Class-2 : Polity

FUNDAMENTAL RIGHTS



Articles 32 and 226

Prelims 2002

Which of the following rights was described by Dr B R Ambedkar as **heart & soul** of the Constitution?

- Right to freedom of religion
- Right to property
- Right to equality
- Right to Constitutional remedies**



Articles 14-18: Right to **equality**
 Articles 19-22: Right to **freedom**
 Articles 23-24: Right against **exploitation**
 Articles 25-28: Right to freedom of **religion**
 Articles 29-30: **Cultural and educational** rights
 Article 32: Right to constitutional **remedies**

Equality before law and equal protection of laws	14	Equality
Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth	15	
Equality of opportunity in matters of public employment	16	
Abolition of untouchability and prohibition of its practice	17	
Abolition of titles except military and academic	18	
Freedom of: (i) speech & expression (ii) assembly (iii) association (iv) movement (v) residence (vi) profession	19	Freedom
Protection in respect of conviction for offences	20	

Freedom	21	Protection of life and personal liberty Right to elementary education (Article 21A)
	22	Protection against arrest and detention in certain cases
Exploitation	23	Prohibition of traffic in human beings and forced labour
	24	Prohibition of employment of children in factories , etc
Religion	25	Freedom of conscience and free profession, practice and propagation of religion
	26	Freedom to manage religious affairs
	27	Freedom from payment of taxes for promotion of any religion
	28	Freedom from attending religious instruction or worship in certain educational institutions
Cult & Edu	29	Protection of language, script, culture of minorities
	30	Right of minorities to establish and administer educational institutions

Prelims 1995

Prohibition of **discrimination on grounds of religion, etc** (Article 15 of Constitution) is a Fundamental Right classifiable under

- Right to Freedom of Religion
- Right against Exploitation
- Cultural & Educational Rights
- Right to Equality**

Prelims 2020

Which of the following categories of Fundamental Rights incorporate protection against **untouchability** as a form of discrimination?

- Right against Exploitation
- Right to Freedom
- Right to Constitutional Remedies
- Right to Equality**

Prelims 2021

A legislation which confers on executive or administrative authority an unguided and uncontrolled **discretionary power** in matter of **application of law** violates which of the following Articles?

- Article 14**
- Article 28
- Article 32
- Article 44

Prelims 2021

'**Right to Privacy**' is protected under which Article of Constitution?

- Article 15
- Article 19
- Article 21**
- Article 29

Prelims 2017

Which of the following are envisaged by **Right against Exploitation**?

- Prohibition of **traffic** in human beings and forced labour
- Abolition of **untouchability**
- Protection of the interests of minorities
- Prohibition of employment of children in factories and mines

Select the correct answer using the code given below:

- 1, 2, 4 only
- 2, 3, 4 only
- 1, 4 only**
- 1, 2, 3, 4

I read I forget, I see I remember

See explanation of this PDF on [YouTube](https://www.youtube.com/c/allinclusiveias) www.youtube.com/c/allinclusiveias

Features of Fundamental Rights

- All FRs are available against actions of **State**
 - State is defined in Article 12
 - It includes Govt and all its agencies, even private companies working on behalf of govt
- Some FRs are also available against actions of **private individuals**
 - 15(2), 17, 23, 24
- FRs are **not absolute** but qualified
 - State can impose restrictions. Courts can decide if its reasonable.
- They are **not permanent** or sacrosanct
 - **Parliament** can amend or repeal FRs, but without affecting basic structure
- Negative and positive in character:
 - Some are negative i.e. they impose **restriction** on State, e.g. 22
 - Some are positive i.e. they give **privileges** to people, e.g. 26
- Supreme Court** is defender and guarantor of fundamental rights
 - Under **Article 32**, one can directly move SC
 - To enforce FRs, jurisdiction of SC is **original, but not exclusive**. (concurrent to HC u/a 226)
- Article 13**: laws inconsistent with FRs shall be void.
 - Hence, it provides for judicial review. SC has this power u/a 13, and HCs have this power u/a 226
- Their application to **armed forces** etc. can be restricted by Parliament (**Article 33**)
- Their application can be restricted during **martial law** (**Article 34**)
- Some are self-executory, some can be **enforced by law**
 - **Parliament**, not states can make law to enforce FRs (**Article 35**)

Prelims 2020

Consider the following statements:

1. The **Constitution** of India **defines** its **structure** in terms of federalism, secularism, fundamental rights and democracy.
2. The Constitution of India provides for **'Judicial review'** to safeguard the citizens' liberties and to preserve the **ideals** on which the Constitution is based.

