

APPSC GROUP-I MAINS — STUDY NOTES

FUNDAMENTAL RIGHTS

Part III — Articles 12 to 35

Paper III — Governance, Constitution & Ethics | Day 3 (01 Apr 2026)

SECTION 1: SUMMARISED NOTES

1.1 Introduction — Nature & Significance

Fundamental Rights (FRs) are enshrined in Part III of the Constitution (Articles 12–35). They are the cornerstone of Indian democracy — a charter of liberties that protects individuals against State arbitrariness. Inspired by the US Bill of Rights, Indian FRs are both wider (covering equality, cultural rights, and constitutional remedies) and more nuanced (subject to reasonable restrictions, applicable primarily against the State, and amenable to amendment subject to the Basic Structure Doctrine).

Dr. B.R. Ambedkar called Article 32 (Right to Constitutional Remedies) the ‘heart and soul’ of the Constitution, because rights without remedies are meaningless. FRs are justiciable — enforceable through the Supreme Court (Art. 32) and High Courts (Art. 226) via writs (habeas corpus, mandamus, prohibition, certiorari, quo warranto). Originally, there were seven categories of FRs; after the 44th Amendment (1978) removed the Right to Property, six remain.

1.2 The Six Categories of Fundamental Rights

1.2.1 Right to Equality (Articles 14–18)

Article	Provision & Key Points
Art. 14	Equality before law (British concept — absence of special privileges) AND Equal protection of laws (American concept — like treatment in like circumstances). Permits classification but not class legislation. Reasonable classification must have: (a) intelligible differentia, and (b) rational nexus with the object of the law.
Art. 15	Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth. Art. 15(3): State can make special provisions for women and children. Art. 15(4): Special provisions for socially and educationally backward classes, SCs, and STs (added by 1st Amendment, 1951). Art. 15(5): Special provisions for SEBCs/SCs/STs in educational

Article	Provision & Key Points
	institutions including private (93rd Amendment, 2005). Art. 15(6): EWS reservation up to 10% (103rd Amendment, 2019 — upheld in Janhit Abhiyan, 2022).
Art. 16	Equality of opportunity in public employment. Art. 16(4): State can make provisions for reservation in favour of backward classes not adequately represented. Art. 16(4A): Reservation in promotion for SCs/STs (77th Amendment, 1995). Art. 16(4B): Carry-forward of unfilled reserved vacancies (81st Amendment, 2000). Art. 16(6): EWS reservation in public employment (103rd Amendment, 2019).
Art. 17	Abolition of Untouchability. Its practice in any form is forbidden and is a punishable offence. Enforced through the Protection of Civil Rights Act, 1955 and SC/ST (Prevention of Atrocities) Act, 1989. Only FR that is also enforceable against private individuals (not just State).
Art. 18	Abolition of Titles. State shall not confer titles (except military/academic). No citizen shall accept titles from foreign states. Bharat Ratna, Padma awards are NOT titles (Balaji Raghavan case, 1996) — they are awards and cannot be used as suffixes/prefixes.

1.2.2 Right to Freedom (Articles 19–22)

Article 19 guarantees six freedoms to CITIZENS ONLY (not foreigners): (1) Speech and expression [19(1)(a)], (2) Assemble peaceably without arms [19(1)(b)], (3) Form associations or unions [19(1)(c)], (4) Move freely throughout India [19(1)(d)], (5) Reside and settle anywhere [19(1)(e)], (6) Practise any profession, or carry on any occupation, trade, or business [19(1)(g)]. Note: Freedom of press is not separately mentioned but is implied under 19(1)(a) (Indian Express case, 1985; Romesh Thapar case, 1950).

Each freedom is subject to 'reasonable restrictions' under Articles 19(2) to 19(6). Restrictions must be: (a) imposed by law (not executive action), (b) reasonable (court tests proportionality), and (c) on specified grounds (sovereignty/integrity, security, friendly relations, public order, decency/morality, contempt of court, defamation, incitement to offence).

