

CUET · POLITICAL SCIENCE · CLASS XI · CODE 323

# Rights in the Indian Constitution

CUET unit: Indian Constitution at Work — Rights and Duties  
(Fundamental Rights, DPSP, Fundamental Duties)

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## Snapshot

- Establishes the Fundamental Rights in Part III of the Indian Constitution, the basis for limiting government power and guaranteeing democratic citizenship.
- Explains six FRs after the 44th Amendment: Equality, Freedom, Against Exploitation, Freedom of Religion, Cultural & Educational, Constitutional Remedies.
- Distinguishes Fundamental Rights (justiciable) from Directive Principles of State Policy (non-justiciable) and Fundamental Duties (added by 42nd Amendment, 1976).
- Highlights Right to Constitutional Remedies (Article 32) — the writs (Habeas Corpus, Mandamus, Prohibition, Quo Warranto, Certiorari) — called "heart and soul" of the Constitution by Dr. Ambedkar.
- A high-yield CUET chapter: case-based MCQs on writs, Article 21, Article 16(4), 44th Amendment (right to property), and FR vs DPSP relationship are frequent.

## Detailed Notes

### 2.1 Core concepts

A constitution does not merely set up institutions; it also imposes limits on government power and ensures rights for all persons. The Indian Constitution embodies this commitment in **Part III, the Fundamental Rights**. The Preamble's vision of liberty, equality and justice for all citizens is given practical effect through these Rights, which "are the most important part of the Constitution" because they "represent the basic values cherished by the people of India" (NCERT Introduction, p. 26).

Two case studies illustrate why rights matter. In 1982, during the Asian Games, **migrant construction workers** at building sites in Delhi were being paid less than the prescribed minimum wage. A team of social scientists studied their condition and petitioned the Supreme Court, which held that paying less than the minimum wage amounted to **begar** — **forced labour** — and was a violation of the right against exploitation (NCERT §"Importance of Rights", p. 27). The second case concerns **Machal Lalung**, a tribal of Assam, who was arrested in 1951 at the age of 23 and remained an undertrial for **54 years** without ever being tried. This illustrated denial of the right to life and personal liberty, including the right to a fair and speedy trial (NCERT



§"Importance of Rights", pp. 27–28). Rights are not abstract — they shape concrete lives.

What a **Bill of Rights** is: a list of rights mentioned and protected by the constitution itself. The demand for such a charter has a long Indian history: the **Motilal Nehru Committee** demanded a bill of rights as early as **1928**. The Constitution incorporated such a Bill in Part III. Fundamental Rights differ from ordinary legal rights: they are guaranteed by the Constitution and "can be changed only by a constitutional amendment, not by ordinary law" (NCERT pp. 28–29). By contrast, the **South African Constitution (1996)** has an unusually wide bill of rights including dignity, privacy, fair labour, healthy environment, housing, health care, food, water and information (NCERT box, p. 29).

The six Fundamental Rights follow the chart on p. 31. The **Right to Equality** includes equality before law and the equal protection of laws; prohibition of discrimination on grounds of religion, race, caste, sex or place of birth; equal access to public places; equality of opportunity in public employment; abolition of untouchability; and abolition of titles (NCERT §"Right to Equality", pp. 30–33). **Article 16(4)** of the Constitution explicitly permits the State to make "any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State." This is **not** a violation of the right to equality but a means to **fulfil** equality of opportunity (NCERT box, p. 32; pp. 32–33).

The **Right to Freedom** under Articles 19 and 21 includes freedom of speech and expression, peaceful assembly, association, movement, residence, profession; protection in respect of conviction for offences; right to life and personal liberty; right to education; and protection against arrest and detention (NCERT pp. 33–36). **Article 21** states: "No person shall be deprived of his life or personal liberty except according to procedure established by law" (NCERT box, p. 34). On arrest, a person must be told the grounds of arrest, may consult and defend through a lawyer of choice, and must be produced before the nearest magistrate within **24 hours**. The Supreme Court has expanded Article 21 over time to include the right to live with human dignity, free from exploitation, and the right to shelter and livelihood (NCERT pp. 34–35).

