

## Fundamental Rights

Fundamental Rights in the Indian Constitution are the basic rights guaranteed to every citizen to ensure individual freedom and equality. These rights are essential for the development of each person and the overall progress of the country. The concept of Fundamental Rights is inspired by similar rights found in other democratic nations, and they are meant to protect individuals from arbitrary actions of the state and other authorities. These rights are enshrined in Part III of the Indian Constitution, spanning Articles 14 to 35. They form the cornerstone of democracy in India and are enforceable by the courts, meaning that a citizen can approach the judiciary if any of these rights are violated. These rights include equality before the law, freedom of speech and expression, protection against exploitation, the right to freedom of religion, cultural and educational rights, and the right to constitutional remedies. Fundamental Rights are not just ideals but practical tools that help individuals live with dignity and ensure that everyone is treated fairly. The importance of these rights lies in their role in maintaining the rule of law and preventing misuse of power by the government. They create a balance between the authority of the state and the liberty of individuals, making sure that no person is above the law and every citizen gets an equal chance to participate in the nation's progress. The inclusion of Fundamental Rights in the Constitution also reflects the values of justice, liberty, and equality, which are the foundation of the Indian Republic. These rights serve as a moral compass for the country's governance and are considered a measure of a healthy and functioning democracy.

Articles 14 to 35 of the Indian Constitution form the section known as Fundamental Rights. Article 14 states, "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." This means every individual, regardless of their background, must be treated equally in the eyes of the law. Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. It ensures that no citizen is denied access to public places or services. Article 16 guarantees equality of opportunity in matters of public employment and ensures that no one is treated unfairly in government jobs due to caste, religion, or gender. Article 17 abolishes untouchability and forbids its practice in any form. Article 18 abolishes titles, meaning the government cannot give titles that create inequality, except for military or academic distinctions. Article 19 provides the right to freedom of speech and expression, to assemble peacefully, to form associations, to move freely throughout India, to reside in any part of the country, and to practice any profession or occupation. Article 20 offers protection in respect of conviction for offenses, including protection against double punishment and self-incrimination. Article 21 guarantees the right to life and personal liberty, and the Supreme Court has interpreted this to include the right to live with dignity, the right to privacy, and the right to a clean environment. Article 22 provides protection for individuals in cases of arrest and detention, ensuring procedures are followed. Articles 23 and 24 prohibit human trafficking and child labor. Article 25 to 28 deal with freedom of religion, allowing people to practice, profess, and propagate any religion, subject to public order and morality. Articles 29 and 30 protect the cultural and educational rights of minorities. Article 32 allows individuals to directly approach the Supreme Court for enforcement of these rights. Article 33 to 35 allow

Parliament to make laws to modify these rights in certain cases, like for armed forces, and explain how these laws are to be enforced.

In real life, violations of Fundamental Rights occur in many different situations across the country. One common example is the denial of equality in employment based on caste or gender, which is a breach of Article 16. For instance, there have been cases where women were paid less than men for the same job or denied promotions due to gender bias. Another example is the issue of untouchability, despite being abolished under Article 17. In some rural areas, people from certain castes are still denied entry into temples or forced to use separate wells and cremation grounds. Violations of Article 21, the right to life and personal liberty, also occur when people are detained without following proper legal procedures. There have been instances where people were arrested without a warrant or kept in custody beyond the legal time without being produced before a judge. This is against Article 22 as well. Freedom of speech under Article 19 has seen challenges too, especially when individuals were arrested or harassed for expressing their opinions on social media or during public protests. For example, in some cases, students or activists were arrested for sharing posts critical of government policies. Religious freedoms under Article 25 have also faced problems. In certain situations, people have been threatened or attacked for converting to another religion or for wearing religious attire. Child labor, which is banned under Article 24, is still found in industries such as fireworks, domestic work, and roadside stalls, especially in economically weaker sections. Cultural rights under Article 29 and 30 are often overlooked when minority language schools are not given proper support or when state actions try to merge minority schools with others, affecting their cultural identity. These examples show how even though the Constitution provides these rights, their violation is a serious issue that needs attention from the legal system and society.