Article 20: Protection in respect of conviction for offences. Three protections: (a) Ex post facto law — no person convicted under a law not in force at the time of the act, (b) Double jeopardy — no person punished twice for the same offence, (c) Self-incrimination — no person compelled to be a witness against himself. NOT suspended even during National Emergency (Art. 359).

Article 21: Protection of Life and Personal Liberty. The most dynamically interpreted FR. No person shall be deprived of life or personal liberty except according to 'procedure established by law.' Maneka Gandhi (1978) expanded this: the procedure must be fair, just, and reasonable (not merely any law). Subsequently, Art. 21 has been expanded to include: right to livelihood (Olga Tellis, 1985), right to

education (Unnikrishnan, 1993 — led to Art. 21A), right to health (Paschim Banga Khet Mazdoor Sabha, 1996), right to clean environment (Subhash Kumar, 1991), right to privacy (Puttaswamy, 2017 — 9-judge bench), right to dignity, right to legal aid, right to speedy trial, right to shelter, right to food, and right against solitary confinement.

Article 21A: Right to Education (added by 86th Amendment, 2002). Free and compulsory education for all children aged 6–14 years. This is a fundamental right. The Right of Children to Free and Compulsory Education Act (RTE), 2009 operationalises this right, mandating 25% seats in private schools for EWS children.

Article 22: Protection against arbitrary arrest and detention. Safeguards include: right to be informed of grounds of arrest, right to consult and be defended by a legal practitioner, production before a magistrate within 24 hours. However, these protections do NOT apply to: (a) enemy aliens, (b) persons detained under preventive detention laws. Preventive detention laws include: National Security Act (NSA), 1980 and UAPA (as amended). Maximum detention without Advisory Board reference: 3 months.

1.2.3 Right Against Exploitation (Articles 23–24)

Article 23: Prohibition of traffic in human beings and forced labour ('begar'). Enforceable against both State AND private individuals. Exception: State can impose compulsory service for public purposes (without discrimination). Enforced through Bonded Labour System (Abolition) Act, 1976.

Article 24: Prohibition of employment of children below 14 years in factories, mines, or hazardous occupations. Enforced through Child Labour (Prohibition and Regulation) Act, 1986 (amended 2016 to ban all child labour below 14 except in family enterprises and entertainment, with conditions).

1.2.4 Right to Freedom of Religion (Articles 25–28)

Article 25: Freedom of conscience and free profession, practice, and propagation of religion (subject to public order, morality, health, and other FR provisions). The State can regulate economic/financial/political/secular activities associated with religion and provide for social welfare and reform (e.g., opening Hindu temples to all castes). 'Propagation' includes the right to spread religion but NOT the right to convert (Stanislaus v. State of MP, 1977).

Article 26: Freedom to manage religious affairs — establish and maintain institutions, manage religious property (subject to law). Article 27: No tax proceeds shall be used for promotion of any particular religion. Article 28: No religious instruction in State-funded educational institutions; in State-aided/recognised institutions, attendance at religious instruction is voluntary.

1.2.5 Cultural and Educational Rights (Articles 29–30)

Article 29: Protection of interests of minorities — any section of citizens having a distinct language, script, or culture has the right to conserve the same. No citizen denied admission to State-

maintained/aided institutions on grounds of religion, race, caste, or language. Article 30: Right of minorities (religious and linguistic) to establish and administer educational institutions. Art. 30(1A): State can fix reasonable fees in minority institutions receiving State aid. The TMA Pai Foundation case (2002) held that 'minority' is determined at the state level, not national level.

1.2.6 Right to Constitutional Remedies (Articles 32–35)

Article 32: Ambedkar's 'heart and soul.' Guarantees the right to move the Supreme Court for enforcement of FRs. The SC can issue five writs: (1) Habeas Corpus ('produce the body' — against unlawful detention), (2) Mandamus ('we command' — directing a public authority to perform its duty), (3) Prohibition (preventing a lower court from exceeding jurisdiction), (4) Certiorari (quashing an order of a lower court), (5) Quo Warranto ('by what authority' — challenging a person's right to hold public office). Art. 32 is itself a fundamental right and cannot be suspended except during National Emergency (Art. 359).

