**FYUGP 3RD SEMESTER**

**SUB- POLITICAL SCIENCE (MAJOR)**

**PAPER TITLE- INDIAN GOVT AND POLITICS**

**UNIT- II**

**Fundamental Rights of Indian Citizens**

**Introduction**

Fundamental Rights are the basic rights guaranteed to all citizens of India by the **Constitution**. They are called "fundamental" because they are essential for the overall development of individuals and the protection of human dignity. These rights protect people from arbitrary actions of the state and ensure that every citizen enjoys freedom, equality, and justice. They are written in **Part III of the Indian Constitution (Articles 12 to 35)**.

The makers of the Constitution drew inspiration from various sources like the **Bill of Rights in the USA**, the **Declaration of the Rights of Man in France**, and international charters. In India, these rights are enforceable by the **courts**—meaning if anyone's rights are violated, they can directly approach the **Supreme Court (Article 32)** or the **High Courts (Article 226)**.

**Features of Fundamental Rights**

1. **Guaranteed by the Constitution** – They are written in the Constitution and have legal protection.
2. **Justiciable** – Citizens can go to court if these rights are violated.
3. **Not Absolute** – Reasonable restrictions can be imposed by the state for public order, morality, security, and the sovereignty of India.
4. **Available to Citizens (and in some cases to foreigners)** – Some rights are only for citizens, while others apply to all persons.
5. **Protection Against State Actions** – Mostly these rights protect individuals from the arbitrary actions of the government, though some rights are enforceable against private individuals too.
6. **Can be Suspended During Emergency** – During a national emergency, some rights (like under Article 19) can be suspended.
7. **Amendable** – Parliament can amend these rights, but it cannot alter their basic structure.

**Classification of Fundamental Rights**

Originally, the Constitution had **seven** Fundamental Rights, but after the **44th Amendment (1978)**, the Right to Property was removed from the list and made a legal right (Article 300A). Today, there are **six Fundamental Rights**:

**1. Right to Equality (Articles 14–18)**

This right ensures that all citizens are treated equally before the law without discrimination.

**Main Provisions:**

* **Article 14** – Equality before law and equal protection of laws.
* **Article 15** – Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth. However, special provisions can be made for women, children, and socially/economically backward classes.
* **Article 16** – Equality of opportunity in matters of public employment.
* **Article 17** – Abolition of untouchability and making it a punishable offence.
* **Article 18** – Abolition of titles (except military and academic distinctions).

**Importance:** It removes social inequalities and promotes fairness in society.

**2. Right to Freedom (Articles 19–22)**

Freedom is the essence of democracy. These articles guarantee several freedoms to citizens.

**Article 19 – Six freedoms**:

1. Freedom of speech and expression.
2. Freedom to assemble peacefully without arms.
3. Freedom to form associations or unions.
4. Freedom to move freely throughout the territory of India.
5. Freedom to reside and settle in any part of India.
6. Freedom to practise any profession or carry on any occupation, trade, or business.

**Reasonable Restrictions:** These freedoms can be restricted in the interests of the sovereignty, integrity, and security of India, public order, morality, etc.

**Other provisions under this right:**

* **Article 20** – Protection in respect of conviction for offences (no double punishment, no retroactive punishment, and protection against self-incrimination).
* **Article 21** – Protection of life and personal liberty. The Supreme Court has interpreted "life" to mean a life with dignity.
* **Article 21A** – Right to free and compulsory education for children aged 6–14 years.
* **Article 22** – Protection in certain cases of arrest and detention (including preventive detention rules).

**3. Right Against Exploitation (Articles 23–24)**

This right protects individuals from forced labour, human trafficking, and exploitation.

**Article 23** – Prohibits human trafficking, forced labour, and begar (unpaid work).
**Article 24** – Prohibits the employment of children below 14 years in factories, mines, and hazardous jobs.

**Importance:** Ensures human dignity and eliminates exploitation in society.

**4. Right to Freedom of Religion (Articles 25–28)**

India is a secular state, meaning there is no state religion. Citizens have the freedom to practise any religion.

**Main Provisions:**

* **Article 25** – Freedom of conscience and the right to profess, practise, and propagate religion (subject to public order, morality, and health).
* **Article 26** – Freedom to manage religious affairs.
* **Article 27** – Freedom from paying taxes for promotion of any particular religion.
* **Article 28** – Freedom from religious instruction in certain educational institutions.

**Importance:** Promotes harmony in a diverse country like India.

**5. Cultural and Educational Rights (Articles 29–30)**

These rights protect the interests of cultural, linguistic, and religious minorities.

**Article 29** – Protection of interests of minorities to conserve their culture, language, or script.
**Article 30** – Right of minorities to establish and administer educational institutions of their choice.

**Importance:** Maintains cultural diversity and prevents the domination of majority culture over minorities.

**6. Right to Constitutional Remedies (Article 32)**

Called the "heart and soul of the Constitution" by Dr. B.R. Ambedkar, this right allows citizens to approach the Supreme Court directly if their fundamental rights are violated.

**Writs that can be issued by the courts:**

1. **Habeas Corpus** – To release a person unlawfully detained.
2. **Mandamus** – To direct a public official to perform a duty.
3. **Prohibition** – To stop a lower court from acting beyond its powers.
4. **Certiorari** – To transfer a case to a higher court or quash an order of a lower court.
5. **Quo Warranto** – To challenge the legality of a person holding a public office.

**Importance:** This ensures the effective enforcement of all other Fundamental Rights.

**Conclusion**

Fundamental Rights are the foundation of India’s democracy. They empower citizens to live with freedom, dignity, and equality while maintaining harmony in society. Although they come with reasonable restrictions to protect public interest, they remain the strongest guarantee against arbitrary rule. The judiciary plays a key role in interpreting and expanding these rights to meet changing needs. Ultimately, they are not just legal provisions but the lifeblood of a just and democratic India.