**Preventive detention** is a form of arrest on apprehension that a person may indulge in an unlawful act prejudicial to public order. Preventive detention can extend up to **three months**, after which an **advisory board** reviews the case. This is a controversial constitutional provision because it allows curtailment of liberty before any offence is committed (NCERT §"Preventive Detention", p. 35). The **rights of accused persons** are: no double punishment for the same offence; no retrospective application of criminal law; and no compulsion to be a witness against oneself (no self-incrimination) (NCERT §"Rights of accused", p. 36).

The **Right against Exploitation** prohibits **begar** (forced labour without payment), traffic in human beings, and the employment of children below the age of 14 in

hazardous jobs such as factories and mines (NCERT pp. 37–38). The **Right to Freedom of Religion** guarantees freedom of conscience, profession, practice and propagation of religion; freedom to manage religious affairs; and prevents the State from imposing any particular religion. Restrictions are allowed on grounds of public order, morality and health; the State can intervene against social evils such as **sati**, bigamy or human sacrifice. The Constitution allows propagation of religion but not forcible conversion; India has no official religion — the government must extend equal treatment to all religions (the principle of secularism) (NCERT pp. 38–39).

The **Cultural and Educational Rights** protect religious and linguistic minorities: they can conserve their language, script and culture and can establish their own educational institutions; the government cannot discriminate while granting aid to such institutions (NCERT pp. 39–40). The **Right to Constitutional Remedies** under Article 32 was called the "heart and soul of the Constitution" by Dr. B. R. Ambedkar (NCERT p. 41). It empowers citizens to approach the Supreme Court (Article 32) or High Courts (Article 226) for the enforcement of Fundamental Rights. The **five writs**:

- **Habeas Corpus** — literally "produce the body"; the court orders the production of the arrested person and tests the lawfulness of detention.
- **Mandamus** — orders a public official to perform a legal duty.
- **Prohibition** — directs a lower court to stop proceeding in a matter beyond its jurisdiction.
- **Quo Warranto** — restricts a person from holding an office to which he is not entitled.
- **Certiorari** — orders transfer of a pending matter from a lower to a higher court (NCERT p. 41).

Beyond the courts, the Constitution and laws provide other rights-protection bodies: the **National Commission for Minorities**, the **National Commission for Women**, the **National Commission for Scheduled Castes**, and the **National Human Rights Commission (NHRC)**, established in **1993**. The NHRC is composed of a former Chief Justice of India, a former Supreme Court judge, a former High Court Chief Justice, and two members with human-rights expertise; it can **only inquire and recommend** — it has no power of prosecution (NCERT pp. 41–42).

**Directive Principles of State Policy (Part IV)** are non-justiciable but morally binding guidelines for the State. The Directive Principles include (i) **goals** — welfare of the people, social/economic/political justice, raising standard of living, international peace; (ii) **non-justiciable rights** — adequate livelihood, equal pay for equal work, right against economic exploitation, right to work, early childhood care; and (iii) **policies** — uniform civil code, prohibition of intoxicating drinks, promotion of cottage industries, protection of cattle, organisation of village panchayats (NCERT §"Directive Principles", pp. 43, 45). Many DPSPs have been implemented in practice — zamindari abolition, bank nationalisation, factory laws, minimum wages, reservations for SCs and STs, the right to

education, the panchayati raj system, MGNREGA-type employment guarantees, and the mid-day meal scheme (NCERT pp. 43–44).

**Fundamental Duties** were added by the **42nd Amendment in 1976**, in the wake of the Emergency. Ten duties were initially listed (an eleventh was added later for parents of children aged 6–14 by the 86th Amendment). "Enjoyment of rights is **not** made conditional on fulfilment of duties" — duties are moral obligations the State expects of citizens (NCERT box, p. 44).

**Right to Property.** Originally a Fundamental Right under Article 31, it was the cause of several confrontations between Parliament and the judiciary over land reforms. Eventually, the Supreme Court in the **Kesavananda Bharati case (1973)** held that the right to property was **not part of the basic structure** of the Constitution. Following this, the **44th Amendment (1978)** removed the right to property from Part III and converted it into a simple **legal right under Article 300A** (NCERT box, p. 46). Kesavananda settled the broader FR-vs-DPSP amendment debate by holding that Parliament cannot amend the "basic features" of the Constitution (NCERT p. 47).

