

## **FEATURES OF FUNDAMENTAL RIGHTS**

The Republic of India's Constitution has a chapter on fundamental rights, just like most constitutions of civilized nations. It is stated in Articles 12 to 35 of Part III of the Constitution. For a nation like India, the inclusion of the Fundamental Rights in the Constitution has a special significance on its own. The Indian polity had degraded into autocratic governance by the bureaucracy during the protracted period of a foreign administration. Favoritism, nepotism, etc., were prevalent. Residents felt humiliated and demoralized. The founders of our Constitution believed it was appropriate to establish Fundamental Rights in the Constitution in order to restore dignity to the people and protect them from governmental excesses.

Our fundamental rights have few unique features, which are listed as follows:

The fundamental rights guaranteed by our Constitution are accorded to every citizen of the republic without any discrimination on the ground of race, religion, caste, creed, gender, or sexual orientation.

**Inalienable:** Our rights are not inalienable. Every one of them is subject to some limitations. These limitations have been put in place as a defence against third parties interfering with the same rights of one or more citizens.

**Justiciable:** We have been granted the Right to knock on the court doors and obtain redress if there is ever an infringement of our rights by the State, a person, or a group of people. If any of the Fundamental Rights protected by our Constitution are curtailed, even a law passed by the nation's legislature could be overturned by a court.

**Comprehensive:** The method taken by the Fundamental Rights is thorough. Our social, economic, cultural,

and religious interests are frequently fiercely protected by them.

Suspendable: In the event of a National Emergency, the fundamental rights of Indian citizens may be

suspended for the sake of the security and stability of our nation.

1. Fundamental Rights are a part of the Constitution and cannot be removed by ordinary law

because they are a component of the Constitution. If a law violates the rights protected by the

Constitution, it will be deemed unconstitutional by any legislature in the nation.

2. Comprehensive and thorough: Part III of the Constitution has a reasonably elaborate list of rights.

The scope and restriction of each Article have been described.

3. Inadequate social and economic rights: The Constitution solely protects civil liberties and rights.

The Fundamental Rights do not include rights like the Right to work, the Right to health, or the

Right to social security.

4. Rights have limitations: All fundamental human rights, except the prohibition against

untouchability, are not unqualified. They are qualified with reasonable restrictions and serve

society's general good. The Constitution describes each Right's reach while also outlining its

restrictions. These have been established to safeguard India's security, morality, public order,

and health. Additionally, certain exceptions to fundamental rights are made for members of

security and law enforcement agencies while martial law is in effect.

5. Rights Can Be Enforced: Fundamental Rights are Justiciable. A person has the right to petition

the Supreme Court or one of the High Courts to protect and enforce his or her Fundamental

Rights if any of these rights are violated by the government or anybody else. As a result, these

rights are not only granted but also guaranteed by the Constitution. The Right to constitutional remedies, public interest litigation, and human rights commissions are only a few of the many tools available to preserve these rights.

6. Fundamental Rights are amendable: They are not inalienable and unchangeable. Any provision of the Constitution, including the Fundamental Rights, may be amended by Parliament according to article 368. Despite their inherent inviolability, the Fundamental Rights might be changed by the Parliament but Parliament can not amend the basic structure.

7. Provision for Rights Suspension: During an emergency, the Constitution allows for the suspension of all or some of the Fundamental Rights. However, the suspension immediately expires when the emergency is lifted, or the president withdraws it.

8. The fundamental rights of citizens have constitutional precedence above ordinary laws and directive principles of the state, even if the president withdraws them.

9. Unique Rights for Minorities: According to the Fundamental Rights, minorities of all kinds are guaranteed special rights. This stands apart from the Constitution's promise of secularism. Their rights to culture and education have been recognized. Untouchability is prohibited and is now a felony. Additionally, it has provided additional safeguards for women and children.

10. No natural rights: The doctrine of "natural rights" is not the foundation of the chapter on fundamental rights. Natural rights are claimed to be the property of man and unalienable from him by "nature." It is asserted that man already had certain rights before the (idea of) state

emerged. Natural rights, therefore, do not derive their existence from being listed in the

Constitution. Natural or unlisted rights are not recognized in the Indian Constitution. Only the rights outlined in Part III of the Constitution are guaranteed to Indian citizens.

11. The Constitution of India does not guarantee property rights, a characteristic of liberal democracies. Actually, as of 1949, the original Constitution gave citizens a fundamental property right. The property right was removed from the list of fundamental rights due to the obstacles it posed to executing some socio-economic changes. A legal right was established for it under Article 300A. As a result, the property right is now a legal right and not a fundamental human right.