

Fundamental Rights Article 12: The State

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

Part III. It states, “unless the context otherwise requires, the State includes the Government and

Parliament of India and the Government and the Legislature of each of the States and all local

or other authorities within the territory of India or under the control of the Government of India.”

This definition suitably covers all government-funded organizations, government-controlled and

administered bodies including statutory bodies. The expansion of the provision was enunciated

in the case of *Ajay Hasia v. Khalid Mujeeb* (1981).

Fundamental Rights Article 13: Judicial Review

It declares all laws, whether pre-constitutional or post-constitutional void if they are inconsistent

with or abridge or violate the Fundamental Rights. The main objective of Article 13 is to secure

the paramountcy of the Constitution, especially with regard to fundamental rights. This was held

in the case of *Renu v. District and Sessions Judge, Tis Hazari* (2014).

Fundamental Rights- Right to Equality (Article 14-18)

The Right to equality envisions equality before the law and equal protection of laws, it also

envisions special protections for vulnerable members of the society such as Scheduled Castes,

Scheduled Tribes, Women, and Children. Article 17 provides for the abolition of untouchability and Article 18 abolishes the announcement of titles. This is in the spirit to provide an egalitarian society.

Fundamental Rights- Right to Freedom (Article 19-22)

Article 19-22 provides for the protection of personal liberty. Under Article 19, various rights have been provided:

- a. Freedom of Speech and expression
- b. Freedom to assemble peacefully without arms
- c. Freedom of forming associations, unions, and cooperative society
- e. Freedom to reside and settle
- f. Property (abolished by 44th Constitutional Amendment Act, 1978)
- g. Freedom of profession, occupation, trade, or business.

Article 20 enunciates the protection in respect of conviction for offenses, it provides protection against retrospective application of criminal laws, double jeopardy, and self-incrimination.

Article 21 is widest in interpretation and the provision for the Right to Life has been explained to include the right to a healthy environment, the right to a speedy trial, and the right to sleep among others. It aims to help in the overall development of the individual.

Article 22 denotes protection in cases of preventive detention and post-arrest mechanisms. It provides for the right to counsel, the right to be informed of grounds on which arrest takes place, and the right to be taken to the nearest magistrate within 24 hours of arrest.