**Jotirao Phuley (1827–1890)** was one of the earliest Indian thinkers who linked rights with both freedom and equality — connecting the constitutional vision to long-standing Indian social reform movements (NCERT Conclusion, p. 48).

## 2.2 Definitions to memorise

Term	Definition	Page
Bill of Rights	A list of rights mentioned and protected by the constitution itself.	28
Fundamental Right	Right guaranteed by the Constitution; changeable only by constitutional amendment.	29
Article 14	Equality before law and equal protection of laws.	30
Article 15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.	31
Article 16(4)	Permits reservation in public appointments for any backward class not adequately represented in State services.	32
Article 17	Abolition of untouchability.	31
Article 19	Six freedoms — speech and expression, peaceful assembly, association, movement, residence, profession.	33
Article 21	Protection of life and personal liberty — no deprivation except by procedure established by law.	34
Article 22	Protection against arrest and detention (including preventive detention safeguards).	35
Article 23	Prohibition of traffic in human beings and forced labour ( <b>begar</b> ).	37

Term	Definition	Page
Article 24	Prohibition of employment of children below 14 in hazardous jobs.	37
Article 25	Freedom of conscience and free profession, practice and propagation of religion.	38
Article 29	Protection of interests of minorities — language, script and culture.	39
Article 30	Right of minorities to establish and administer educational institutions.	40
Article 32	Right to Constitutional Remedies — Ambedkar's "heart and soul of the Constitution"; SC's writ jurisdiction.	41
Article 300A	Right to property as a <b>legal</b> right after the 44th Amendment removed it from FRs.	46
Preventive Detention	Arrest on apprehension of unlawful activity, extendable up to 3 months, then reviewed by an advisory board.	35
Begar	Forced labour without payment, prohibited under the Right against Exploitation.	37
Habeas Corpus	Writ ordering the arrested person to be produced before the court.	41
Mandamus	Writ to compel a public official to perform legal duty.	41
Prohibition	Writ stopping a lower court from exceeding its jurisdiction.	41
Quo Warranto	Writ restricting a person from holding an office to which he is not entitled.	41
Certiorari	Writ ordering transfer of a pending matter from a lower court to higher authority.	41
Directive Principles (Part IV)	Non-justiciable guidelines for the State.	43
Fundamental Duties	Moral obligations added by the 42nd Amendment, 1976 — ten duties (later expanded).	44
NHRC	National Human Rights Commission — established 1993; can only inquire and recommend.	41–42
Motilal Nehru Committee (1928)	Demanded a bill of rights for India.	28

### 2.3 Diagrams / processes to remember

- **Chart of six Fundamental Rights with sub-rights** (NCERT p. 31): Equality, Freedom, Against Exploitation, Freedom of Religion, Cultural & Educational, Constitutional Remedies — with the specific articles under each.
- **Box quoting Article 16(4)** on reservations for backward classes (NCERT p. 32).

- **Box quoting Article 21** verbatim — "No person shall be deprived of his life or personal liberty except according to procedure established by law" (NCERT p. 34).
- **Somnath Lahiri's Constituent Assembly quote** criticising restrictions on FRs (29 April 1947) (NCERT p. 36).
- **Sardar Hukam Singh's CAD quote** on the safety of minorities lying in a secular State (26 May 1949) (NCERT p. 40).
- **Diagram of Directive Principles split into Goals, Non-justiciable rights, and Policies** (NCERT p. 45).
- **Process of writ jurisdiction:** violation of Fundamental Right → petition to Supreme Court under Article 32 or to High Court under Article 226 → court issues appropriate writ (Habeas Corpus / Mandamus / Prohibition / Quo Warranto / Certiorari) → remedy.
- **Process of Right to Property transition:** 1950 Article 31 (FR) → repeated conflicts with land-reform legislation → Kesavananda Bharati 1973 holds property not part of basic structure → 44th Amendment 1978 removes from Part III → reinserted as legal right in Article 300A.

