

SIGNIFICANCE AND CHARACTERISTICS

The fundamental rights were incorporated into the Constitution because they were regarded to be crucial for the dignity of every person and the personality development of each person. The framers of the Constitution believed that democracy would be useless without state recognition and protection of civil rights, including freedom of expression and religion. They contend that since democracy is a popular government, its citizens should have access to the tools necessary to shape public opinion. The Constitution of India guarantees everyone's Right to free speech, expression, and other freedoms as fundamental rights to achieve this goal.

Everyone has the right to file a direct petition with the Supreme Court or the High Courts to enforce his fundamental rights, regardless of race, religion, caste, or sex. The party who feels wronged does not necessarily have to take action. Because poor people may lack the resources to do so, anyone may file a lawsuit in court on their behalf if it is in the public interest. "Public interest litigation" (PIL) refers to this.

Based on newspaper reporting, High Court judges have occasionally taken independent actions suo moto.

These fundamental rights contribute to both the preservation of human rights and their prevention. They highlight the country's essential oneness by ensuring that all citizens have equal access to and use the same amenities. Some fundamental rights apply to people of any nationality, while others are solely available to Indian citizens. All people have the right to religious freedom as well as the right to life and personal liberty. The freedoms of speech and expression and the Right to live and settle wherever in the state are only guaranteed to citizens, including non-resident Indian nationals.

Although some rights are enforceable against individuals, fundamental rights primarily shield people from any arbitrary official actions. For instance, untouchability and beggary are both prohibited under the Constitution. These regulations restrain both the actions of the state and private individuals. Protecting the public good necessitates some reasonable limitations on fundamental rights, so they are neither unconstrained nor unlimited. They may also be restricted in specific ways. The Supreme Court has declared that the Constitution's provisions on fundamental rights and all other clauses are subject to change. The fundamental framework of the Constitution, however, cannot be altered by the Parliament because that comes under the basic structure. Now let there be birds eye view on various Fundamental 26 Right.

Right to Equality (Art.14-18)

A significant right guaranteed by Articles 14, 15, 16, 17, and 18 of the Constitution is the Right to equality.

It ensures the following and serves as the cornerstone for all other rights and liberties.

Equality before the law: The Right to equal protection under the law is guaranteed by Article 14 of the Constitution. It implies that the State will treat individuals in similar situations equally. According to this article, individuals—Indian citizens or not—shall receive different treatment depending on the situation.

Social equality and equal access to public areas: No one shall be subjected to discrimination based on religion, race, caste, sex, or place of birth, according to Article 15 of the Constitution. Everybody must have equitable access to public spaces, including playgrounds, museums, wells, and ghats for bathing. The State may, however, provide any special provisions for women and children. Any scheduled caste,

scheduled tribe, or socially or educationally underprivileged class may receive special consideration.

Equality in matters of public employment: According to Article 16 of the Constitution, the State is prohibited from discriminating against anyone in terms of employment. The government accepts applications from all citizens. However, there are a few restrictions. The Parliament may pass legislation mandating that only residents may apply for particular positions. This can be for jobs where understanding the area's locality and language is necessary. In order to uplift the poorer segments of society, the State may additionally reserve positions for members of scheduled castes, scheduled tribes, or backward classes who are not adequately represented in state-run services. Additionally, a rule might be introduced stipulating that anyone holding a position of authority within a religious institution must likewise practice that religion.

The Citizenship (Amendment) Bill, 2003, states that Indian citizens living abroad will not be granted this status.

Abolition of untouchability: The practice of untouchability is prohibited by Article 17 of the Constitution. Untouchability is a criminal crime, and those who engage in it risk legal repercussions. The Protection of Civil Rights Act of 1976 amended the Untouchability Offences Act of 1955 to include penalties for denying access to a tank, well, or place of worship.

Abolition of Titles: Article 18 of the Indian Constitution prevents the State from granting titles. Indian citizens are not permitted to receive titles from foreign states. In India, the British government established an aristocratic class known as Rai Bahadurs and Khan Bahadurs; these titles were also eliminated.

However, Indian citizens are eligible to receive academic and military honors. The Bharat Ratna and Padma Vibhushan awards cannot be utilized as titles by the winner and do not fall under the constitutional ban. On 15 December 1995, the Supreme Court recognized the legitimacy of these awards.