

Fundamental Rights

Article 12 to 15, Sources, Amendments and Facts

Fundamental Rights are the basic rights given by the Constitution of India to every citizen. They are written in **Part III of the Constitution (Articles 12 to 35)**. These rights are necessary for equality, freedom, and justice. They protect individuals from unfair actions of the state. For competitive exams, questions on Fundamental Rights are very common, so knowing articles and sub-parts is very important.

Fundamental Rights

Fundamental Rights form the foundation of democracy in India. They give citizens the power to live with dignity, equality, and freedom. Knowing all Articles, sub-parts, and amendments is essential for exam preparation. While these rights are not unlimited, they provide strong protection against injustice and help India remain a democratic and fair society.

Fundamental Rights: Overview

There are six Fundamental Rights in India at present. Originally, there were seven, but the Right to Property (Article 31) was removed in 1978 by the 44th Constitutional Amendment Act.

Fundamental Rights: Overview		
Fundamental Right	Articles Covered	Key Highlights
Right to Equality	14 to 18	Equal rights, abolition of untouchability, end of titles
Right to Freedom	19 to 22	Freedom of speech, movement, profession, protection of life and liberty
Right against Exploitation	23 to 24	Ban on trafficking, forced labor, child labor
Right to Freedom of Religion	25 to 28	Religious freedom and secular character of state
Cultural and Educational Rights	29 to 30	Protection of language, culture, and minority rights

Right to Constitutional Remedies	32	Right to approach Supreme Court if rights are violated
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Sources of Fundamental Rights

The makers of the Indian Constitution borrowed the concept of Fundamental Rights from several sources. They studied other Constitutions and international documents before finalizing the Indian model. **Fact:** The first Indian document to demand Fundamental Rights was the Nehru Report of 1928.

Sources of Fundamental Rights		
Source Document	Country/ Year	Rights Taken
Bill of Rights	USA (1791)	Freedom of speech, equality before law, rights against exploitation
Declaration of the Rights of Man	France (1789)	Liberty, equality, fraternity
Constitution of Ireland	Ireland (1937)	Directive Principles and influence on rights structure
Magna Carta	England (1215)	Protection of individual liberties and rule of law
Universal Declaration of Human Rights	United Nations (1948)	Human dignity, equality, and basic freedoms

Right to Equality (Articles 14 to 18)

This right ensures that all citizens are equal before law.

- **Article 14:** Equality before law and equal protection of laws.
- **Article 15:** Prohibition of discrimination based on religion, race, caste, sex, or place of birth.
- **Article 16:** Equality of opportunity in public employment.
- **Article 17:** Abolition of untouchability.
- **Article 18:** Abolition of titles like "Sir" or "Rai Bahadur".

Right to Freedom (Articles 19 to 22)

This right gives freedom to express, move, and live with dignity.

- **Article 19:** Six freedoms
 1. Freedom of speech and expression
 2. Freedom to assemble peacefully without arms
 3. Freedom to form associations and unions
 4. Freedom to move freely throughout India
 5. Freedom to reside and settle in any part of India
 6. Freedom to practice any profession or trade
- **Article 20:** Protection in respect of conviction for offences (no double punishment, no retrospective punishment).
- **Article 21:** Right to life and personal liberty.
- **Article 21A:** Right to free and compulsory education for children (6 to 14 years), added by the **86th Amendment Act (2002)**.
- **Article 22:** Protection in cases of arrest and detention.

Right against Exploitation (Articles 23 to 24)

This right protects people from being exploited.

- **Article 23:** Prohibition of human trafficking, begar (forced labor), and similar practices.
- **Article 24:** Prohibition of employment of children below 14 years in factories, mines, or hazardous work.

Right to Freedom of Religion (Articles 25 to 28)

This right protects the religious freedom of citizens.

- **Article 25:** Freedom of conscience and free profession, practice, and propagation of religion.
- **Article 26:** Freedom to manage religious affairs.
- **Article 27:** Freedom from paying taxes for promotion of a particular religion.
- **Article 28:** Freedom from attending religious instruction in educational institutions maintained by the state.

Cultural and Educational Rights (Articles 29 to 30)

These rights protect the culture and education of minority groups.

- **Article 29:** Protection of interests of minorities (language, script, culture).
- **Article 30:** Right of minorities to establish and administer educational institutions of their choice.

Right to Constitutional Remedies (Article 32)

This right protects all other rights. Citizens can directly approach the Supreme Court if their Fundamental Rights are violated. Dr. B. R. Ambedkar called Article 32 the “**Heart and Soul of the Constitution.**”

- **Article 32(1):** Right to move the Supreme Court.
- **Article 32(2):** Power of the Supreme Court to issue writs.
- **Article 32(3):** Parliament can empower other courts with similar powers.
- **Article 32(4):** This right cannot be suspended except during an Emergency.

The writs are:

- **Habeas Corpus-** to release an unlawful detention.
- **Mandamus-** to command a public official to perform duty.
- **Prohibition-** to stop a lower court from exceeding its powers.
- **Certiorari-** to transfer a case from lower court to higher court.
- **Quo Warranto-** to question authority of a person holding public office.

Deleted Fundamental Right

- **Article 31: Right to Property-** It gave citizens the right to acquire, hold, and dispose of property.
- Deleted by **44th Amendment Act, 1978** and shifted to **Article 300A** as a legal right, not a Fundamental Right.

Key Amendments Related to Fundamental Rights

- **42nd Amendment Act (1976):** Added restrictions to Article 19 during Emergency.
- **44th Amendment Act (1978):** Removed Right to Property from Fundamental Rights.
- **86th Amendment Act (2002):** Added Article 21A (Right to Education).

Fundamental Rights: Facts for Exams

- Fundamental Rights are **justiciable-** they can be enforced in court.
- They are not absolute and can have reasonable restrictions.
- They can be suspended during **National Emergency**, except Articles **20 and 21**.
- Enshrined in **Part III of the Constitution (Articles 12–35)**.