## 2.4 Common confusions / NTA trap points

- **Article 21 vs preventive detention:** preventive detention is permitted under the Constitution itself; it does not "violate" Article 21 if procedure is followed — but it can be extended only for three months before advisory-board review (p. 35).
- **Reservations and equality:** Article 16(4) is not an exception that "violates" Article 14/15/16 — NCERT presents it as a means to fulfil equality of opportunity (p. 33).
- **Minorities — religious only?** NCERT explicitly extends minority cultural-educational rights (Article 29/30) to linguistic minorities as well, not just religious (pp. 39–40).
- **Right to Property:** the **44th Amendment (1978)** removed it from FRs; it is now a legal right under **Article 300A** — students often wrongly state it is still a Fundamental Right (p. 46).
- **Fundamental Duties:** added by the **42nd Amendment (1976)**, ten duties initially; enjoyment of rights is not dependent on fulfilment of duties (p. 44).
- **NHRC powers:** NHRC can only inquire and recommend — it has no power of prosecution; a common distractor option (p. 42).
- **Writs:** Habeas Corpus (body) vs Mandamus (compel duty) vs Prohibition (stop lower court) vs Quo Warranto (challenge office) vs Certiorari (transfer case) — match-type traps are common (p. 41).
- **Article 32 vs Article 226:** Article 32 is for the Supreme Court; Article 226 is for the High Court — both provide writ jurisdiction but only Article 32 is itself a Fundamental Right.
- **24-hour rule on production before magistrate:** applies to ordinary arrests under Article 22 — not preventive detention (p. 34).

- **Child labour cutoff:** prohibition is for employment in hazardous jobs for children **below 14** — NTA distractor sometimes says 12 or 16 (p. 37).
- **Article 21 expansion** by the Supreme Court includes right to shelter, livelihood, live with dignity — even though the text is brief (pp. 34–35).
- **Motilal Nehru Committee** demanded a bill of rights in **1928**, not in 1947 (p. 28).

## 2.5 Key Articles / Amendments / Cases table

#	Article / Amendment / Case	Subject	Page
1	Article 14	Equality before law and equal protection of laws	30
2	Article 15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth	31
3	Article 16(4)	Reservation in public employment for backward classes not adequately represented	32
4	Article 17	Abolition of untouchability	31
5	Article 19	Six freedoms — speech, assembly, association, movement, residence, profession	33
6	Article 21	Right to life and personal liberty	34
7	Article 22	Protection against arrest and detention (including preventive detention)	35
8	Article 23	Prohibition of traffic in human beings and forced labour ( <b>begar</b> )	37
9	Article 24	Prohibition of child labour below 14 in hazardous jobs	37
10	Article 25	Freedom of conscience and religion	38
11	Article 29 & 30	Cultural and Educational Rights of minorities	39–40
12	Article 32	Right to Constitutional Remedies (writ jurisdiction of SC)	41
13	Article 300A	Right to property as a <b>legal</b> right after 44th Amendment	46
14	42nd Amendment (1976)	Inserted Fundamental Duties (Part IVA)	44
15	44th Amendment (1978)	Removed right to property from Part III; placed it in Article 300A	46
16	Kesavananda Bharati (1973)	Held right to property not part of basic structure; settled FR-vs-DPSP amendment debate	46–47
17	NHRC (1993)	National Human Rights Commission — inquire and recommend only	41–42

#	Article / Amendment / Case	Subject	Page
18	Motilal Nehru Committee (1928)	Demanded a bill of rights for India	28

## Practice MCQs

## PYQ Alignment

This chapter is one of the most heavily tested in CUET Political Science — typically 5–7 MCQs per cycle. Past CUET papers have repeatedly asked: identification of writs (especially Habeas Corpus and Quo Warranto), Article 21 expansion by the Supreme Court, the 42nd and 44th Amendments (Fundamental Duties and right to property), the FR-vs-DPSP distinction, and statement-based questions on Article 16(4) reservations and the powers of the NHRC.

### CUET 2025 — Actual PYQs from this chapter

**Q.3 (CUET 2025)** Which part of the Indian Constitution is related to the Directive Principles of State Policy?

- A) Part III B) Part IV C) Part V D) Part VI

Tests: Rights in the Indian Constitution  
Answer: Not in extracted key