Article 226: High Courts can also issue writs — but under Art. 226 (not a FR, hence wider scope: HCs can issue writs for enforcement of FRs AND for 'any other purpose'). Article 33: Parliament can restrict/abrogate FRs for armed forces, police, intelligence. Article 34: Martial law restrictions. Article 35: Implementation legislation.

1.3 Key Characteristics of Fundamental Rights

- **Against the State (Art. 12):** FRs are primarily enforceable against the 'State' — defined as government (Union + State), Parliament, State legislatures, local bodies, and 'other authorities' (including government companies, statutory bodies). Exceptions: Art. 15(2) — no discrimination in public places (applies to private), Art. 17 — abolition of untouchability (applies to all), Art. 23 — trafficking/forced labour (applies to all), Art. 24 — child labour (applies to all).
- **Not Absolute:** Every FR (except Art. 17, 20, 24) is subject to reasonable restrictions. The State can restrict rights in the interest of sovereignty, security, public order, morality, etc. Courts apply the 'proportionality test' to determine reasonableness.
- **Justiciable:** Enforceable through courts (Art. 32 + Art. 226). This distinguishes FRs from DPSPs (non-justiciable).
- **Amendable:** Parliament can amend FRs under Art. 368, but cannot destroy the 'essence' of FRs (Basic Structure Doctrine — Kesavananda, I.R. Coelho).
- **Available to Whom:** Some FRs are available to all persons (Art. 14, 20, 21, 25); some are available only to citizens (Art. 15, 16, 19, 29, 30). No FR is available to enemy aliens.

- **Can be Suspended:** During National Emergency (Art. 352), Art. 19 is automatically suspended. Art. 359 allows the President to suspend enforcement of other FRs (except Art. 20 and 21 — after 44th Amendment, 1978). Art. 358 deals with Art. 19 suspension.

1.4 Landmark Judicial Interpretations

Case	Year	Significance for Fundamental Rights
A.K. Gopalan v. State of Madras	1950	Art. 21: 'Procedure established by law' means any law enacted by legislature — narrow interpretation. Court cannot examine fairness of the procedure. (Later overruled by Maneka Gandhi)
Romesh Thapar v. State of Madras	1950	Freedom of press is part of Art. 19(1)(a). Pre-censorship of press is violation unless on specified grounds.
Maneka Gandhi v. Uoi	1978	LANDMARK. Expanded Art. 21: procedure must be fair, just, and reasonable (not merely any procedure). Art. 14, 19, 21 form a 'golden triangle' — interconnected, not isolated. Overruled A.K. Gopalan's narrow interpretation.
Olga Tellis v. Bombay Municipal Corporation	1985	Right to livelihood is part of Art. 21. Pavement dwellers cannot be evicted without due process. Life includes right to live with dignity.
Vishaka v. State of Rajasthan	1997	Sexual harassment at workplace violates Art. 14, 15, 21. SC laid down guidelines (later enacted as POSH Act, 2013).
TMA Pai Foundation v. State of Karnataka	2002	'Minority' for Art. 30 determined at state level, not national. Minority institutions can fix reasonable fees but cannot profiteer.
Navtej Singh Johar v. Uoi	2018	Decriminalised consensual homosexual relations (struck down Section 377 IPC). Art. 14, 15, 19, 21 protect sexual orientation and gender identity.
K.S. Puttaswamy v. Uoi	2017	RIGHT TO PRIVACY is a fundamental right under Art. 21. 9-judge bench unanimously. Overruled M.P. Sharma (1954) and Kharak Singh (1963). Basis for challenging Aadhaar, data protection.

Case	Year	Significance for Fundamental Rights
Janhit Abhiyan v. Uoi	2022	Upheld 103rd Amendment (10% EWS reservation). 3:2 majority. EWS reservation does not violate basic structure. Economic criteria can be basis for affirmative action.
Indian Young Lawyers Assn v. State of Kerala (Sabarimala)	2018	Women of all ages can enter Sabarimala temple. Art. 25(1) right to worship vs exclusionary practices. Referred to larger bench for reconsideration (pending).

