

Fundamental Rights

The Fundamental Rights in India enshrined in part III (Article 12–35) of the Constitution of India guarantee civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India.[1] These rights are known as "fundamental" as they are the most essential for all-round development i.e., material, intellectual, moral and spiritual and protected by fundamental law of the land i.e. constitution. If the rights provided by Constitution especially the Fundamental rights are violated the Supreme Court and the High Courts can issue writs under Articles 32 and 226 of the Constitution, respectively, directing the State Machinery for enforcement of the fundamental rights.

These include individual rights common to most liberal democracies, such as equality before law, freedom of speech and expression, freedom of association and peaceful assembly, freedom to practice religion and the right to constitutional remedies for the protection of civil rights by means of writs such as habeas corpus. Violations of these rights result in punishments as prescribed in the Indian Penal Code, subject to discretion of the judiciary. The Fundamental Rights are defined as

basic human freedoms where every Indian citizen has the right to enjoy for a proper and harmonious development of personality and life. These rights apply universally to all citizens of India, irrespective of their race, place of birth, religion, caste or gender. They are enforceable by the courts, subject to certain restrictions. The Rights have their origins in many sources, including England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man.

The six fundamental rights are:[2]

Right to equality (Article 14–18)

Right to freedom (Article 19–22)

Right against exploitation (Article 23–24)

Right to freedom of religion (Article 25–28)

Cultural and educational rights (Article 29–30)

Right to constitutional remedies (Article 32–35)

Rights literally mean those freedoms which are essential for personal good as well as the good of the community. The rights guaranteed under the Constitution of India are

fundamental as they have been incorporated into the Fundamental Law of the Land and are enforceable in a court of law. However, this does not mean that they are absolute or immune from Constitutional amendment.[3]

Fundamental rights for Indians have also been aimed at overturning the inequalities of pre-independence social practices. Specifically, they have also been used to abolish untouchability and hence prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth. They also forbid trafficking of human beings and forced labour. They also protect cultural and educational rights of ethnic and religious minorities by allowing them to preserve their languages and also establish and administer their own education institutions. When the Constitution of India came into force it basically gave seven fundamental rights to its citizens. However, Right to Property was removed as a Fundamental Right through 44th Constitutional Amendment in 1978. In 2009, Right to Education Act was added. Every child between the age of 6 to 14 years is entitled to free education.