

## CHAPTER 2

# Rights in the Indian Constitution

CBSE Class 11 · Political Science · Indian Constitution at Work · Chapter 2

CBSE · Political Science · Class 11

### WHAT THIS CHAPTER DOES

**A**

Explain why rights matter in a democracy and what a Bill of Rights is.

**B**

List the six Fundamental Rights with their correct Article numbers and core provisions.

Boards prep that builds confidence, not anxiety.

**TODAY'S MISSION**

# Today's mission

1

Explain why rights matter in a democracy and what a Bill of Rights is.

2

List the six Fundamental Rights with their correct Article numbers and core provisions.

3

Explain the Right to Constitutional Remedies (Article 32) and the five writs.

4

Distinguish Fundamental Rights from Directive Principles, place Fundamental Duties — and score 8/9 on this chapter.

## WHY THIS MATTERS

# Why this chapter matters

- 1** It is the concrete form of Chapter 1's 'limiting government' function — Fundamental Rights are how the Constitution actually fences in state power.
- 2** 7-9 marks in every Class 11 paper, with predictable question types (a single right, the writs, FR vs DPSP).
- 3** It is an article-number chapter: the gap between an average and a top answer here is precise Article tagging and accurate writ definitions.

TOPIC

**A**

# Why rights — and what is a Bill of Rights?

TOPIC

# The idea of rights

## WHAT A RIGHT IS

A right is a reasonable and justified claim that a person can make on society and the state — a claim recognised as valid and worth defending, both by our own conscience and by the wider community. Rights are not unlimited wishes; they are claims that can be fairly demanded because granting them is

## WHY A CONSTITUTION LISTS RIGHTS

A government that can be voted in is still not a government that may do anything. To make the limits on power real, a constitution writes down the rights of citizens so that they are placed beyond the easy reach of ordinary law-making and shifting majorities. By giving rights a special,

## WHAT A BILL OF RIGHTS IS

When the rights of citizens are formally enumerated and given constitutional protection in a single part of the constitution, that collection is called a Bill of Rights. In India this Bill of Rights is contained in Part III of the Constitution and is known as the Fundamental Rights. The

## RIGHTS ARE NOT ABSOLUTE

A crucial idea running through the whole chapter is that Fundamental Rights are not absolute. Each right is balanced against the rights of others and the legitimate needs of society through 'reasonable restrictions'. For example, freedom of speech under Article 19

TOPIC

**B**

# The Right to Equality and the Right to Freedom

TOPIC

# Equality (14-18) and Freedom (19-22)

## RIGHT TO EQUALITY (14-18)

The Right to Equality is guaranteed by Articles 14 to 18. Article 14 grants equality before the law and the equal protection of the laws. Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth, while allowing special provisions for

## RIGHT TO FREEDOM (19-22)

The Right to Freedom is guaranteed by Articles 19 to 22. Article 19 grants six freedoms: of speech and expression, of assembling peaceably, of forming associations, of moving freely throughout India, of residing anywhere in the country, and of practising any profession

## ARTICLE 21 — THE EXPANDING RIGHT

Article 21 declares that no person shall be deprived of life or personal liberty except according to procedure established by law. The Supreme Court has read this short sentence very widely, holding that 'life' means a life of dignity, not mere animal existence. Through

## HOW CBSE TESTS EQUALITY AND FREEDOM

These two rights together are the most examined part of the chapter. A 3-4 mark question typically asks you to 'explain the Right to Equality' or 'explain the Right to Freedom', and the article numbers are not optional — every provision must be tagged with its Article. The

TOPIC

C

# Exploitation, Religion, and Cultural- Educational Rights

TOPIC

# Three more Fundamental Rights

## RIGHT AGAINST EXPLOITATION (23-24)

The Right against Exploitation, in Articles 23 and 24, protects the weak and vulnerable. Article 23 prohibits human trafficking and forced labour (begar), making it illegal to compel a person to work without payment or against their will, though it allows the state to

## RIGHT TO FREEDOM OF RELIGION (25-28)

The Right to Freedom of Religion, in Articles 25 to 28, expresses India's secular character. Article 25 guarantees freedom of conscience and the right to freely profess, practise and propagate religion, subject to public order, morality and health. Article 26 gives religious denominations

## CULTURAL AND EDUCATIONAL RIGHTS (29-30)

The Cultural and Educational Rights, in Articles 29 and 30, are special protections for minorities. Article 29 protects the right of any section of citizens with a distinct language, script or culture to conserve it, and bars denial of admission to state-aided institutions on grounds