1.5 FR vs DPSP — The Constitutional Balance

The relationship between Fundamental Rights (Part III) and Directive Principles (Part IV) has been the most debated constitutional question. FRs are justiciable (court-enforceable); DPSPs are non-justiciable (guidelines for State policy). When they conflict — e.g., land reform laws (DPSP Art. 39) restricting property rights (formerly FR) — which prevails?

Evolution: Champakam Dorairajan (1951) — FRs prevail over DPSPs. → 1st Amendment (1951) added Art. 15(4) to allow reservations. → 25th Amendment (1971) added Art. 31C giving DPSP primacy for Art. 39(b)(c). → Kesavananda (1973) upheld Art. 31C but only for Art. 39(b)(c). → 42nd Amendment (1976) extended Art. 31C to ALL DPSPs (struck down in Minerva Mills, 1980). → Minerva Mills (1980) established that the BALANCE between FR and DPSP is itself part of basic structure. Neither can destroy the other. Current position: FR and DPSP are complementary. State must pursue social justice (DPSP) through means that respect individual freedoms (FR).

1.6 FRs During Emergency

National Emergency (Art. 352) affects FRs in two ways: (1) Art. 358: Art. 19 freedoms are automatically suspended during external emergency (war/aggression) — NOT during internal emergency (44th Amendment). (2) Art. 359: President can suspend enforcement of other FRs (except Art. 20 and 21 — after 44th Amendment) by Presidential Order. The 44th Amendment (1978) was a direct response to the Emergency excesses of 1975-77, when the ADM Jabalpur case (1976) allowed suspension of even Art. 21 — a decision universally condemned and effectively overruled.

SECTION 2: KEY DIMENSIONS TO COVER

Examiner angles.

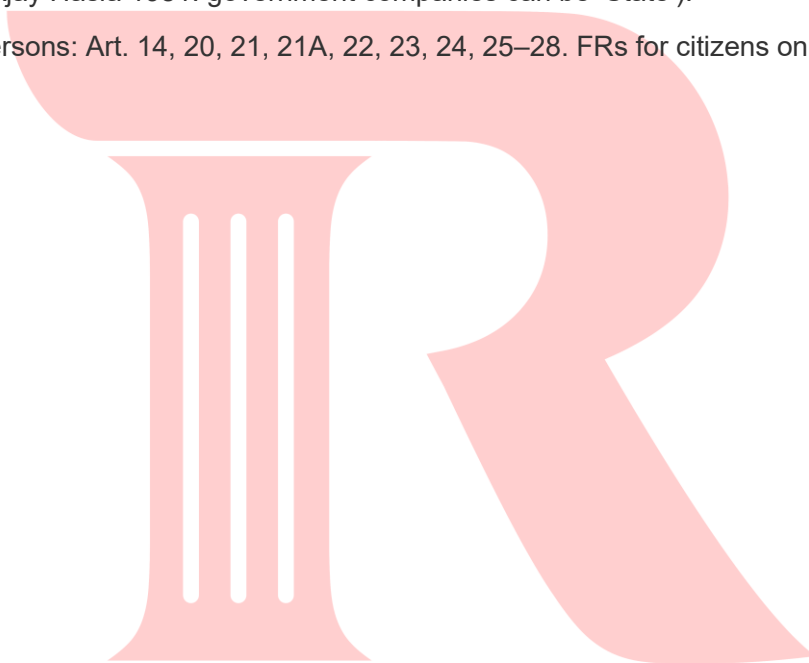
1. **Six Categories:** Know all 6 categories with article numbers. Which are for all persons vs citizens only? Which apply against private individuals?
2. **Art. 14 — Equality:** Two concepts (equality before law + equal protection). Reasonable classification test. Not absolute equality but substantive equality.
3. **Art. 19 — Six Freedoms:** Know all six. Freedom of press (implied). Reasonable restrictions: grounds, test of proportionality.
4. **Art. 21 — The Super Article:** Expanded interpretation since Maneka Gandhi (1978). List all rights read into Art. 21. Golden triangle (Art. 14+19+21). Art. 21A (RTE).
5. **Art. 32 — Heart & Soul:** Five writs with names and purposes. Difference between Art. 32 (SC, FR only) and Art. 226 (HC, FR + other purposes).
6. **Landmark Cases:** Maneka Gandhi, Puttaswamy (privacy), Navtej (Section 377), Janhit (EWS), Olga Tellis (livelihood), Vishaka (sexual harassment).
7. **FR vs DPSP:** Champakam → 1st Amendment → 25th Amendment → Minerva Mills. Balance = basic structure. Current: complementary.
8. **Emergency & FRs:** Art. 358 (Art. 19 auto-suspension) vs Art. 359 (other FRs by Presidential Order). Art. 20, 21 cannot be suspended (44th Amendment).
9. **Reservations:** Art. 15(4), 16(4), 16(4A), 16(4B), 15(5), 15(6), 16(6). Indra Sawhney (50% cap, creamy layer). 103rd Amendment (EWS). Janhit Abhiyan.