When Fundamental Rights are violated, the legal system offers various consequences and remedies, depending on the nature and seriousness of the violation. Courts play a major role in protecting these rights, and the Indian judiciary has laid down several penalties and orders to ensure justice. For example, if someone is arrested without following proper legal procedure, the court may order compensation for wrongful detention and may also punish the responsible police officers. In cases of discrimination under Article 15 or Article 16, courts can direct institutions or employers to remove the unfair policies or actions and restore the rights of the affected person. The judiciary has also acted strongly against custodial deaths and fake encounters, which are violations of Article 21. In such cases, the courts have awarded compensation to families and directed the filing of criminal cases against the guilty officers. In cases of violation of freedom of speech, such as illegal censorship or wrongful arrest for expressing opinions, the courts have ordered the release of detained persons and emphasized the importance of free expression. When child labor is found, the employer can face fines and imprisonment under laws like the Child Labour (Prohibition and Regulation) Act. Similarly, violations of religious freedom can result in court directions to ensure safety, punish mob violence, and restore normalcy. In public interest litigations, courts have stepped in to protect the

rights of entire communities, like ordering the closure of polluting factories affecting the right to health under Article 21. The Supreme Court and High Courts can also issue writs like habeas corpus (to produce a detained person), mandamus (to command an authority to perform a duty), and others to ensure these rights are enforced. These judicial actions serve as a warning to violators and help maintain the rule of law in the country.

Preventing the violation of Fundamental Rights requires a combination of public awareness, strong laws, responsible governance, and active participation by citizens. One of the most effective preventive measures is education. When people know their rights, they are more likely to recognize violations and take action. Schools, colleges, and community programs should regularly teach students and citizens about the rights guaranteed under the Constitution. Another important measure is transparency in government functioning. If authorities maintain open and clear communication, and decisions are documented and explained, it reduces the chances of misuse of power. For example, proper documentation in arrests and detentions can prevent unlawful confinement. The role of the police and government officials is also crucial. Regular training in human rights and proper conduct ensures that these officials act lawfully and respect individual freedoms. Additionally, internal checks like human rights cells in police departments can monitor conduct and reduce abuse. Technology also plays a role in prevention. The use of CCTV in public offices, digital record-keeping, and online complaint systems allows for better monitoring and reduces the chance of unlawful actions. Media and civil society organizations act as watchdogs by reporting violations and creating pressure for corrective action. Legal aid services, which provide free legal help to those who cannot afford it, ensure that even the poorest citizens can defend their rights. Employers and educational institutions should adopt non-discriminatory policies and regularly review their rules to ensure they comply with constitutional principles. Community-level initiatives like citizen forums and neighborhood committees can also help identify and report problems early. Preventive action by the government, like conducting surprise inspections in areas prone to child labor or caste-based discrimination, can reduce violations before they become serious. Overall, preventing Fundamental Rights violations requires active effort by all sections of society.

If a person's Fundamental Rights are violated, they have the right to seek justice through a legal redressal process. The first step is to collect evidence of the violation. This can include documents, photographs, videos, or witness statements that support the claim. The next step is to approach the appropriate authority. For example, if the issue involves a police officer or government official, the person can file a complaint at the nearest police station or with the concerned department. If the complaint is not addressed, the person can approach the State Human Rights Commission or the National Human Rights Commission, which are bodies set up to investigate human rights issues. In more serious or urgent cases, the individual can directly

approach the courts. They can file a petition in the High Court under Article 226 or in the Supreme Court under Article 32 of the Constitution. These articles give the courts power to issue orders and protect rights. The person can file a writ petition, such as habeas corpus if someone is illegally detained, or mandamus if an authority is not doing its duty. It is not necessary to have a lawyer for filing such petitions, but legal advice is helpful for better results. Free legal aid is available through Legal Services Authorities for those who cannot afford a lawyer. In some cases, people can file a Public Interest Litigation (PIL) if the rights of a group or community are affected. After filing, the court examines the facts, listens to both sides, and then gives a judgment. If the court finds that a right was violated, it can order compensation, punishment, or corrective action. Even after a judgment, if the orders are not followed, a person can file a contempt of court petition. Thus, the legal redressal system provides clear steps that every citizen can use to protect their Fundamental Rights.

Various authorities play an important role in protecting and enforcing Fundamental Rights in India. The judiciary, especially the Supreme Court and High Courts, is the most powerful authority in this regard. These courts have the power to hear cases related to the violation of Fundamental Rights and can issue orders to stop the violation or to provide relief to the affected person. They can also punish officials who do not follow the law. Another important authority is the National Human Rights Commission (NHRC), which investigates complaints of human rights violations, including those related to Fundamental Rights. It can recommend action, suggest compensation, and ask the government to take steps to prevent future violations. Each state has its own State Human Rights Commission that performs a similar role at the state level. The police are also responsible for protecting Fundamental Rights, especially when it comes to issues like illegal detention, caste-based violence, or child labor. However, they are also sometimes responsible for violations, which is why their conduct is closely watched by courts and commissions. Government departments and local authorities like municipal bodies must also follow the Constitution while performing their duties. If they pass rules or take actions that go against Fundamental Rights, the courts can cancel those decisions. Commissions such as the National Commission for Women, National Commission for Minorities, and National Commission for Scheduled Castes and Scheduled Tribes also help safeguard the rights of specific groups. These bodies look into complaints, make recommendations, and sometimes work with the courts. Parliament and state legislatures also play a role by making laws that uphold Fundamental Rights and by amending or removing laws that violate them. Civil society organizations, legal aid centers, and human rights groups act as support systems, helping people understand their rights and guiding them through the legal process. All these authorities, working together, help ensure that the rights granted by the Constitution are respected in practice.

