

NECESSARY FEATURES OF FUNDAMENTAL RIGHTS:

- Fundamental Rights are an indispensable part of our Constitution. Twenty-four Articles are enjoyed with these fundamental rights. Parliament can amend Fundamental Rights by a special procedure.
- Fundamental rights are only for Indian citizens. No alien is permitted to enjoy these rights, except Right to life and personal liberty.
- Fundamental Rights are not absolute. Therefore, within some reasonable restrictions, citizens can enjoy them. Fundamental rights without prescribed conditions may disrupt public order.
- Fundamental Rights are suspended during the time of emergency and Rights of the citizens are curtailed temporarily except Right to life and personal Liberty.
- A citizen can go to the court for enforcement of his Fundamental rights if someone violates them under Article 32 and Article 226 of the Indian Constitution, a citizen can approach the Supreme Court and high court respectively in this regard.
- Some Fundamental Rights are positive while some others are negative in nature.
- Fundamental Rights aim at restoring collective interest along with individual interest.
- Fundamental Rights are superior to ordinary law of the land. They have conferred a special sanctity.
- Some provisions of Part III of the Indian Constitution are of the nature of prohibitions and place constitutional limitations on the authority of the state. For instance, no authority of the state can deny to any person equality before the law or the equal protection of the laws.

TYPES OF FUNDAMENTAL RIGHTS:

Six types of Fundamental Rights are available in our Constitution

1. Right to Equality (Article 14-18)

2. Right to Freedom (Article 19-22)
3. Right against Exploitation (Article 23-24)
4. Right to Religion (Article 25-28)
5. Right to Cultural, Educational and Minority Rights (Article 29-30)
6. Right to Constitutional Remedies (Article 32)

Let us know: Right to Property which was a fundamental Right has been eliminated from the list of Fundamental Rights by the 44th Constitution Amendment Act 1978 and abolished it as the country intends to promote the socialistic objectives. So now it is an ordinary Legal Right.

Following are the fundamental Rights in India:

Right to Equality	✓ Article-14:-Equality before law equal protection of laws ✓ Article-15:- Prohibition on discrimination on the ground of religion, race, caste, sex or place of birth. ✓ Article-16:-Equality of opportunity in matters of public employment ✓ Article -17: End of untouchability. ✓ Article-18:-Abolition of titles, military, and academic distinctions are, however, exempted.
Right to Freedom	✓ Article-19:-It guarantees the citizens of India the following six fundamental freedoms a) Freedom of speech and expression b) Freedom of assembly c) Freedom of Form associations d) Freedom of Movement e) Freedom of Residence and settlement f) Freedom of Profession, occupation, trade, and business.

	✓ Article20:- Protection in respect of Conviction for offenses. ✓ Article21:- Protection of life and personal liberty ✓ Article22:- Protection against arrest and detention in certain cases.
Right against exploitation	✓ Article23:- Traffic in Human beings prohibited. ✓ Article24:- No child below the age of 14 can be employed
Right to Freedom of Religion	✓ Article25:-Freedom of conscience and free profession, practice and propagation of religion ✓ Article26:-Freedom to manage religious affairs. ✓ Article27:- Prohibits taxes on religious grounds ✓ Article28:- Freedom as to attendance at religious ceremonies in certain educational institutions.
Cultural, Educational, and Minority Rights	✓ Article29:- Protection of interests of minorities. ✓ Article30:- Right of minorities to establish and administer educational institutions. ✓ Article31:- Omitted by the 44th Amendment Act.
Right to Constitutional Remedies	✓ Article32:- Right to move the Supreme Court in case of their violation(called soul and heart of the constitution by B.R. Ambedkar)
	✓ Forms of Writ

I. RIGHT TO EQUALITY (Article14-18): It implies equality before the law and equal protection of the laws within the territory of India. No man is above the law of the land. Every person is subject to the ordinary law and amenable to the jurisdiction of the ordinary tribunals. Any discrimination is prohibited and equality of opportunity in matters of public employment under the state is ensured. There is no distinction between officials and private citizen and no discrimination based on caste, creed, religion, sex etc. But the right to equality does not mean absolute equality or universal application. Some exceptions are allowed by the Indian Constitution and these limitations are as follows:

- The president of the Governor of a state shall not be answerable to any court for the power exercised or act done by him.
- No criminal proceeding shall be instituted against the President or the Governor during term of office
- Exemption from taxes to certain classes of property
- Imposition of taxes upon different trades and professions
- Making special provisions for women and child
- Making special provisions for advancement of any socially, economically and educationally backward classes like SCs and STs including special employment opportunities, also known as protective discrimination.