SECTION 3: PRELIMS MUST-REMEMBER FACTS

Crisp factual points. Memorize these.

1. FRs: Part III, Articles 12–35. Originally 7 categories; now 6 (Right to Property removed by 44th Amendment, 1978 — made legal right under Art. 300A).
2. Art. 32 = 'Heart and soul' of Constitution (Ambedkar). 5 writs: Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto.
3. Art. 14: Equality before law (British) + Equal protection (American). Reasonable classification: intelligible differentia + rational nexus.
4. Art. 19: 6 freedoms for CITIZENS only. Originally 7 (right to property was 19(1)(f) — deleted by 44th Amendment).
5. Art. 19(1)(a): Speech and expression. Includes freedom of press (Romesh Thapar 1950, Indian Express 1985). Does NOT include right to strike.
6. Art. 21: Life and personal liberty. Maneka Gandhi (1978): procedure must be fair, just, reasonable. Golden triangle: Art. 14+19+21.
7. Rights under Art. 21: Livelihood (Olga Tellis), education (Unnikrishnan → Art. 21A), health, clean environment, privacy (Puttaswamy 2017), dignity, shelter, food, legal aid, speedy trial.
8. Art. 21A: Right to Education (86th Amendment, 2002). Free & compulsory education for ages 6–14. RTE Act 2009.
9. Art. 20: Protection against ex post facto law, double jeopardy, self-incrimination. NOT suspended even during Emergency.
10. Art. 17: Abolition of Untouchability. Enforceable against private individuals (unique among FRs). Protection of Civil Rights Act, 1955; SC/ST Prevention of Atrocities Act, 1989.
11. Art. 25–28: Freedom of religion. Art. 25: profess, practice, propagate (not convert — Stanislaus 1977). Art. 26: manage religious affairs. Art. 27: no religious tax. Art. 28: no religious instruction in State-funded institutions.
12. Art. 29–30: Cultural & Educational Rights for minorities. Art. 30: minorities can establish & administer educational institutions. TMA Pai (2002): minority = state-level.
13. Art. 15(4): Reservations for SEBCs/SCs/STs (1st Amendment 1951). Art. 16(4A): Reservation in promotion (77th Amendment 1995). Art. 15(6)/16(6): EWS 10% (103rd Amendment 2019).
14. Indra Sawhney v. UoI (1992): 50% ceiling on reservations. Creamy layer for OBCs. No reservation in promotions (later overridden by 77th Amendment).
15. Puttaswamy (2017): Right to Privacy = FR under Art. 21. 9-judge unanimous. Overruled M.P. Sharma (1954) and Kharak Singh (1963).

