

Features of Fundamental Rights

- Fundamental Rights are protected and guaranteed by the Indian Constitution.

- The Fundamental Rights are regarded as limitations on the powers of the State. The Parliament can curtail Fundamental Rights or put reasonable restrictions on them for a fixed period of time.

However, the court has the power to review the reasonability of the restrictions.

The Fundamental Rights are individual rights and are enforceable against the State and not against individuals except for the Right Against Untouchability, The Right Against Exploitation, and The Right to Personal Liberty.

- The Fundamental Rights are justiciable in the Court of Law. The Constitution of India allows the individual to move directly to the Supreme Court for the reinforcement of his/her Fundamental Rights when they are violated, restricted, or curtailed.

- The Constitution does not formulate Fundamental Rights in absolute terms. Every right is to be

exercised subject to the limitations embodied in that very part itself.

- However, some of the Fundamental Rights are absolute. These rights are, Right Against Untouchability, the Right against engaging children below 14 years of age in hazardous units, and the Right to freedom of conscience.

- All the Fundamental Rights are suspended during National Emergencies except the rights guaranteed under Articles 20 and 21. Moreover, Fundamental Rights can also be restricted during military rule in any particular area.

Fundamental Rights Article 12: The State

The Constitution of India Article 12 of the Constitution provides for the definition of State