II. RIGHT TO FREEDOM (Article 19-22): This right is the most significant and important for the citizens. This right confers some positive rights to promote the idea of liberty. Article-19 is the most important which guaranteed six freedoms to all citizens.

These are – 19(1) All citizens, shall have the right-

- (a) to freedom of speech and expression;
- (b) to assemble peacefully and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India; and
- (f) to practice any profession, or to carry on any occupation, trade or business

Article 20 and 21 guarantee the right to life, dignity, and status. Under Article 20, no person accused of any offense shall be compelled to be a witness against himself. Similarly, under Article 21, no person shall be deprived of his life or personal liberty except according to the procedure established by law. Article 22 provides some safeguards against arbitrary arrest and detention. Like the Right to Equality, Right to Freedom is not absolute. The state can impose reasonable restrictions upon these rights incorporated in Article-19 to maintain a balance between individual liberty and social control. When a proclamation of emergency is made under Article 352, provisions of Article-19 itself remain suspended (Art.358)

III. RIGHT AGAINST EXPLOITATION (Article 23- 24): Indian Constitution recognizes the dignity of the individual against any form of exploitation either by the state or by the privileged section of the society. Therefore, right against exploitation prohibited traffic in human beings and forced labor and employment of child factories, mines or in any other 'hazardous employment. No child below the age of fourteen years shall be employed to work in any factory or mines or engaged in any other hazardous employment (Article 24).

The provisions of Article 23 and Article 24 absolute and the state is firm on the restoration of dignity and status of the individual against any immoral purposes.

IV. RIGHT TO RELIGION (Article 25-28): Indian Constitution has adopted a secular ideology and declared India as a secular state, which observes an attitude of neutrality and impartiality towards all religion. There is no state religion in India. The state will neither establish a religion of its own nor confer any special patronage upon any religion. Every person is guaranteed the freedom of Conscience and freedom to profess, practice, and propagate his own religion subject to public order, morality and health. Every religious group has been given the freedom to manage religious affairs, own and acquire moveable and immovable property and administer such property in accordance with law. The right to Religion is also subjected to certain limitations. The state has the right and duty to intervene if any religious activity creates public disorder, immorality and so on.

V. RIGHT TO CULTURE, EDUCATIONAL AND MINORITY RIGHTS (Article 29-30):

The Constitution of India guarantees cultural and educational rights for all section of people irrespective of their religious, racial and cultural diversities. These rights are non-political in the real sense. To reserve religious and cultural interest of each community, the Constitution of India incorporated these cultural and educational rights under Article 29 and Article 30. Article 29 guarantees to every minority or section of the people to preserve its language, script, and culture notwithstanding the provisions of Article-343 under which the official language of the union shall be in Devanagari script. The state shall not impose upon any minority group any culture other than the community's own culture Article 29(1). Clause (2) of Article 29 provides that no citizen may be denied admission to State and State aided educational institutions on the grounds only of religion, race, caste or language. Article 30 provides that all communities shall have the right to establish and administer educational

Institutions of its choice and the state shall not discriminate against them in making grants on grounds of religion, race or language. It is implicit in the right conferred by Article 30, the right to impart instruction in their own institutions to the children of their own community in their own language. This right has also some limitations. The State can regulate its affairs in the interest of efficiency of instruction, discipline, morality and public order.

VI. RIGHT TO CONSTITUTIONAL REMEDIES (Article 32-35):

A right without a remedy is a meaningless formality. Indian Constitution enumerates various rights to its citizen and to make these rights effective, it includes some means or remedies in the form of the Right to Constitutional Remedies under enforcement of Fundamental Rights by Constitutional means. Both the Supreme Court under Article 32 and the High Court's under Article 226 can issue necessary writs for the purpose. When a citizen feels that his Fundamental Rights have been violated, he can move the court for redressal. The Supreme Court under Article 32, Section 2) and the High court under Article 226 may issue to safeguard the Fundamental Rights in the nature of habeas corpus, mandamus, prohibition, Quo-Warranto, and certiorari. These are some instruments and means to make Fundamental Rights more effective. The courts have the power to enforce Fundamental Rights by issuing these writs against any authority of the State. The Indian Constitution lays down that any act of the executive or of the legislature which violates Fundamental Rights shall be void and the courts are empowered to declare it as void (Art. 13). Thus, the Constitution of India has made the judiciary as "the protector and guarantor of Fundamental Rights". On the other hand, this Constitutional right is the "heart and soul" of the Constitution as it can only make Fundamental Rights effective. However, the right to move the court for protection of Fundamental Rights may be suspended during an emergency except those rights provided by Article 20 and Article 21.