16. Navtej Singh Johar (2018): Decriminalised Section 377 IPC. Sexual orientation protected under Art. 14, 15, 19, 21.
17. Janhit Abhiyan (2022): 103rd Amendment (EWS reservation) upheld. 3:2 majority. Economic criteria valid for affirmative action.
18. Emergency: Art. 358 — Art. 19 auto-suspended (external emergency only, after 44th Amendment). Art. 359 — other FRs suspended by Presidential Order (except Art. 20, 21 after 44th Amendment).
19. ADM Jabalpur (1976): SC allowed suspension of Art. 21 during Emergency. Universally condemned. Effectively overruled by Puttaswamy (2017) — Justice Chandrachud called it 'seriously flawed.'
20. Art. 12: 'State' includes government, Parliament, State legislatures, local bodies, and 'other authorities' (Ajay Hasia 1981: government companies can be 'State').
21. FRs for all persons: Art. 14, 20, 21, 21A, 22, 23, 24, 25–28. FRs for citizens only: Art. 15, 16, 19, 29, 30.



SECTION 4: MAINS MUST-WRITE POINTS

Each can form a paragraph.

- 1. Shield Against State Tyranny:** Fundamental Rights represent the Indian people's response to centuries of colonial oppression and social discrimination. They create a constitutional shield against State arbitrariness by guaranteeing equality (Art. 14–18), freedom (Art. 19–22), dignity (Art. 21), religious liberty (Art. 25–28), cultural identity (Art. 29–30), and access to justice (Art. 32). Unlike the British system (where Parliament is supreme), Indian FRs bind even Parliament — any law violating FRs is void (Art. 13). This makes FRs the primary instrument for limiting governmental power.
- 2. Art. 21 — The Living Right:** Article 21's journey from a narrow procedural guarantee (A.K. Gopalan, 1950) to India's most expansive fundamental right (post-Maneka Gandhi, 1978) is the most remarkable story of judicial interpretation in Indian constitutional history. Through progressive interpretation, the Supreme Court has read into Art. 21: the right to livelihood, education, health, clean environment, privacy, dignity, shelter, food, legal aid, and speedy trial. This transforms Art. 21 from a mere protection against physical detention into a comprehensive guarantee of a dignified life. The 2017 Puttaswamy decision (right to privacy) represents the latest — and perhaps most far-reaching — expansion.
- 3. The Golden Triangle:** The Maneka Gandhi (1978) judgment established that Articles 14, 19, and 21 are not isolated provisions but form a 'golden triangle' — they must be read together. Any law depriving a person of liberty (Art. 21) must satisfy equality (Art. 14) and must not unreasonably restrict freedoms (Art. 19). This interconnected reading makes Indian rights jurisprudence uniquely holistic — no right exists in isolation, and the State must satisfy all three when restricting any liberty.
- 4. Reasonable Restrictions — The Balancing Act:** Indian FRs are not absolute. Art. 19(2)–(6) permit the State to impose 'reasonable restrictions' on specified grounds. The courts apply a 'proportionality test': the restriction must be proportional to the objective, must be the least restrictive means available, and must serve a legitimate state interest. This balancing act — between individual freedom and collective welfare — is the daily work of constitutional adjudication. The boundary between reasonable restriction and unreasonable suppression defines the quality of Indian democracy.
- 5. Reservation — Equality's Complex Child:** India's reservation policy is the most extensive affirmative action programme in the world. From Art. 15(4) (1st Amendment, 1951) through Art. 16(4A) (promotion reservations) to Art. 15(6)/16(6) (EWS reservation, 103rd Amendment, 2019), the Constitution has continuously expanded the scope of positive discrimination. The Indra Sawhney judgment (1992) set the 50% ceiling and introduced the

creamy layer concept for OBCs. The Janhit Abhiyan verdict (2022) upheld EWS reservation, adding an economic dimension to what was previously caste-based affirmative action. The tension between formal equality (Art. 14) and substantive equality (reservations) is a defining feature of Indian constitutionalism.

