

Fundamental Rights

- Fundamental Rights (Articles 12-35): Articles 12-35 of the Indian Constitution deal with Fundamental Rights.
- These Rights, as stated by the Constitution are inviolable.
- Fundamental Rights are basic human rights enshrined in the Constitution of India, which are assured to all its citizens.

- No discrimination is allowed in its application based on race, religion, gender, and so forth. Importantly, Fundamental Rights are enforceable by the courts, subject to certain conditions.
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These Rights are known as “Fundamental Rights” due to essentially two reasons:

- They are embedded in the Constitution which guarantees them.
- They are enforceable by the court. In case of violation, a person can approach a court of law.

6 Fundamental Rights of India:

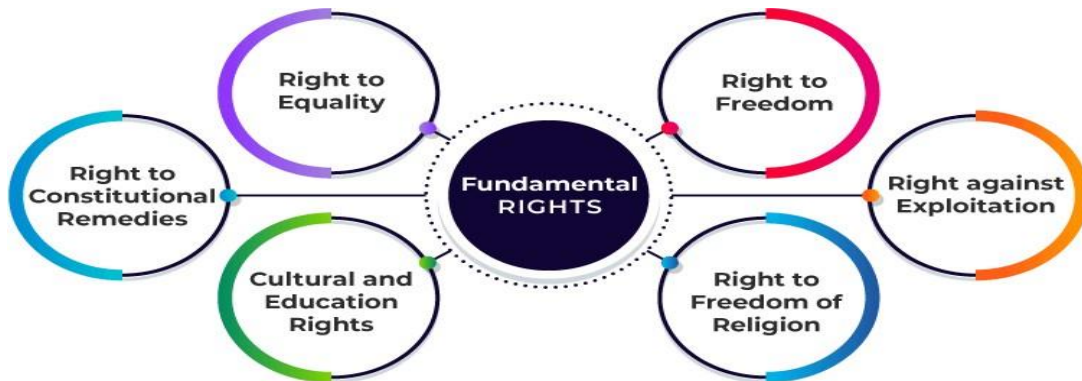
- Fundamental rights are essential for everyone’s moral and intellectual growth.
- Fundamental rights are essential for an individual’s growth.
- India’s post-independence era has resulted in the addition of some extremely important fundamental rights in the Indian constitution.
- Every citizen of India is given certain rights by law.
- It’s vital to know what they are so that no one’s rights get infringed upon.

The Indian Constitution states the following six fundamental rights for an Indian citizen:

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights

6. Right to Constitutional Remedies

The Indian constitution originally had seven essential rights, one of which was the right to property (Article 31), which was subsequently turned into a legal right by the “44 amendments” to the Indian constitution in 1978.



Right to Equality:

- Equal legal rights for all citizens are completely safeguarded by the right to equality. Inequality based on caste, creed, religion, place of birth, race, or sex strictly is prohibited by the Right to Equality.
- It also guarantees equal opportunity in government employment and prevents the government from discriminating against anybody in the workplace merely based on religion, caste, race, gender, descent, place of birth, place of residence, or any of these considerations.
- Articles 14 to 18 provide for equality before the law. Equality before the law is guaranteed by the Constitution, which assures that all people are treated equally before the law.
- The state cannot discriminate against citizens based on their religion, caste, race, gender, or place of birth.
- To attain equality, this is necessary.

Right to Freedom:

- It can also be called as Right to Liberty.
- Every person’s most treasured desire is for them to be free.
- Freedom of speech, expression of freedom, freedom of assembly without arms, freedom of movement throughout our country’s territory, freedom of association, freedom to

pursue any profession, and freedom to reside in any region of the country are just a few of the rights granted by the right to freedom.

- These rights, however, are subject to several restrictions.

Right Against Exploitation:

- Historically, the Indian society has been based hierarchically, which has resulted in all sorts of exploitation.
- It's important to realize that being exploited is the same as, if not worse than mistreated.
- This is a crucial Fundamental Right that ensures that no citizen is subjected to any form of forced labor.
- No one may be forced to labor against their will, even if money is provided.
- The Indian constitution prohibits any form of forced labor.
- If a lower-than-minimum wage is paid, it is considered forced labor.
- In addition, the article declares human trafficking to be unconstitutional.
- As a result, buying and selling men and women for unlawful and immoral purposes is prohibited. In addition, this article declares this 'bound labor' unconstitutional.

