

Fundamental Rights

Why Article 21 is the keystone, how the Golden Triangle works, and what the examiner actually wants

Orientation: What the Examiner Tests

Fundamental Rights (Part III, Arts 12–35) is the single highest-yield cluster in GS-II Polity. It carries marks in Prelims (factual coverage) and Mains (synthesis + application). The examiner’s distinction in Mains is between candidates who can **enumerate** the rights and candidates who can **reason with** them.

This chapter is designed for the second kind of answer.

DOCTRINE EDGES — WHAT THE GRAPH LOOKS LIKE

The FR cluster has 41 knowledge nodes: 24 article-nodes (Arts 12–35), 8 landmark case-nodes, and 9 doctrine/concept nodes. The exam-yield pattern is non-uniform:

- **Art 21 (life & liberty)** — the highest-density node in the cluster. Short text; enormous judicial expansion. Every case from Maneka to Puttaswamy points here.
- **Art 14 (equality)** and **Art 19 (six freedoms)** — the two pillars Art 21 is read together with (the Golden Triangle).
- **Art 32 (constitutional remedies)** — Ambedkar’s “heart and soul”: without this article, all the others are unenforceable.
- **Arts 15, 16, 25, 29–30** — the equality and minority rights articles, highest in Prelims.

A flat list of 35 articles treats Art 21 the same as Art 34 (martial law). The graph does not. Study time should track exam yield; this chapter is structured accordingly.

How to read this chapter. The first half builds the structural frame — scope, equality cluster, freedom cluster — at the working-doctrine level (L3). The second half does the synthesis work: the Art 21 expansion chain, the Golden Triangle, the remedies architecture, and the model Mains answer. Carry the typed doctrine edges (the arrow notation **[rel]**→) into your answers — they are the synthesis layer the examiner cannot get from a flat-article answer.

Section 1 — Scope and Machinery (Arts 12–13)

Before the rights themselves, the Constitution establishes two prerequisites: who they bind (Art 12) and what happens when a law violates them (Art 13).

ART 12 — DEFINITION OF “THE STATE”

PYQ ★★★☆☆ (est.)

FRs are enforceable **against the State**. Art 12 defines “the State” broadly: Parliament, State legislatures, the Union and State governments, and — critically — “other authorities within the territory of India or under the control of the Government of India.”

OTHER AUTHORITIES

The phrase has been judicially expanded. “Authority” = a body that exercises governmental or public functions, regardless of its corporate form. **Rajasthan Electricity Board v Mohan Lal (1967)** included

statutory bodies. Later courts asked: does the body have sovereign functions, government-like power, or pervasive government control? The test is not purely financial but functional.

Exam tip: A private company alone is NOT the State. A heavily state-funded body with regulatory power often is. Questions test the borderline.

ART 13 — LAWS INCONSISTENT WITH FRs ARE VOID

PYQ ★★★☆☆ (est.)

Art 13 is the **enforcement machinery** of Part III. It says two things:

1. Pre-Constitution laws inconsistent with FRs are **void to the extent of inconsistency** — not ab initio void, just eclipsed (Doctrine of Eclipse).
2. The State shall not make any law that takes away or abridges FRs — such a law is void to the extent of contravention.

DOCTRINE EDGES — ART 13 TYPED EDGES

- Art 13 [**enforces**] → Fundamental Rights (gives Part III its teeth)
- Art 13 [**contrasts-with**] → Art 368 (is a constitutional amendment a “law” under Art 13? — this question drove the Golaknath → Kesavananda arc)

The Art 13 vs Art 368 tension is the root of the basic-structure doctrine. The FR cluster links outward to the Amendment cluster here.

Doctrine of Severability

PYQ ★★☆☆☆ (est.)

If only part of a law violates a FR, only that part is void — the rest stands. The test: would the legislature have enacted the valid part alone? If the invalid part is severable, it falls; the rest survives. (**R.M.D. Chamarbaugwalla v Union, 1957**)

Doctrine of Eclipse

PYQ ★★☆☆☆ (est.)