## WHY THESE THREE MATTER

These three rights show that the Indian Bill of Rights is not only about restraining the government but also about protecting the vulnerable and the diverse. The Right against Exploitation guards the poor and children against private and economic

TOPIC

**D**

# The Right to Constitutional Remedies — the heart and soul

TOPIC

# The right that protects all rights

## WHY ARTICLE 32 IS SPECIAL

The Right to Constitutional Remedies, under Article 32, is the sixth Fundamental Right and the one that makes all the others real. It empowers a citizen to move the Supreme Court directly whenever a Fundamental Right is violated, and Article 226 gives a parallel power to

## THE WRITS — HABEAS CORPUS AND MANDAMUS

To enforce rights, the courts can issue special orders called writs. Habeas Corpus (literally 'you may have the body') orders that a detained person be produced before the court so that the legality of the detention can be examined; it is the great safeguard against

## PROHIBITION, QUO WARRANTO, CERTIORARI

Three further writs complete the set. Prohibition is issued by a higher court to a lower court or tribunal to stop it proceeding in a matter beyond its jurisdiction. Quo Warranto ('by what authority') questions the legality of a person's claim to a public office and can remove someone

## THE JUDICIARY AS GUARDIAN

Because Article 32 lets citizens reach the Supreme Court directly and arms the court with the five writs, the higher judiciary becomes the guardian and protector of Fundamental Rights. The same power is exercised by the High Courts under Article 226. This is why any attempt

**WORKED EXAMPLE**

# The six rights and the five writs

- 1** The SIX Fundamental Rights: Equality (Arts 14-18) · Freedom (19-22) · Against Exploitation (23-24) · Freedom of Religion (25-28) · Cultural & Educational (29-30) · Constitutional Remedies (32).
- 2** The FIVE writs under Article 32 / 226: Habeas Corpus (produce the detained body) · Mandamus (command a duty) · Prohibition (stop a lower court overreaching).
- 3** Quo Warranto (by what authority do you hold this office?) · Certiorari (quash a lower court's order made beyond jurisdiction).
- 4** Two amendment facts examiners love: Fundamental Duties added by the 42nd Amendment (1976), Art 51A; Right to Property removed from Fundamental Rights by the 44th Amendment (1978), now Art 300A.

**TRY IT · SOLVE BEFORE YOU PEEK**

A student writes: 'There are seven Fundamental Rights including the Right to Property, and Directive Principles can be enforced in court.' Identify the two errors.

**SOLUTION**

**ANSWER** Error 1: There are SIX Fundamental Rights, not seven — the Right to Property was removed from Part III by the 44th Amendment (1978) and is now only a legal right under Article 300A. Error 2: Directive Principles are NON-JUSTICIABLE — they cannot be enforced in a court of law; only Fundamental Rights are justiciable (Article 32).

TOPIC

**E**

# Directive Principles, Fundamental Duties, and the balance

TOPIC

# Directives, Duties, and how they fit together

## DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy are contained in Part IV of the Constitution. They are guidelines or directives to the state — instructions for making laws and policies aimed at securing social and economic justice, such as reducing inequality of income, providing

## FUNDAMENTAL RIGHTS VS DIRECTIVE PRINCIPLES

The two parts differ but complement each other. Fundamental Rights (Part III) are justiciable, mainly negative limits that tell the state what it may not do, and aim at political democracy and individual liberty. Directive Principles (Part IV) are non-justiciable, positive directives that tell the

## FUNDAMENTAL DUTIES (ARTICLE 51A)

The Fundamental Duties were not part of the original Constitution; they were added by the 42nd Amendment in 1976 as a new Part IV-A, Article 51A, on the recommendation of the Swaran Singh Committee. They list the duties of every citizen — to abide by the

## RIGHTS AND DUTIES AS ONE BALANCE

The chapter's final lesson is one of balance. Fundamental Rights protect the individual; Directive Principles commit the state to social welfare; and Fundamental Duties remind citizens of what they owe the nation in return. A healthy democracy needs all

**THEOREM · LOAD-BEARING RESULT**

# Why the Right to Constitutional Remedies is the keystone

Of the six Fundamental Rights, the Right to Constitutional Remedies (Article 32) is the keystone, because it is the right that guarantees the enforcement of every other right by giving citizens direct access to the Supreme Court and arming the court with the writs.