- 6. Privacy as a Fundamental Right:** The K.S. Puttaswamy decision (2017, 9-judge unanimous bench) is a constitutional milestone. By declaring privacy a fundamental right under Art. 21, the Court created the constitutional basis for: challenging mass surveillance (Aadhaar), regulating data collection (leading to DPDP Act, 2023), protecting bodily autonomy (relevant to Navtej Singh Johar/Section 377 and reproductive rights), and safeguarding informational self-determination in the digital age. In an era of AI, big data, and digital governance, Puttaswamy's implications will continue to unfold for decades.
- 7. Emergency — FRs' Darkest Hour & Strongest Reform:** The 1975–77 Emergency was the gravest test of India's FR framework. The ADM Jabalpur case (1976) allowed the government to suspend even the right to life (Art. 21) during Emergency — only Justice H.R. Khanna dissented, in one of the most courageous judicial acts in Indian history. The 44th Amendment (1978) was the direct response: Art. 20 and 21 can NEVER be suspended, even during Emergency. Art. 19 suspension limited to external emergencies only. This reform ensured that the darkest chapter became the catalyst for the strongest protections.

SECTION 5: VALUE ADDITION

Case Studies & Landmark Judgments

- **Maneka Gandhi (1978):** Passport impounded without reasons. SC expanded Art. 21 — 'procedure must be fair, just, reasonable.' Created Golden Triangle (Art. 14+19+21). The case that transformed Indian rights jurisprudence.
- **Olga Tellis (1985):** Mumbai pavement dwellers challenged eviction. SC held right to livelihood is part of Art. 21 — 'if you deprive a person of livelihood, you deprive them of life.'
- **Puttaswamy (2017):** Aadhaar challenge. 9-judge bench unanimously declared Right to Privacy as FR under Art. 21. Overruled M.P. Sharma (1954). Basis for DPDP Act 2023 and digital rights framework.
- **Navtej Singh Johar (2018):** Struck down Section 377. Sexual orientation protected under Art. 14, 15, 19, 21. Justice Malhotra: 'History owes an apology to this community.'

- **ADM Jabalpur (1976):** The negative case study. SC allowed Art. 21 suspension during Emergency. Only Justice Khanna dissented. Effectively buried by Puttaswamy (2017) and 44th Amendment protections.

🔗 Interlinkages

- **FR ↔ DPSP:** Minerva Mills (1980) — balance between FR (individual liberty) and DPSP (social justice) is itself part of basic structure. Neither can destroy the other. This governs every reservation law, land reform, and welfare legislation.
- **FR ↔ Basic Structure:** Parliament can amend FRs (Art. 368) but cannot destroy their essence (Kesavananda 1973). I.R. Coelho (2007) extended this to Ninth Schedule laws. Basic Structure Doctrine IS the guardian of FRs.
- **FR ↔ Secularism:** Art. 25-28 (religious freedom) operationalise secularism. S.R. Bommai (1994) made secularism basic structure. Live tensions: Sabarimala (2018), Triple Talaq (2017), CAA (2019).
- **FR ↔ Emergency:** Art. 358 (Art. 19 auto-suspended), Art. 359 (other FRs by Presidential Order). After 44th Amendment: Art. 20, 21 can NEVER be suspended. The Emergency experience permanently strengthened FR protection.
- **FR ↔ Federalism:** Art. 16 (equal opportunity) vs state domicile preferences. Art. 371-D (AP's special provision for backward areas) is a constitutional exception that balances equality with regional equity.

📄 Current Affairs Linkages

- **DPDP Act 2023:** India's first data protection law. Flows from Puttaswamy (2017). Establishes consent-based data processing, right to erasure, Data Protection Board. Tests Art. 21 (privacy) vs Art. 19(1)(g) (business freedom).
- **EWS Reservation — Janhit Abhiyan (2022):** 103rd Amendment upheld 3:2. First time economic criteria used for reservation. Total reservation now 59.5% (exceeds Indra Sawhney's 50% for the first time with EWS addition). Dissent argued basic structure violation.
- **Electoral Bonds (2024):** SC struck down as violating Art. 19(1)(a) — voters' right to know who funds parties. Transparency in political funding = facet of free speech. Ordered full disclosure.
- **Bulldozer Demolitions (2024):** SC invoked Art. 21 (shelter, due process) and Art. 14 (rule of law). Directed: no demolition without notice, hearing, court order. Modern application of Olga Tellis principle.