Which of the statements given above is are correct?

- (a) 1 only (b) 2 only (c) Both 1 and 2 (d) Neither 1 nor 2

Prelims 1993

Which of the following comes under jurisdiction of **both High Courts and SC**?

- a) Disputes between Centre and States
- b) Disputes between States
- c) **Protection of Fundamental Rights**
- d) Protection against violation of Constitution

Prelims 2017


Which one of the following statements is correct?

- a) Rights are claims of the State against the citizens
- b) Rights are privileges which are incorporated in the Constitution of a State
- c) **Rights are claims of the citizens against the State**
- d) Rights are privileges of few citizens against many

Article 33:

- ✓ **Parliament** can restrict FRs of armed forces, police, intelligence agencies, etc.
- ✗ **State legislatures** can restrict FRs of armed forces, police, intelligence agencies, etc.
- ✓ Army/Navy/AF/BSF Act etc **impose restrictions** on speech, association, etc.
- ✓ Applicable on **all** employees (officers, soldiers, cook, tailor, barber, etc)

Martial Law (military rule)	National Emergency
Affects only FRs	Also affects Centre-State relations, etc.
Govt and ordinary law courts are suspended	Not suspended

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- ✗ People have religious rights **without any restrictions**
- ✓ People have right to **practice** (worship/ritual/ceremony) religion



- ✓ People have right to **propagate** their religion
- ✗ People have right to **convert** others to their religion

- ✗ No religion instruction shall be provided in any educational institution **administered by State**
- ✓ No religion instruction shall be provided in any educational institution **wholly maintained out of State funds**



Rights outside part-III:

(aka constitutional rights or legal rights or non-fundamental rights)

- ❑ **265** → No **tax** except by authority of law
- ❑ **300-A** → No person shall be deprived of his **property** save by authority of law
- ❑ **301** → **Trade**, commerce and intercourse throughout the territory of India shall be free

Right to Property

Type of right

Fundamental right? No
Constitutional right? Yes
Legal right? Yes

Original Constitution had 19(f) & 31:

- ✓ Fundamental right, but:
 - can be taken for public purpose
 - compensation is compulsory

44th Const. Amend. Act 1978:

- ✓ Removed 19(f) & 31
- ✓ Inserted 300-A
- ✓ Not a fundamental right
- ✓ Law can take away property
- ✓ Compensation not necessary

Compensation

Compensation is necessary only if:

- a. property was of **minority educational** institution (Article 30)
- b. property was under **personal cultivation** (Article 31-A) (Article 31-A was added by 1st amendment 1951)

Remember:

- ✓ 300-A: no person shall be deprived of his property save by authority of law
- ✓ 300-A protects property against **executive action**
- ✗ 300-A protects property against **legislative action** ✗

Adverse possession

- ❖ If someone illegally occupied your property for **12 years**, and you did not take legal action, then **you lose its ownership**.
- ❖ But, **govt.** cannot use this method to take over your property.

Prelims 2005

Consider the following statements:

1. **Article 301** pertains to Right to Property. **Article 300-A**
2. Right to Property is a legal right but not a Fundamental Right.
3. Article 300-A was inserted in the Constitution of India by the **Congress Government** at the Centre by the 44th Constitutional Amendment. **Janta Party**

Which of the statement given above is/are correct?

- (a) 2 only (b) 2 and 3 (c) 1 and 3 (d) 1, 2 and 3

Prelims 2021

What is the position of the **Right to Property** in India?

- (a) Legal right available to citizens only
- (b) **Legal right available to any person**
- (c) Fundamental Right available to citizens only
- (d) Neither Fundamental Right nor legal right

I read I forget, I see I remember

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Rights and National Emergency

Articles 358 and 359 relate to? impact of National Emergency on FRs

Article 358: 19 automatically suspended, *only in case of external emergency*
(added by 44th Amendment)

Article 359: President can suspend enforcement of any FRs, *but not 20 & 21*
(added by 44th Amendment)

Note: President's order u/a 359 must be approved by Parliament

Read carefully:

- X When National emergency is proclaimed, Article 19 is automatically suspended.
- ✓ When National emergency is proclaimed, Article 19 is automatically suspended, only when it is due to war or external aggression, not armed rebellion.

Writ SC vs HC:

1. SC can issue writ only for FR, but HC can issue writ for other legal right also.
2. SC can issue writ throughout India, HC can do so only in its jurisdiction.
3. SC can't refuse to exercise Writ jurisdiction (art 32), but HC can refuse (as 226 is not FR)

Who can issue writs?