## STATEMENT

A right is meaningful only if it is enforceable. Article 32 makes Fundamental Rights justiciable by (i) allowing a citizen to move the Supreme Court directly for the enforcement of a

## WHY THIS MATTERS

- This is the central practical claim of the chapter: rights on paper are worthless without a guaranteed remedy
- Ambedkar called Article 32 the 'heart and soul of the Constitution' precisely because it converts the other five rights from declarations into enforceable guarantees and

## WATCH OUT FOR

**NOTE** Do not reduce the answer to 'citizens can go to court'. The examiner wants the 'heart and soul'/ Ambedkar line, the definition of all five writs, AND the conclusion that the judiciary becomes the guardian of rights. Also keep habeas corpus (unlawful detention) distinct from mandamus (compelling a duty).

**WORKED EXAMPLE**

# Distinguish Fundamental Rights from Directive Principles

- 1** Point 1 — Justiciability: Fundamental Rights (Part III) are justiciable and enforceable in court under Article 32; Directive Principles (Part IV) are non-justiciable and cannot be enforced in court.
- 2** Point 2 — Nature: Fundamental Rights are mainly negative limits on the state (what it may not do); Directive Principles are positive directives to the state (what it ought to do).
- 3** Point 3 — Aim: Fundamental Rights aim at political democracy and individual liberty; Directive Principles aim at social and economic democracy — a welfare state.
- 4** Point 4 — Relationship: conclude that the two are complementary, not contradictory; together they fulfil the Preamble's promise of justice, liberty and equality.

## TOPIC

# Right to Property as a Fundamental Right

## TRAP → TRUTH

- × **MISTAKE** The Right to Property is still one of the Fundamental Rights guaranteed by Part III.
- ✓ **CORRECT** The Right to Property was **ORIGINALLY** a Fundamental Right (Articles 19(1)(f) and 31), but the 44th Amendment (1978) **REMOVED** it from Part III. It is now only an ordinary legal / constitutional right under Article 300A — 'no person shall be deprived of his property save by authority of law'. Calling it a Fundamental Right today is a factual error that examiners specifically test.

## TOPIC

# Number of Fundamental Rights

## TRAP → TRUTH

× **MISTAKE** There are seven Fundamental Rights in the Indian Constitution.

✓ **CORRECT** Today there are SIX Fundamental Rights: Right to Equality (14-18), Right to Freedom (19-22), Right against Exploitation (23-24), Right to Freedom of Religion (25-28), Cultural and Educational Rights (29-30), and Right to Constitutional Remedies (32). There were originally seven because the Right to Property was the seventh — its deletion by the 44th Amendment left six.

## TOPIC

# Fundamental Rights are absolute

## TRAP → TRUTH

- × **MISTAKE** Fundamental Rights are absolute and can never be restricted by the state.
- ✓ **CORRECT** Fundamental Rights are NOT absolute — they come with 'reasonable restrictions'. For example, freedom of speech under Article 19(1)(a) can be restricted in the interests of the sovereignty and integrity of India, public order, decency, defamation, etc. Rights can also be suspended during a National Emergency (except, after the 44th Amendment, Articles 20 and 21). The right is meaningful precisely because it is balanced against the rights of others and the needs of society.

## TOPIC

# Directive Principles are enforceable in court

### TRAP → TRUTH

× **MISTAKE** Directive Principles of State Policy can be enforced in a court just like Fundamental Rights.

✓ **CORRECT** Directive Principles (Part IV) are NON-JUSTICIABLE — they cannot be enforced by going to court. They are guidelines / directives to the state for making laws and policies towards social and economic justice. Fundamental Rights, by contrast, ARE justiciable: a citizen can directly approach the courts under Article 32 if a Fundamental Right is violated. This justiciable-versus-non-justiciable distinction is the single most tested difference between Part III and Part IV.

## TOPIC

# Right to Constitutional Remedies

## TRAP → TRUTH

- × **MISTAKE** Article 32 is just one more right in a list of rights, no more important than the others.
- ✓ **CORRECT** Article 32, the Right to Constitutional Remedies, is special — Dr B.R. Ambedkar called it the 'heart and soul of the Constitution', because it is the right that makes all the other rights real. It empowers a citizen to move the Supreme Court directly (and Article 226 lets one move the High Court) to enforce Fundamental Rights, and lets the court issue writs — habeas corpus, mandamus, prohibition, quo warranto and certiorari. Without Article 32, the other rights would be mere promises on paper.