Several landmark judgments by the Indian judiciary have shaped the understanding and enforcement of Fundamental Rights. One important case is *Kesavananda Bharati v. State of Kerala* (1973), where the Supreme Court ruled that Parliament cannot alter the basic structure of the Constitution, including Fundamental Rights. This case protected citizens from any attempt to weaken their rights through constitutional amendments. Another historic case is *Maneka Gandhi v. Union of India* (1978), where the Supreme Court expanded the interpretation of Article 21. In this case, the government had impounded Maneka Gandhi's passport without giving her a reason. The court ruled that the right to life and personal liberty includes the right to travel and that any restriction must follow a fair procedure. This judgment ensured that laws affecting liberty must be just, fair, and reasonable. A third significant case is *Shayara Bano v. Union of India* (2017), which dealt with the practice of instant triple talaq. The court declared this practice unconstitutional as it violated the rights to equality and dignity under Articles 14 and 21. This ruling was a major step toward gender justice and reinforced the protection of Fundamental Rights for women in personal matters. In all these cases, the courts used their power under Articles 32 and 226 to ensure that no law or practice could override the guaranteed rights of individuals. These judgments not only resolved individual disputes but also set legal standards for future cases. They show how the judiciary acts as a guardian of the Constitution and a protector of individual freedoms. Such decisions help maintain public trust in the legal system and ensure that Fundamental Rights are not just written in the Constitution but are also applied in real life.

While Fundamental Rights are vital to ensuring justice and equality, there are certain limitations and exceptions to their application. These rights are not absolute and can be restricted under specific circumstances in the interest of public order, national security, morality, or the rights of others. For example, Article 19, which guarantees freedom of speech and expression, can be limited if the speech incites violence, promotes hatred between communities, or threatens the integrity of the country. Similarly, the right to assemble peacefully can be restricted if the gathering could lead to a breach of public peace. During times of emergency, certain rights such as those under Articles 19 can be suspended temporarily by the government under Article 359. This was done during the Emergency declared in 1975, where several rights were curtailed in the name of national security. Article 33 allows Parliament to modify the rights of members of the armed forces and police so that discipline and national security are not compromised. For example, armed forces personnel may not have the same freedom to form unions or express political opinions as civilians. Also, Article 31, which used to deal with the right to property, was removed as a Fundamental Right and is now only a legal right under Article 300A. This means the government can acquire private property for public use with compensation, and it is no longer protected under Part III. The right to religious freedom under Article 25 is also subject to public order and morality. So, if a religious practice causes harm or goes against public interest, the state can regulate or ban it. In cases involving national security or prevention of terrorism, preventive detention laws allow the government to detain individuals without trial for a limited period. These laws are exceptions to the regular legal process and have been a subject of much

debate. Thus, while Fundamental Rights are powerful tools for protection, they are balanced with the needs of the larger society and can be restricted under lawful and reasonable conditions.

In conclusion, Fundamental Rights under Articles 14 to 35 of the Indian Constitution form the foundation of the democratic structure of the country. They ensure that every citizen is treated with fairness, dignity, and equality, and they protect individuals from arbitrary actions by the state or other powerful entities. These rights cover essential freedoms such as equality before the law, freedom of speech and religion, protection from exploitation, and the right to life and liberty. They are enforceable by the courts, which means any violation can be challenged legally. Over time, judicial interpretations have expanded the meaning and scope of these rights, making them more inclusive and responsive to the changing needs of society. Despite the strength of these protections, violations still occur, and continuous efforts are needed to prevent misuse and to ensure that everyone, regardless of their background, has equal access to justice. Citizens must remain informed and active in using legal remedies when rights are denied. Authorities must also remain accountable and responsive to complaints. While these rights are crucial, it is also important to understand their limits and the balance between individual freedom and social responsibility. Laws and restrictions are sometimes necessary for maintaining order and protecting the rights of others. This balance ensures that Fundamental Rights serve both personal and public interests. Lastly, this document provides a general understanding of Fundamental Rights, but legal situations can be complex and may vary case by case. Therefore, anyone facing a violation or needing legal advice should consult a qualified lawyer or legal professional who can provide specific guidance based on the individual facts and the latest legal developments.