- ✓ SC (article 32)
- ✓ HC (article 226)
- ✓ any other court empowered by parliament (article 32).

Habeas Corpus - (to have the body of)

- ✓ issued to a detaining authority, to produce the detained person in the court

Mandamus - (we command)

- ✓ issued to a public official / lower court / govt to perform official duties that were not performed

Prohibition - (to forbid)

- ✓ issued by a higher court to a lower court or tribunal, prohibiting it from taking up a case
- ✓ Reason: lack of jurisdiction, hence Higher court transfers case to itself
- ✓ Can be against only judicial or quasi-judicial authorities.

Certiorari - (to be certified / to be informed)

- ✓ issued by a higher court to a lower court or tribunal, to transfer to itself or quash the order
- ✓ Reason: lack of jurisdiction, or error of law
- ✓ Can be also be against administrative authorities affecting rights of individuals (SC ruled in 1991)
- ✓ Unlike prohibition which is only preventive, it is both preventive and curative.

Quo-Warranto - (by what authority or warrant)

- ✓ issued to enquire into the legality of the claim of a person to a substantive public office.
- ✓ Unlike other four writs, it can be sought by non-aggrieved person also.

Prelims 1983

The greatest hallmark of personal liberty is

- a) Mandamus
- b) Certiorari
- c) Quo Warranto
- d) Habeas Corpus**

Prelims 1985

Mandamus means

- a)** A writ issued by a superior court command that a specified thing be done
- b) A legal term for prisoner's right to appear in person and be tried in court
- c) A written public declaration of the intentions, opinions or motives of a sovereign or of a leader, party or body
- d) The principle of hybridisation, discovered by Gregor Mendel which led to the improved breeds of plant and animal life

Prelims 1996

When the Chief Justice of a High Court acts in an administrative capacity, he is subject to

- a)** the writ jurisdiction of any of the other judges of the High Court
- b) special control exercised by the Chief Justice of India
- c) discretionary powers of the Governor of the state
- d) special powers provided to the Chief Minister in this regard

I read I forget, I see I remember

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FUNDAMENTAL DUTIES

It shall be the duty of every citizen of India:

- 1) To abide by the **Constitution** and respect its ideals and institutions, the National **Flag** and the National **Anthem**;
- 2) To cherish and follow the noble ideals which inspired our national **struggle for freedom**;
- 3) To uphold and **protect** the sovereignty, unity and integrity of **India**;
- 4) To defend the country and render **national service** when called upon to do so;
- 5) To promote **harmony** and the spirit of common **brotherhood** amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the **dignity of women**;
- 6) To value and preserve the rich **heritage** of our composite **culture**;
- 7) To protect and improve the natural **environment** including forests, lakes, rivers, wildlife and to have compassion for living creatures;
- 8) To develop the **scientific temper**, humanism and the spirit of inquiry and reform;
- 9) To safeguard **public property** and to abjure **violence**;
- 10) To strive towards **excellence** in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
- 11) Who is a parent or guardian, to provide opportunities for **education** to his child, or as the case may be, ward between the age of **six to fourteen years**.

Fundamental duty #11 was added by 86th constitution amendments in 2002

**86th
Amendment
2002**



FR	21A: State to provide free & compulsory education to all children of 6-14 age
FD	51A: To provide education to children of 6-14 years age
DPSP	45: Care & education to all children till 6 years of age

Prelims 2012

Which of the following are among **Fundamental Duties** of citizens laid down in Constitution?

1. To preserve the rich heritage of our composite culture
2. To protect the weaker sections from social injustice
3. To develop the scientific temper and spirit of inquiry
4. To strive towards excellence in all spheres of individual and collective activity.

Select the correct answer using the codes given below:

- (a) 1 and 2 only (b) 2 only **(c) 1, 3 and 4 only** (d) 1, 2, 3 and 4

Prelims 2017

Which of the following statements are true of the **Fundamental Duties** of Indian citizen?

1. A legislative process has been provided to enforce these duties.
2. They are correlative to legal duties.

Select the correct answer:

- (a) 1 only (b) 2 only (c) Both 1&2 **(d) Neither 1 nor 2**

Prelims 2015

To uphold and protect sovereignty, unity and integrity of India is a provision made in the

- (a) Preamble of the Constitution
- (b) Directive Principles of State Policy
- (c) Fundamental Rights