Cultural and Educational Rights:

- Cultural and educational rights give all members of society the right to preserve their cultural script or language.
- The image of Indian society that springs to mind is one of diversity. Our Constitution thinks that variety is our strength in such a diverse society.
- As a result, one of the fundamental rights of minorities is the right to preserve their culture.
- Minorities are ethnic or religious groups that share a common language or religion and live in a specific region of the country.
- Minority religious and linguistic groups can also establish their educational institutions.
- They will be able to preserve and develop their own culture in this way.
- Democracy, as we all know, is the rule of the majority.
- Minorities, on the other hand, are critical to the organization's success.
- As a result, minorities' languages, cultures, and religions must be protected.

- This is necessary for minorities to not feel forgotten or undervalued under majority rule. Though individuals are proud of their own culture and language, our constitution provides for a particular right known as the Cultural and Educational Right.

Right to Freedom of Religion:

- The Constitution declares India a “secular state” because it is a multi-religious country where Hindus, Christians, Sikhs, and many more communities coexist.
- It signifies that the Indian state does not have its religion or “national” religion.
- However, it gives all residents complete freedom to believe in any religion and worship whomever they want.
- However, this should not interfere with other people’s religious views and/or practices.
- This liberty is also available to foreigners.
- No one shall be forced to pay any tax whose earnings are used only to pay for expenses made in the promotion or preservation of any particular religion or religious denomination.
- Through educational institutions, this article allows the dissemination of religious knowledge.

Right to Constitutional Remedies:

- In India, there is a right that allows a person to go to the Supreme Court if they want their fundamental rights protected.
- Articles 32 and 226 of the Constitution safeguard this privilege for the Supreme Court and the High Court, respectively.
- The constitutional remedy right is what it’s called.
- Under this Article, the Supreme Court, as well as the high courts, can instill basic rights.
- The authority to expand the rights might also be granted by local courts. The court-martial, however, which is governed by military law, is exempt from this protection.
- According to Dr. B. R. Ambedkar, Article 32 is the constitution’s soul and heart.
- The Supreme Court has also made this a part of its basic working structure.
- Furthermore, this right specifies that the right to appeal to the highest court in India cannot be denied by any court other than those established by the Indian constitution.

- As a result, during a national emergency, this privilege is suspended under Article 359.
- The Supreme Court operates as a guarantee and defender of fundamental rights under Article 32.
- Furthermore, the power to issue Rights was originally delegated to the Supreme Court. As a result, instead of going through the appeals process, a person can go straight to the Supreme Court for redressal.
- Even in an Emergency, a Citizen can invoke this Right.

Importance of Fundamental Rights:

Here are some of the key reasons why fundamental rights are important:

- **Protecting Individual Liberties:** Fundamental rights provide individuals with protection against the arbitrary exercise of state power. This means that individuals have the right to live, work, and speak freely without fear of government repression or infringement of their personal liberties.
- **Promoting Equality:** Fundamental rights promote equality by ensuring that everyone is treated fairly and equally before the law, regardless of their race, religion, caste, gender, or social status. They prohibit discrimination and provide a level playing field for all individuals.
- **Ensuring Justice:** Fundamental rights ensure that justice is accessible to everyone. They guarantee the right to a fair trial, the right to legal representation, and the right to seek redressal for grievances.
- **Fostering Democracy:** Fundamental rights are a cornerstone of democracy. They empower individuals to participate actively in the democratic process by providing them with the freedom to express their opinions, to vote, and to hold their elected representatives accountable.
- **Protecting Human Dignity:** Fundamental rights protect the dignity of individuals by ensuring that they are treated with respect and have the right to live their lives with autonomy and self-determination.

Improving the Scope of Rights:

- Our Constitution and legislation provide a broader set of rights than the Fundamental Rights.

- The extent of rights has widened as a result of this.
- It can occasionally lead to the expansion of a citizen's legal rights.
- The courts have issued rulings to broaden the scope of rights from time to time.
- The right to media freedom, access to knowledge, and the right to education are among the rights that have been stripped from the Fundamental Rights.
- For Indian people, school education has now become a right.
- Governments are responsible for ensuring that all children under the age of 14 get a free and mandatory education.
- Citizens now have the right to information according to a bill passed by Parliament.
- The Fundamental Right to Freedom of Thought and Expression was invoked in the creation of this Act.
- We have the right to ask government departments for details.
- There are many other rights in our Constitution that aren't necessarily Fundamental Rights.
- The property right, for example, is a constitutional right rather than a Fundamental Right. Human Rights are also used as a tool for growth.
- These are universal moral claims that the law would or would not have acknowledged. However, as democracy spreads across the world, governments are under more pressure to accept these assertions.
- As a result, the scope of rights has grown, and new rights have emerged throughout time.