Pre-Constitution laws that violate FRs are not struck down permanently — they are “eclipsed” (become unenforceable). If the FR is later amended or the law is amended, the eclipse lifts and the law revives. (**Bhikaji Narain v State of MP, 1955**) This doctrine applies to **pre-Constitution** laws only; laws made after the Constitution cannot eclipse — they are simply void.

Section 2 — The Equality Cluster (Arts 14–18)

The five equality articles read as a coherent scheme: Art 14 sets the general principle, Arts 15–18 are specific applications.

ART 14 — EQUALITY BEFORE LAW / EQUAL PROTECTION

PYQ ★★★★★ (est.)

Art 14 carries two limbs imported from two legal traditions:

- **Equality before law** — English tradition: no one is above the law; the same law applies to all.
- **Equal protection of laws** — American tradition (14th Amendment): the State must treat equally-situated persons equally.

The **reasonable classification** doctrine reconciles Art 14 with the practical need for differential treatment:

REASONABLE CLASSIFICATION

A classification does NOT violate Art 14 if it satisfies two conditions simultaneously:

1. **Intelligible differentia** — the group distinguished has a real, perceivable basis of distinction.
 2. **Rational nexus** — the distinction is rationally connected to the **object** the law seeks to achieve.
- Both conditions must be met. A law satisfying only one is unconstitutional. (**State of W.B. v Anwar Ali Sarkar, 1952**: this is the foundational case on the two-prong test.)

Art 14 and arbitrariness. The Supreme Court in **E.P. Royappa (1974)** and **Maneka Gandhi (1978)** introduced a second dimension: Art 14 strikes down arbitrariness itself, not just discriminatory classification. “Equality is antithetic to arbitrariness.” This merger means Art 14 is also a **due process** constraint, not merely a formal-equality rule.

ART 15 — NON-DISCRIMINATION

PYQ ★★★★★☆ (est.)

Art 15(1): The State shall not discriminate on grounds of religion, race, caste, sex, **or place of birth** only.

Art 15(2) extends to **private actors** in public-access spaces (shops, hotels, public wells, roads). This makes Art 15 one of the rare FRs that horizontally applies (weakly) to private parties.

Arts 15(3)–(6) create reservation permissions: special provisions for women and children (Art 15(3)), educationally/socially backward classes (Art 15(4)), and later, EWS (Art 15(6), 103rd Amendment 2019).

CASE LAW *State of Madras v Champakam Dorairajan* (1951)

The communal G.O. (caste-based seats in medical colleges) was struck down. Arts 15 and 29(2) did not permit such discrimination. This provoked the **1st Constitutional Amendment** (1951) adding Art 15(4) — the Parliament’s first use of constitutional amendment to overcome an FR judgment.

Doctrine edges: strikes-down → Art 15 (original text) · prompts → 1st Amendment → Art 15(4) override

ART 16 — EQUALITY IN PUBLIC EMPLOYMENT

PYQ ★★★★★ (est.)

Art 16 is the highest-yield equality article in examinations. It guarantees equality of opportunity in matters of **public employment**.

Art 16(4) is the reservation enabling clause: the State may make provision for reservation in services for any backward class of citizens not adequately represented. “Backward class” was interpreted in **Indra Sawhney v Union (1992)** (the Mandal case).

CASE LAW *Indra Sawhney v Union of India* (1992) — *The Mandal Judgment*

A nine-judge bench resolved the OBC reservation controversy. **Key holdings:**

- OBC reservation under Art 16(4) is valid.
- Total reservation must not ordinarily exceed **50%** (the 50% cap).
- The **creamy layer** (economically advanced among OBCs) must be excluded.
- **Promotions** are not covered by Art 16(4) — only initial appointments (this was later addressed by the 85th Amendment 2001 adding Art 16(4A)).