- **CAA Challenge (ongoing):** Citizenship Amendment Act 2019 challenged under Art. 14 for religion-based classification. Tests reasonable classification doctrine. Connects FR + citizenship + secularism.

Way Forward

- **Horizontal Application:** Extend FR-like obligations to powerful private entities (tech companies controlling speech, private hospitals denying treatment). South Africa's Constitution already applies rights against private actors. India's Art. 12 ('State' definition) needs progressive expansion.
- **Digital Rights Framework:** Beyond DPDP Act — India needs: right to explanation of algorithmic decisions, protection against AI-driven discrimination, right to digital access as part of Art. 21 in the digital age.
- **Extend RTE:** Art. 21A covers ages 6-14 only. NEP 2020 envisions universal education from age 3. Amending Art. 21A to cover ages 3-18 would constitutionally anchor this. Quality (not just access) must be guaranteed.
- **Undertrial Crisis:** 76% of India's 5.7 lakh prisoners are undertrials (NCRB 2023). Systemic violation of Art. 21 (speedy trial) and Art. 22 (protection against arbitrary detention). Bail reform, fast-track courts, and legal aid expansion are urgent.
- **Access to Justice:** Art. 32/226 guarantee remedies, but legal costs and delays make justice inaccessible for the poor. NALSA reached 1.86 crore beneficiaries (2023-24) but this is a fraction of eligible population. E-courts and virtual hearings (COVID-era innovation) should be institutionalised.

SECTION 6: QUICK REVISION BOX

Last-minute glance.

▶ Part III, Art. 12–35; 6 categories (originally 7)	▶ Art. 32 = Heart & Soul; 5 writs
▶ Art. 14 = Equality before law + Equal protection	▶ Art. 19 = 6 freedoms (citizens only)
▶ Art. 21 = Life & liberty; Maneka Gandhi 1978	▶ Golden Triangle: Art. 14 + 19 + 21
▶ Art. 21 includes: livelihood, health, privacy, dignity	▶ Puttaswamy 2017 = Privacy is FR (9-judge)
▶ Art. 21A = RTE (86th Amdt 2002); ages 6–14	▶ Art. 20 = Cannot be suspended even in Emergency
▶ Art. 17 = Abolition of Untouchability (vs private too)	▶ Art. 25 = Profess, practice, propagate (not convert)
▶ Art. 30 = Minority educational institutions	▶ TMA Pai 2002: Minority = state-level determination
▶ Indra Sawhney 1992: 50% cap; creamy layer	▶ 103rd Amdt (EWS 10%): Upheld Janhit 2022
▶ Navtej 2018: Sec 377 struck; sexual orientation = FR	▶ 44th Amdt: Property removed from FR; Art. 300A
▶ Emergency: Art. 358 (19 suspended); Art. 359 (others)	▶ After 44th Amdt: Art. 20, 21 NEVER suspended

SECTION 7: RECOMMENDED SOURCES

Refer to these.

Source	What to Read	Why
M. Laxmikanth — Indian Polity	Fundamental Rights (detailed)	<i>Most exam-relevant; article-by-article coverage with cases</i>
NCERT Class XI — Indian Constitution at Work	Ch. 2: Rights in the Indian Constitution	<i>Conceptual clarity on rights philosophy</i>
D.D. Basu — Introduction to the Constitution	Part III chapters	<i>Academic depth with comprehensive case law</i>
Subhash Kashyap — Our Constitution	Fundamental Rights chapters	<i>Accessible language; exam-friendly</i>
Bare Constitution (with amendments)	Articles 12–35 (read original text)	<i>Nothing substitutes reading the actual text</i>
SC Judgments (Key extracts)	Maneka Gandhi, Puttaswamy, Navtej Singh Johar	<i>Reading ratio decidendi paragraphs is invaluable for Mains</i>