## TOPIC

# Fundamental Duties

## TRAP → TRUTH

- × **MISTAKE** Fundamental Duties were part of the Constitution from the very beginning, in 1950.
- ✓ **CORRECT** Fundamental Duties were NOT in the original Constitution. They were ADDED later by the 42nd Amendment in 1976 (on the recommendation of the Swaran Singh Committee) as a new Part IV-A, Article 51A. They are duties of citizens (e.g. to respect the Constitution, the National Flag and Anthem, to protect the environment, to safeguard public property). Like Directive Principles, they are NON-JUSTICIABLE — they cannot by themselves be enforced in court.

## TOPIC

# Who Fundamental Rights protect against

## TRAP → TRUTH

- × **MISTAKE** Fundamental Rights protect citizens only from other private individuals.
- ✓ **CORRECT** Fundamental Rights are primarily protections against the STATE — they limit what the government can do to citizens. Some rights (such as the right against untouchability under Article 17 and the right against exploitation under Articles 23-24) also operate against private individuals, but the core idea of a Bill of Rights is to fence in government power. Forgetting that rights are mainly a check on the state misses the whole point of Chapter 1's 'limiting government' function carried into Chapter 2.

TOPPER TEMPLATE · MARK-BY-MARK

# 4-5 mark question: 'Explain the Right to Equality / Right to Freedom guaranteed by the

**1 NAME THE RIGHT AND GIVE ITS ARTICLES**

1 m

Open precisely: 'The Right to Equality is guaranteed by Articles 14 to 18 of the Constitution.' (For Freedom: 'The Right to Freedom is guaranteed by Articles 19 to 22.')

Stating the article range at the start signals command and is itself worth a mark.

**2 LIST AND EXPLAIN THE CORE PROVISIONS**

2 m

For Equality: equality before law and equal protection of laws (Art 14); no discrimination on grounds of religion, race, caste, sex or place of birth (Art 15); equality of opportunity in public employment (Art 16); abolition of untouchability (Art 17); abolition of titles (Art 18). For Freedom: the six freedoms under Art 19 — speech and expression, assembly, association, movement, residence, profession; protection in respect of conviction (Art 20); protection of life and personal liberty (Art 21); protection against arbitrary arrest and detention (Art 22). Explain at least two or three in a line each.

**3 ADD THE 'NOT ABSOLUTE' QUALIFIER AND AN ILLUSTRATION**

1 m

Close with balance: 'These rights are not absolute — they are subject to reasonable restrictions; e.g. freedom of speech can be restricted in the interests of public order, decency or the sovereignty of India.'

This evaluative line is what lifts the answer to full marks.

TOPPER TEMPLATE · MARK-BY-MARK

# 5-6 mark question: 'Why is the Right to Constitutional Remedies called the heart and

**1** WHY ARTICLE 32 IS THE 'HEART AND SOUL'  
2 m

'The Right to Constitutional Remedies, under Article 32, empowers a citizen to move the Supreme Court directly when a Fundamental Right is violated. Dr B.R. Ambedkar called it the heart and soul of the Constitution because it is the right that guarantees all the other rights — without an enforceable remedy, rights would be mere declarations on paper. Article 226 similarly empowers the High Courts.'

**2** EXPLAIN THE FIVE WRITS  
3 m

'The courts can issue five writs: (i) Habeas Corpus — to produce a detained person before the court to check the legality of detention; (ii) Mandamus — a command to a public official or body to perform a legal duty it has failed to do; (iii) Prohibition — to stop a lower court from exceeding its jurisdiction; (iv) Quo Warranto — to question the legal authority of a person holding a public office; (v) Certiorari — to quash or transfer an order passed by a lower court that has exceeded its jurisdiction.'

**3** CONCLUDE ON SIGNIFICANCE  
1 m

'Through these writs the judiciary acts as the guardian and protector of Fundamental Rights, which is why Article 32 is the cornerstone that makes the whole Bill of Rights effective.'

