

**Question: What are Fundamental Rights? Explain their significance in the Indian Constitution with examples.**

**Answer:**

**Fundamental Rights** are one of the most important parts of the Indian Constitution. These are the rights that guarantee freedom, equality, and dignity to every citizen. These rights protect citizens from any injustice by the government or any other institution. Part 3 of the Indian Constitution (Articles 12 to 35) mentions these rights.

### **1. Definition of Fundamental Rights:**

Fundamental Rights are the rights that guarantee every Indian citizen equality, freedom, justice, and dignity. These rights protect citizens from discrimination, exploitation, and oppression.

### **Why were Fundamental Rights included in the Constitution?**

Historically, India has seen discrimination based on caste, religion, gender, and social class. During British rule, Indians faced oppression, and their rights were violated.

After independence, these rights were introduced to ensure equality and freedom for every citizen.

The main purpose of Fundamental Rights is to strengthen democracy, ensure the freedom of citizens, and promote social justice.

### **2. Types of Fundamental Rights in the Indian Constitution:**

Initially, the Indian Constitution had seven Fundamental Rights, but through the 44<sup>th</sup> Constitutional Amendment (1978), the Right to Property was removed from this list and was later made a legal right (Article 300A).

Currently, there are six Fundamental Rights in the Indian Constitution:

(i) **Right to Equality** (Articles 14 to 18)

This right guarantees equality before the law for all citizens.

Article 14: Equality before the law and equal protection of the law.

Article 15: Prohibition of discrimination on the basis of religion, caste, gender, race, or place of birth.

Article 16: Equal opportunity in government jobs.

Article 17: Abolition of untouchability.

Article 18: Prohibition of titles like “Raja,” “Nawab,” etc.

Example:

Vishaka v. State of Rajasthan (1997): Laws were introduced to protect women from harassment at the workplace.

The Untouchability Offences Act (1955) was enacted under Article 17.

(ii) **Right to Freedom** (Articles 19 to 22)

This right guarantees personal liberty and the freedom to live a dignified life.

Article 19: Freedom of speech, expression, assembly, movement, and profession.

Article 20: Protection against conviction for offenses.

Article 21: Right to life and personal liberty.

Article 21A: Right to free and compulsory education for children (6-14 years).

Article 22: Protection against arbitrary arrest and detention.

Example:

Kesavananda Bharati v. State of Kerala (1973): The Supreme Court ruled that Article 21 is a part of the Basic Structure of the Constitution.

Manoj v. State of Madhya Pradesh (2022): The Supreme Court ruled that illegal detention violates Article 21.

(iii) **Right Against Exploitation** (Articles 23 to 24)

This right protects citizens from any form of physical, mental, or economic exploitation.

Article 23: Prohibition of human trafficking and forced labor.

Article 24: Prohibition of child labor in hazardous industries for children under 14 years.

Example:

The Child Labour (Prohibition and Regulation) Act, 1986 was enacted under this right.

The Bonded Labour Abolition Act, 1976 was passed to eliminate forced labor.

(iv) **Right to Freedom of Religion** (Articles 25 to 28)

This right grants every citizen the freedom to practice, propagate, and manage their religion.

Article 25: Freedom to profess, practice, and propagate any religion.

Article 26: Freedom to manage religious institutions.

Article 27: No citizen shall be forced to pay taxes for promoting any religion.

Article 28: No religious education shall be provided in government educational institutions.

Example:

Shirur Mutt Case (1954): The Supreme Court ruled that the government cannot interfere in religious institutions without proper justification.

(v) **Cultural and Educational Rights** (Articles 29 to 30)

These rights protect the cultural identity of different communities and provide minorities with the right to establish educational institutions.

Article 29: Every citizen has the right to protect their language, script, and culture.

Article 30: Minority communities have the right to establish and administer their educational institutions.

Example:

St. Xavier's College v. State of Gujarat (1974): The Supreme Court ruled that minority institutions should be protected from unnecessary government interference.

(vi) **Right to Constitutional Remedies** (Article 32)

Dr. B.R. Ambedkar called this "the heart and soul of the Constitution".

This right allows citizens to approach the High Court or Supreme Court if their Fundamental Rights are violated.

Under this right, the courts can issue five types of writs:

1. Habeas Corpus: Protection against unlawful detention.
2. Mandamus: Order to perform a duty.
3. Prohibition: Order stopping lower courts from acting beyond their powers.
4. Certiorari: Canceling an illegal decision by a lower court.
5. Quo Warranto: Questioning the legality of a person holding a public office.

Example:

Manoj v. State of Madhya Pradesh (2022): The Supreme Court issued a Habeas Corpus writ for illegal detention.

### 3. Significance of Fundamental Rights:

1. Protection of Democracy: Ensures freedom and equality for all citizens.
2. Safeguarding Citizens' Dignity: Prevents discrimination and exploitation.
3. Encouraging Political Participation: Provides citizens with the right to influence government policies.
4. Ensuring Justice: Citizens have the right to constitutional remedies.

### 5. Conclusion:

Fundamental Rights are the foundation of Indian democracy. They not only protect citizens' rights but also ensure social justice and equality. The judiciary acts as a guardian of these rights, ensuring that every citizen gets justice.



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