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Q5(c)

Legal remedies in Part III of the Constitution of India.

UPSC Civil Services Mains 2024 · PSIR GS 1 · 10 marks · Indian Nationalism

Indian Nationalism: Political Strategies of India's Freedom Struggle; Perspectives on Indian National Movement; Gandhi, Tagore, Nehru, Ambedkar, and the socialists.

Core demand of the question

- Identify legal remedies in Part III (10 marks)
- Centre **Article 32** and the writs
- Note **Article 226** and the right to constitutional remedies as itself a fundamental right
- Keep the note on remedies, not a full catalogue of all rights

Revision summary

- **Part III's distinctive legal remedy is Article 32:** the right to move the Supreme Court to enforce Fundamental Rights.

The Court may issue habeas corpus, mandamus, prohibition, quo warranto, and certiorari.

Ambedkar called **Article 32** the heart of the Constitution because rights need remedies.

Article 226 gives High Courts a broader writ power in practice.

Kesavananda treats judicial review as a basic-structure essential, which protects the remedial core of Part III.

Introduction

Part III of the Constitution of India does not only list liberties. It supplies legal remedies so that those liberties can be enforced against the state. **Ambedkar** called **Article 32** the heart and soul of the Constitution because a right without a remedy is not a legal right.

Body

Article 32 and the writs

Article 32 gives the right to move the Supreme Court for enforcement of Fundamental Rights. The Court may issue habeas corpus, mandamus, prohibition, quo warranto, and certiorari. Habeas corpus tests illegal detention. Mandamus commands a public duty. Prohibition and certiorari control inferior courts and tribunals. Quo warranto tests usurpation of public office. This right to constitutional remedies is itself a fundamental right. Parliament cannot take it away in ordinary fashion; **Kesavananda** later protected judicial review as part of basic structure.

Related remedial structure

Article 226 gives High Courts a wider writ jurisdiction, including for purposes other than Part III, which makes the High Court the first practical forum for many citizens. During Emergency, the suspension of remedies showed what the rights are worth without courts.

Public interest litigation later widened standing, so that remedies could reach those who could not personally approach the Court. The legal remedies in Part III are therefore **Article 32** at the centre, the five writs as tools, and a judicially developed practice of access.

Flow diagram

Part III -> Article 32

Article 32 -> Five writs

Article 32 -> Remedy as a fundamental right

Article 226 -> High Courts

Remedy as a fundamental right -> Judicial review / basic structure

Conclusion

Legal remedies in Part III are the right to approach the Supreme Court under **Article 32**, the writs that follow, and the status of that right as itself fundamental. **Article 226** and later public interest practice complete the working system. Without these, the rest of Part III would be a declaration.

Facts & figures

Article 32

Guarantees the right to constitutional remedies and names the writs the Supreme Court may issue.

Ambedkar

Described **Article 32** as the heart and soul of the Constitution in the Constituent Assembly.

Article 226

Empowers High Courts to issue writs for Fundamental Rights and for other legal purposes, often the citizen's first court.