Doctrine edges: applies → Art 16(4) · limits → Art 16 (50% cap) · establishes → creamy-layer doctrine

ARTS 17–18 — UNTOUCHABILITY AND TITLES

Arts 17 (abolition of untouchability) and 18 (abolition of titles) are absolute — they admit no exceptions. Art 17 is enforceable against private parties (horizontal application), making the Protection of Civil Rights Act 1955 constitutional. Art 18 permits military and academic distinctions (**Bharat Ratna, Padma Vibhushan**) but no hereditary titles.

Section 3 — The Freedom Cluster (Arts 19–22)

ART 19 — SIX FREEDOMS

PYQ ★★★★★ (est.)

Art 19 originally guaranteed **seven** freedoms; the right to property (Art 19(1)(f)) was deleted by the 44th Amendment 1978. The six that remain:

Freedom	Article	PYQ
Speech and expression	19(1)(a)	★★★★☆
Peaceful assembly	19(1)(b)	★★★☆☆
Association/union	19(1)(c)	★★★☆☆
Movement throughout India	19(1)(d)	★★★☆☆
Residence in any part	19(1)(e)	★★★☆☆
Practice any profession	19(1)(g)	★★★☆☆

Reasonable Restrictions (Arts 19(2)–(6))

Each freedom may be restricted only on **enumerated grounds** and only if the restriction is **reasonable**. The grounds differ per freedom:

- **Speech (19(2))**: sovereignty and integrity of India, security of state, friendly relations with foreign states, public order, decency or morality, contempt of court, defamation, incitement to offence.
- **Profession (19(6))**: professional/technical qualifications; state monopoly.

“Reasonableness” is a **judicial standard** — courts examine both the grounds and the **extent** of restriction. A law satisfying the formal grounds but disproportionate in scope fails reasonableness.

CASE LAW *Shreya Singhal v Union of India (2015)*

Section 66A of the Information Technology Act (online speech criminalisation) struck down. It failed the Art 19(2) reasonableness test: “grossly offensive” and “menacing” were vague and overbroad standards that could chill legitimate speech far beyond the permissible grounds.

Doctrine edges: strikes-down → reasonable restrictions under 19(2) · expands → Art 19(1)(a) protection online

ART 20 — PROTECTION RE CONVICTION

PYQ ★★★☆☆ (est.)

Three protections:

1. **Ex-post-facto laws** — no one convicted of an offence not prescribed at the time of commission.
2. **Double jeopardy** — no prosecution and punishment more than once for the same offence.
3. **Self-incrimination** — no one compelled to be a witness against himself.

Note: Art 20 cannot be suspended even during a national emergency (Art 358 suspends Art 19; Art 359 suspends other FRs by Presidential order, but NOT Arts 20 and 21).

ART 21 — THE KEYSTONE ARTICLE

PYQ ★★★★★ (est.)

“No person shall be deprived of his life or personal liberty except according to **procedure established by law.**”

The text is spare. The judicial interpretation is enormous.

Procedure Established by Law vs Due Process

THE CRITICAL DISTINCTION

The Constituent Assembly **deliberately** chose “procedure established by law” (the Japanese Constitution model) over “due process of law” (the American model). Dr Ambedkar feared “due process” would let courts strike down socio-economic legislation. The result: **A.K. Gopalan v State of Madras (1950)** held that any procedure enacted by Parliament — however harsh — was valid under Art 21. **Maneka Gandhi (1978) reversed this.** The Court held that “procedure” must be **just, fair and reasonable**. Due process entered by interpretation. The text changed nothing; the meaning changed everything.