TOPPER TEMPLATE · MARK-BY-MARK

# 3-5 mark question: 'Distinguish between Fundamental Rights and Directive Principles of

- |   |  |
|---|--|
| <p><b>1</b></p> <p><b>JUSTICIABILITY</b></p> <p>1 m</p>             | <p>'Fundamental Rights (Part III) are JUSTICIABLE — a citizen can go to court to enforce them under Article 32. Directive Principles (Part IV) are NON-JUSTICIABLE — they cannot be enforced in a court of law.' This is the headline difference.</p>  |
| <p><b>2</b></p> <p><b>NATURE AND AGAINST WHOM</b></p> <p>1 m</p>    | <p>'Fundamental Rights are mainly negative — they LIMIT the state by telling it what it may not do to citizens. Directive Principles are positive DIRECTIVES — they tell the state what it ought to do to promote social and economic welfare.'</p>  |
| <p><b>3</b></p> <p><b>AIM AND ORIENTATION</b></p> <p>1 m</p>        | <p>'Fundamental Rights aim to establish political democracy and protect individual liberty. Directive Principles aim to establish social and economic democracy — a welfare state — by guiding policy on poverty, equality and welfare.'</p>   |
| <p><b>4</b></p> <p><b>THE RELATIONSHIP / BALANCE</b></p> <p>1 m</p> | <p>'Though different, the two are complementary, not contradictory — rights without socio-economic justice are hollow, and welfare goals without protected liberty are dangerous. The courts have tried to read them in harmony so that the two together fulfil the Preamble's promise.'</p> |

**PYQ PATTERNS**

# Top PYQ patterns to drill

**#1**

Explain any Fundamental Right (Equality / Freedom / against Exploitation / Religion) with its articles. (3-5 marks)

Almost every year (CBSE SQP 2019, 2021, 2023; School Annual 2020, 2022)

**#2**

Why is the Right to Constitutional Remedies called the 'heart and soul' of the Constitution? / Explain the writs. (4-6 marks)

CBSE SQP 2020, 2022; School Annual 2019, 2023

**#3**

Distinguish between Fundamental Rights and Directive Principles of State Policy. (3-5 marks)

CBSE SQP 2021, 2024; School Annual 2022

**#4**

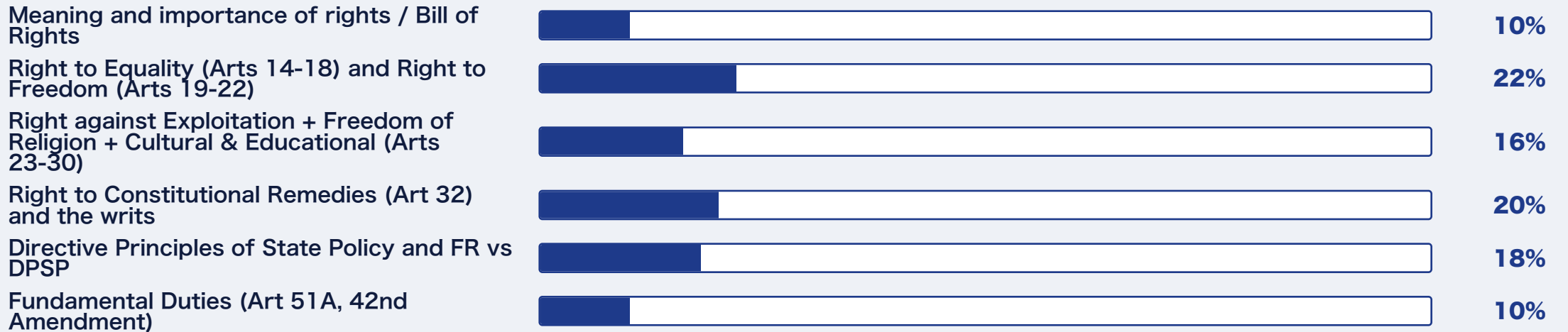
VSA on article numbers and writs

Which article guarantees the right to constitutional remedies? What

**MARKS DISTRIBUTION**

# 10-year marks distribution

**10-YEAR PYQ MARKS DISTRIBUTION**



## RECAP · MEMORISE THESE

# 5-line revision

**1** Rights & Bill of Rights — A right is a justified claim; the Indian Bill of Rights is Part III's six Fundamental Rights. Rights are not absolute — they carry reasonable restrictions.

**2** The six rights — Equality (14-18) · Freedom (19-22) · Against Exploitation (23-24) · Freedom of Religion (25-28) · Cultural & Educational (29-30) · Constitutional Remedies (32). Always tag the articles.

**3** Remedies & writs — Art 32 = 'heart and soul' (Ambedkar). Five writs: habeas corpus, mandamus, prohibition, quo warranto, certiorari. High Courts use Art 226.

**WHAT'S NEXT**

# What's next

- Chapter 3 — Election and Representation (how the citizens whose rights you just studied choose their government).
- Sit the 15-MCQ Quick Drill (companion PDF) — under 20 minutes, target  $\geq 12/15$ .
- Then the full Board-Pattern Paper — 30 marks, 60 minutes, real exam pattern.

# You now know your rights — and the writs that defend them.

Prove it. Take the drill, sit the paper, master the chapter.

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Boards prep that builds confidence, not anxiety.