**Fundamental Rights in Constitution of Pakistan 1973**

**1. INTRODUCTION:**  
Fundamental rights are those rights, which are provided to people against abuse of powers and unfair damages so as to create pleasant and healthy atmosphere for people. **Fundamental rights** are the basic rights of the citizens. According to constitution of Pakistan, all citizens are equal before law and are entitled to equal protection of law. To fulfill this objective, constitution of Pakistan has provided some fundamental rights and freedom to Pakistanis.

**2. MEANING OF FUNDAMENTAL RIGHTS:**

Those rights which have their source and are explicitly or implicitly guaranteed in the constitution.

**3. DEFINITION OF FUNDAMENTAL RIGHTS:**

*"Fundamental rights are those natural rights which are personal to the individual as a citizen of a free and civilized community and belong alike to every man, woman and child. According to Black’s dictionary: A right derived from natural or fundamental law."*

**4. OBJECTIVE OF GUARANTEED FUNDAMENTAL RIGHTS:**

The objective of guaranteed fundamental rights is to promote social, economic and cultural conditions, which promote life, liberty and dignity.

**5. FUNDAMENTAL RIGHTS PROVIDED UNDER 1973 CONSTITUTION:**

The fundamental rights provided under 1973 constitution may be classified as follows:-

**5.1 RIGHT TO LIFE OR LIBERTY:**

This right is the most important to all fundamental rights. It is the basis of the rule of law. It declares that a person cannot be deprived of his life or liberty except in accordance with law.

**5.2 SAFEGUARD AS TO ARREST AND DETENTION:**

Every person who is arrested and detained in custody shall be produced before a Magistrate within a period of twenty four hours of his arrest. He has the rights to consult or be defended by a lawyer of his choice.

**5.3 SAFEGUARD AGAINST SLAVERY AND FORCED LABOURS:**

The constitution in conformity with the wish of the prophet has declared slavery altogether illegal. So Slavery is forbidden and all from of forced labour are prohibited under constitution of 1973. No person can be forced to work against his will and no children below 14 years of age can be engaged in any labor works.

**5.4 PROTECTION AGAINST RETROSPECTIVE PUNISHMENT:**

Under the constitution no law, shall authorize the punishment of a person for an act or omission that was not punishable by law at the time of act or omission.

**5.5 PROTECTION AGAINST DOUBLE PUNISHMENT AND SELF INCRIMINATION:**

Double jeopardy means prosecution or sentencing twice for the same offence and self-incrimination means to enforce a person to become witness against himself. Constitution of Pakistan has negated concepts of double jeopardy and self-incrimination.

**5.6 INVIOLABILITY OF DIGNITY OF MAN ETC:**

This right is that dignity of man and subject to law the privacy of home is inviolable. It is in clear terms prohibits that no person shall be subjected to torture for the purpose of extracting evidence.

**5.7 FREEDOM OF MOVEMENT:**

Every citizen of Pakistan shall have the freedom of movement through Pakistan and to reside and settle in any part of the country.

**5.8 RIGHTS TO ASSEMBLY:**

Every citizen has right to assembly peacefully and without arms. Freedom of assembly is subject to any reasonable restrictions, which are imposed by law in the interest of public order.

**5.9 FREEDOM OF ASSOCIATION:**

Every citizen in Pakistan has right to form associations or unions provided that such steps are taken with in the limits.

**5.10 POLITICAL FREEDOM:**

Every citizen of Pakistan not being in the service of Pakistan shall have right to from or be member of a political party.

**5.11 FREEDOM TO TRADE, BUSINESS OR PROFESSION:**

Every citizen has the right to enter upon any lawful profession or occupation and to conduct any lawful trade or business.

**5.12 FREEDOM TO SPEECH:**

Every citizen of Pakistan shall have freedom of speech as well as expression. Freedom of speech and expression is the major fundamental right of the people of Pakistan.

**5.13 FREEDOM TO PROFESS RELIGION:**

Every citizen of Pakistan shall have right to profess, practice and propagate his religion.

**5.14 SAFEGUARD AGAINST RELIGIOUS TAXES:**

No person shall be compelled to pay any special tax for the support of propaganda of the religion other than his own.

**5.15 RIGHT TO FREEDOM OF RELIGIOUS INSTITUTION:**

The constitution provides for safeguards in respect of religious educational institution. No person will be compelled to receive religious instruction in religion other than his own.

**5.16 FREEDOM TO ACQUIRE PROPERTY:**

The constitution recognizes the institution of private property. It declares that every citizen has the right to acquire held and dispose of property.

**5.17 PROTECTION OF PROPRIETARY RIGHTS:**

It lays down that no person will be deprived of his property save in accordance with law. This right protects the citizen against arbitrary expropriation of deprivation of their property, except in accordance with law.

**5.18 EQUALITY OF CITIZEN:**

All citizens of Pakistan (Not Aliens) are equal before law and are entitled to equal protection of law. There is no discrimination on the basis of race, religion, caste and sex.

**5.19 NON DISCRIMINATION IN RESPECT OF ACCESS TO PUBLIC PLACES:**

Every citizen irrespective of his race, religion, caste, sex, place of birth has right to access to all places of public entertainment or resort. However special provisions could be made for women and children.

**5.20 NON DISCRIMINATION IN SERVICE:**

If a citizen is otherwise qualified for appointment in the service of Pakistan, he cannot be refused appointment merely on the ground of his race, religion, caste, sex, residence, or place of birth. This right is, however, subjected to regional quotes for sometime.

**5.21 PRESERVATION OF LANGUAGE, SCRIPT AND CULTURE:**

This article guarantee that if any section of citizens has any other distinct language of its own, it shall have the right to preserve and promote it.

**6. SUSPENSION OF FUNDAMENTAL RIGHTS DURING THE EMERGENCY:**

During an emergency the president can be an order suspend the enforcement of some of the fundamental rights guaranteed to the citizen under the constitution.

**7. REMEDIES FOR THE ENFORCEMENT OF FUNDAMENTAL RIGHTS:**

The Constitution remedy has been provided for the enforcement of fundamental rights. These rights are enforceable by the high court and Supreme Court of Pakistan. Under article 199 of the constitution, the high court or the Supreme Court can be moved by any person to enforce them even against the state.

**8. CONCLUSION:**

 To conclude we can say that fundamental rights are part and parcel of the constitutional law. There can be no democratic constitution without it. In the constitution of 1973 fundamental rights have been given. The fundamental rights safeguard the liberty and rights of the people. The fundamental rights can not be suspended without applying constitutional methods.