The Art 21 Expansion Chain

The post-Maneka jurisprudence expanded Art 21 to cover rights far beyond its bare text. Each expansion is a typed **[expands]** → edge from a judgment to Art 21:

DOCTRINE EDGES — ART 21 EXPANSION CHAIN (TYPED EDGES)

- **Maneka Gandhi (1978) [expands]** → Art 21: procedure must be just, fair, reasonable; arbitrary procedure = no procedure.
- **Olga Tellis v BMC (1985) [expands]** → Art 21: right to **livelihood** is part of the right to life. Forcible eviction without process violates Art 21.
- **Art 21A (86th Amendment, 2002) [expands]** → Art 21: right to **education** (6–14 yrs) — earlier read into Art 21 by **Unni Krishnan (1993)**, then made explicit.
- **K.S. Puttaswamy v Union (2017) [expands]** → Art 21: right to **privacy** is intrinsic to life and liberty (9-judge bench; overruled M.P. Sharma and Kharak Singh).

The expansion chain is **why Art 21 has the highest PYQ yield in the cluster**. Questions on livelihood, privacy, education, fair procedure — all route through Art 21.

THE GOLDEN TRIANGLE: Arts 14 · 19 · 21



Maneka Gandhi (1978): procedure must be just, fair & reasonable — these three must be read together

Maneka Gandhi (1978) — The Keystone Judgment

PYQ ★★★★★ (est.)

The passport case is the single most important judgment in the FR cluster. Its holdings are examinable from multiple angles.

CASE LAW *Maneka Gandhi v Union of India (1978)* — AIR 1978 SC 597

Facts: Maneka Gandhi’s passport was impounded under the Passports Act 1967. She was given no reasons and no hearing.

Holdings:

1. Arts 14, 19, and 21 are **not mutually exclusive islands**. A law affecting personal liberty must satisfy Art 14 (non-arbitrariness), Art 19 (reasonable restrictions on freedoms), AND Art 21 (just, fair, reasonable procedure).
2. “Procedure established by law” = procedure that is just, fair and reasonable — not any procedure the legislature chooses.
3. A.K. Gopalan (1950) is overruled.

The Golden Triangle: this judgment established that the three articles form an interlock — a law depriving life or liberty must pass all three.

Doctrine edges: overrules → A.K. Gopalan (1950) · expands → Art 21 · applies → golden-triangle doctrine

ART 22 — PREVENTIVE DETENTION

PYQ ★★★☆☆ (est.)

Art 22 is internally bifurcated:

- Arts 22(1)–(2): rights of an **arrested person** (right to know grounds of arrest; right to consult and be defended by lawyer; produced before magistrate within 24 hours).
- Arts 22(3)–(7): the **preventive detention** regime. A person may be detained without trial for up to 3 months; a detention advisory board may extend this. Parliament may prescribe longer periods by law.

Exam note: Art 22 is an “exception-to” provision — it is both a rights-guarantor (for ordinary arrests) and a rights-limiter (for preventive detention). The Articles work together: Art 21 sets the floor; Art 22 specifies the procedure.

Section 4 — Exploitation, Religion, Minorities (Arts 23–30)

ARTS 23–24 — RIGHT AGAINST EXPLOITATION

Arts 23 (prohibition of trafficking and forced labour) and 24 (no child labour in hazardous employment, age under 14) are **absolute** — they apply against the State **and private actors**. The Protection of Human Trafficking Act and Child Labour Act give statutory effect to these articles.

ARTS 25–28 — RIGHT TO FREEDOM OF RELIGION

PYQ ★★★★★ (est.) (Art 25)

Art 25 protects freedom of conscience, profession, practice, and propagation of religion — **subject to public order, morality, health, and other FRs**. The last condition means Art 25 does not protect practices that violate Arts 14–17 (e.g., caste discrimination cannot claim Art 25 shelter).

ESSENTIAL RELIGIOUS PRACTICES TEST

Courts do not protect **every** religious practice — only those “essential” to the religion. The test: is the practice so fundamental that the religion would not be what it is without it? Established in **Commissioner, Hindu Religious Endowments v Sri Shirur Mutt (1954)**. The test has been criticised for requiring judges to determine religious essentials, but it remains the operative doctrine.