(d) Fundamental Duties

- ✓ FDs are **non-justiciable** (Justiciable: One can move court against their violation)
- ✓ FDs are **enforceable by law** (Parliament can make law to enforce them)
- ✓ Our Constitution says nothing about their enforcement.
- ✓ FDs help courts in examining constitutional **validity of law**.
- ✓ FDs apply only to citizens, **not foreigners**.
- ✓ FDs were introduced by Indira Gandhi govt on recommendation of **Swaran Singh** Committee
- ✓ FDs are inspired by **USSR** constitution.
- ✗ Enjoyment of FRs is dependent on fulfilment of FDs

I read I forget, I see I remember

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DIRECTIVE PRINCIPLES OF STATE POLICY

- ❑ Constitution divides rights into justiciable and non-justiciable (as advised by Sir B N Rau)
- ❑ Source: Instrument of Instruction of 1935 GoI Act and Irish Constitution
- ❑ **Article 37:** DPSP are fundamental to governance and it shall be the duty of the state to apply them in making laws.
- ❑ **1971 25th Amendment:**
 - No law for DPSP article 39 b&c shall be void for violating FR of articles 14, 19, 31
- ❑ 1976 42nd Amendment:
 - extended scope of 25th Amendment to all DPSP
- ❑ 1980 Minerva Mills case:
 - extension given by 42nd amendment held unconstitutional by SC.
 - SC also said that absolute primacy of one over other will disturb harmony of Constitution
- ❑ Present position is that FR enjoy supremacy over the DPSP. Parliament can amend the FR for implementing DPSP (without damaging basic structure of Constitution)

Article 39:

- (b) community resources be distributed to serve common good
- (c) prevent concentration of wealth and means of production to the common detriment

Prelims 2017

Consider the following statements: With reference to the Constitution of India, the Directive Principles of State Policy constitute limitations upon

1. Legislative function
2. Executive function

Which of the above statements are correct?

- (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2

Prelims 2020

With reference to the provisions contained in Part IV of the constitution of India, which of the following statements is/ are correct?

1. They shall be enforceable by courts
2. They shall not be enforceable by any court
3. The principles laid down in this part are to influence the making of laws by the state

Select the correct answer using the code given below
(a) 1 only (b) 2 only (c) 1 & 3 only (d) 2 & 3 only

Prelims 2015

Consider the following statements regarding Directive Principles of State Policy:

1. The Principles spell out the socio-economic democracy in the country.
2. The provisions contained in these Principles are not enforceable by any court.

Which of the statements given above is/ are correct?

- (a) 1 only (b) 2 only (c) Both 1 and 2 (d) Neither 1 nor 2

Prelims 2015

The ideal of Welfare State in the Indian Constitution is enshrined in its

- a) Preamble
- b) Directive Principles of State Policy
- c) Fundamental Rights
- d) Seventh Schedule

Prelims 2002

The purpose of the inclusion of DPSP in Indian Constitution is to establish:

- a) political democracy
- b) social democracy
- c) Gandhian democracy
- d) social and economic democracy

Prelims 2013

According to the Constitution, which of the following are fundamental for governance of the country?

- (a) Fundamental Rights
- (b) Fundamental Duties
- (c) Directive Principles of State Policy
- (d) Fundamental Rights and Fundamental Duties

Prelims 2021

Under the Indian Constitution, concentration of wealth violates

- (a) the Right to Equality
- (b) Directive Principles of State Policy
- (c) the Right to Freedom
- (d) the Concept of Welfare

I read I forget, I see I remember | See explanation of this PDF on **YouTube** www.youtube.com/c/allinclusiveias

42nd Amendment 1976:

- Secure opportunities for healthy development of children (Article 39)
- Promote equal justice and provide free legal aid to the poor (Article 39 A)
- Secure participation of workers in management of industries (Article 43 A)
- Protect and improve environment to safeguard forests and wild life (Article 48 A)

44th Amendment 1978:

- Minimise inequalities in income, status, facilities, opportunities (Article 38)

86th Amendment 2002

- provide early childhood care and education for all children until six years of age (Article 45)

97th Amendment 2011

- Promote co-operative societies (Article 43B)

Prelims 1989

42nd Amendment to Constitution is notable because it gives

- a) Primacy to FRs over DPSPs
- b) **Primacy to DPSP over FRs**
- c) Special treatment to J&K
- d) Special treatment to Sikkim

Prelims 2017

Which principle was added to DPSP by **42nd Amendment**

- a) Equal pay for equal work for both men and women
- b) **Participation of workers in management of industries**
- c) Right to work, education and public assistance
- d) Securing living wage and human conditions of work to workers

X Constitution classifies DPSPs into categories: Socialistic, Gandhian, Liberal-intellectual

Socialistic principles:

- Promote welfare; Secure justice (social, economic, political); Minimise inequalities in income, status, etc.
- Livelihood for all; equal distribution of resources; equal pay for equal work
- Free legal aid to poor (**Art 39A**)
- Right to work & education; assistance for unemployed, old age, sick, disabled
- Humane conditions of work; Maternity relief
- Living wage for workers
- Participation of workers in industries (**Art 43A**)
- Better nutrition, standard of living, public health

Gandhian principles:

- Empower village panchayats
- Promote cottage industries
- Promote cooperate societies (**Art 43B**)
- Promote education & economic interest of SC/ST/weaker sections (**Art 46**)
- Prohibit intoxicating drinks and drugs
- Prohibit slaughter of cows (**Art 48**)

Liberal-Intellectual Principles

- Secure Uniform Civil Code (**Art 44**)
- Care/education for children till 6 years of age (**Art 45**)
- Agri and animal husbandry on scientific lines
- Protect environment (**Art 48A**)
- Protect monuments
- Separate judiciary from executive (**Art 50**)
- International peace, security, arbitration (**Art 51**)

Prelims 2012

Consider the following provisions under the **DPSP** as enshrined in the Constitution of India:

1. Securing for citizens of India a uniform civil code
2. Organizing village Panchayats
3. Promoting cottage industries in rural areas
4. Securing for all the workers reasonable leisure and cultural opportunities.

Which of the above are the **Gandhian Principles** that are reflected in the DPSP?

- (a) 1, 2 and 4 only **(b) 2 and 3 only** (c) 1, 3 and 4 only (d) 1, 2, 3 and 4

Prelims 2008

Which of the following is/are included in **DPSP**?

1. Prohibition of traffic in human beings and forced labour
2. Prohibition of Consumption except for medicinal purposes of intoxicating drinks and other drugs which are injurious to health

Select the correct answer using the code given below:

- (a) 1 Only **(b) 2 Only** (c) Both 1&2 (d) Neither 1 nor 2

Prelims 2002

Which of the following Articles of **DPSP** deals with promotion of **international** peace and security?

- (a) 51** (b) 48 A
(c) 43 A (d) 41

Prelims 2020

Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/reflects the principles and provisions of the **Universal Declaration of Human Rights 1948**?

1. Preamble 2. Directive Principles of State Policy 3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only (b) 2 only (c) 1 and 3 only **(d) 1, 2 and 3**

Prelims 2012

Which of the following provisions of Constitution have a bearing on **Education**?

1. Directive Principles of State Policy
2. Rural and Urban Local Bodies
3. Fifth Schedule 4. Sixth Schedule
5. Seventh Schedule

Select the correct answer:

- (a) 1 and 2 only (b) 3, 4 and 5 only
(c) 1, 2 and 5 only **(d) 1, 2, 3, 4 and 5**

Prelims 2010

Consider the following:

1. Fundamental Rights
2. Fundamental Duties
3. Directive Principles of State Policy

Which of the above provision of Constitution are fulfilled by **National Social Assistance Programme** launched by Government of India?

- (a) 1 only **(b) 3 only**
(c) 1 and 3 only (d) 1, 2 and 3

FR vs FD vs DPSP**Fundamental Rights**

FIGHT FOR
YOUR RIGHTS

**Fundamental Duties****Directive Principles**

सत्यमेव जयते

✓ FD X DPSP To abide by **Constitution** and respect national **flag** and national **anthem**

✓ FD X DPSP To promote **harmony** and **brotherhood**

✓ FD X DPSP To **renounce practices** derogatory to dignity of women

X FD ✓ DPSP To promote equal **justice** and **welfare**

X FD ✓ DPSP To secure participation of **workers** in management of industries

X FD ✓ DPSP To protect **monuments**

✓ FD X DPSP To preserve heritage and **culture**

X FD ✓ DPSP To provide early childhood care and education for all children **till 6 years** of age

✓ FD X DPSP To provide education to children between the age of **6-14 years**

✓ FD ✓ DPSP To protect and improve **environment**, forest, wildlife (FD: 51-A DPSP: 48-A)
Both 51-A and 48-A were inserted by 42nd amendment

Prelims 2017

In the context of India, which of the following is correct relationship between Rights and Duties?

- a) **Rights are correlative with Duties.**
b) Rights are personal and hence independent of society and Duties.
c) Rights, not Duties, are important for the advancement of the personality of the citizen.
d) Duties, not Rights, are important for the stability of the State.

Enforceable by law:

- Parliament can make law to enforce them
✓ FR, FD, DPSP

Enforceable/Justiciable by courts:

- One can move court against their violation
✓ FR **X** FD, DPSP

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