Art 26 protects the institutional rights of **religious denominations** (manage their own affairs in matters of religion). Art 27 bars taxes whose proceeds are spent on promoting any religion. Art 28 restricts religious instruction in wholly state-funded institutions.

ARTS 29–30 — CULTURAL AND EDUCATIONAL RIGHTS

PYQ ★★★☆☆ (est.) (Arts 29–30)

Art 29 protects minorities’ right to conserve their language, script, and culture. Art 30 gives minorities the right to **establish and administer** educational institutions. These two articles are read together and often together with Art 25.

Critical distinction: The right under Art 30 belongs to **minorities** (religious or linguistic). Non-minorities (the majority community in a given state) do not hold Art 30 rights.

Section 5 — Remedies and Scope Provisions (Arts 32–35)

ART 32 — CONSTITUTIONAL REMEDIES

PYQ ★★★★★ (est.)

DOCTRINE EDGES — ART 32: HEART AND SOUL

Dr Ambedkar called Art 32 “the most important article of the Constitution — without which the rest would be a nullity.” It does two things:

- Guarantees the **right to move the Supreme Court** for enforcement of FRs.
- Empowers the SC to issue the **five writs** (habeas corpus, mandamus, prohibition, certiorari, quo warranto).

Art 32 is itself a Fundamental Right — it cannot be taken away except by constitutional amendment. The HC’s equivalent power is under Art 226 (broader jurisdiction — may issue writs for **any** purpose, not only FR enforcement, but is subject to the SC’s supervisory jurisdiction).

Typed edges: Art 32 [**enforces**] → Fundamental Rights. The five writs [**apply**] → Art 32.

The Five Writs

Writ	Meaning	Used for
Habeas corpus	Produce the body	Unlawful detention; tests legality of imprisonment
Mandamus	We command	Compel a public authority to perform a public duty
Prohibition	Stop proceeding	Bars inferior court/tribunal from exceeding jurisdiction
Certiorari	Certify/quash	Quashes orders of inferior courts made without jurisdiction
Quo warranto	By what authority	Challenges holding of a public office without authority

ARTS 33–35 — SCOPE PROVISIONS

Art 33: Parliament may restrict or abrogate FRs for members of the Armed Forces, para-military forces, intelligence agencies, and similar bodies — to the extent necessary for discipline and proper discharge of duties.

Art 34: Parliament may indemnify persons in service of the Union for acts done in connection with the maintenance of order in an area under martial law.

Art 35: Parliament alone (not State legislatures) has the power to make laws prescribing punishment for offences under Part III (e.g., enforcement of untouchability abolition).

These three are **exception-to** nodes in the graph — they carve out, suspend, or confine the otherwise-operative FRs.

Synthesis — The Golden Triangle in Examination

The Golden Triangle is not a doctrinal nicety — it is an exam tool. Every question on Art 21, on liberty, or on reasonableness of procedure should route through it.

The three-article interlock, post-Maneka, means:

1. Any law that deprives a person of personal liberty (Art 21) must also satisfy Art 14 (non-arbitrariness — the procedure itself must not be arbitrary).
2. If the law also restricts a freedom listed in Art 19 (speech, movement, profession...), it must be on enumerated grounds and must be reasonable.
3. “Procedure established by law” does NOT mean any enacted procedure — it means just, fair, and reasonable procedure.

A Mains answer that identifies all three legs — and specifies which judgment established each — earns the synthesis marks a flat-enumeration answer cannot.

DOCTRINE EDGES — GOLDEN TRIANGLE TRAVERSAL — READING THE GRAPH

Start node: **Art 21 (life & liberty)**

- [**contrasts-with**] → “procedure established by law” (original narrow reading) ↔ “due process of law” (post-Maneka expansive reading)
- **Maneka Gandhi (1978) [overrules]** → A.K. Gopalan (1950): rejects the siloed reading of Arts 19, 21, 22
- **Maneka Gandhi (1978) [expands]** → Art 21: procedure must pass substantive reasonableness
- **Maneka Gandhi (1978) [applies]** → golden-triangle doctrine: Arts 14, 19, 21 are an interlock

Cross-cluster edge: **[contrasts-with]** → DPSP (Art 37): FRs are justiciable; DPSPs are not. But after **Minerva Mills (1980)**, both must be harmonised — neither can be made superior to the other in a way that damages the basic structure.

Model Mains Answer (GS-II, 150 words)

MODEL MAINS ANSWER

"The right to life under Article 21 has been transformed from a narrow procedural guarantee into a substantive charter of human dignity." Discuss, with reference to landmark Supreme Court judgments. (150 words, 10 marks)

Introduction — The original scope. Article 21 in its bare text reads: no deprivation of life or personal liberty except by procedure established by law. In **A.K. Gopalan (1950)**, the Supreme Court read this narrowly: any legislative procedure, however harsh, sufficed. Arts 14, 19, and 21 were separate, non-overlapping silos.

The turn — Maneka Gandhi (1978). The Court overruled Gopalan and held that procedure under Art 21 must be "just, fair and reasonable." Arts 14, 19, and 21 form an interlock — the **Golden Triangle** — and a law depriving liberty must satisfy all three.

Expansion post-Maneka. The substantive turn opened Art 21 to judicial expansion: **Olga Tellis (1985)** read in the right to livelihood; Art 21A (2002) made education explicit; **Puttaswamy (2017)** confirmed privacy as intrinsic to life and liberty (9-judge bench).

Conclusion — The dignity dimension. Art 21 today is the constitutional anchor for human dignity — substantive due process by interpretation, not text. The examiner rewards candidates who can trace this arc and name the judgments that moved each rung.

Chapter at a Glance

Article	Right / Provision	PYQ Yield
Art 12	Definition of 'the State'	★★★☆☆
Art 13	Laws void if inconsistent with FRs	★★★☆☆
Art 14	Equality before law + equal protection	★★★★☆
Art 15	Non-discrimination	★★★★☆
Art 16	Equality in public employment (reservation)	★★★★★
Art 17	Abolition of untouchability	★★☆☆☆
Art 18	Abolition of titles	★★☆☆☆
Art 19	Six freedoms	★★★★★
Art 20	Protection re conviction	★★★☆☆
Art 21	Life and personal liberty	★★★★★
Art 21A	Right to education (6–14)	★★★☆☆
Art 22	Protection against arrest/detention	★★★☆☆
Art 23–24	Against exploitation	★★☆☆☆
Art 25	Freedom of religion	★★★★☆
Art 26–28	Religious affairs / taxes / instruction	★★★☆☆
Art 29–30	Cultural and educational rights	★★★☆☆
Art 32	Constitutional remedies — heart & soul	★★★★★
Arts 33–35	Scope provisions (forces / martial law / legislation)	★★☆☆☆

SOURCE NOTE

All content in this chapter is projected from public-domain primary sources: **Constitution of India, Part III** (Arts 12–35, as amended) and the following reported SC judgments: *A.K. Gopalan v State of Madras* (AIR 1950 SC 27) · *State of W.B. v Anwar Ali Sarkar* (AIR 1952 SC 75) · *State of Madras v Champakam Dorairajan* (AIR 1951 SC 226) · *Indra Sawhney v Union of India* (1992 Supp (3) SCC 217) · *Maneka Gandhi v Union of India* (AIR 1978 SC 597) · *Olga Tellis v BMC* (AIR 1986 SC 180) · *Shreya Singhal v Union of India* (2015) 5 SCC 1 · *K.S. Puttaswamy v Union of India* (2017) 10 SCC 1 · *Commissioner, Hindu Religious Endowments v Sri Shirur Mutt* (AIR 1954 SC 282).

No coaching material (Laxmikanth, Spectrum, or similar) was used as a source. The doctrine-edge synthesis is original projection from the FR Candidate Knowledge Graph (fr-cluster, 41 nodes, typed links).