

## Fundamental Rights (Articles 12-35)

### Description

#### Fundamental Rights (Articles 12-35)

Article 12 to 35 contained in Part III of the Constitution deal with Fundamental Rights. Fundamental Rights are justifiable and guaranteed in the form of six categories. These fundamental rights are:

1. Right to equality,
2. Right to freedom,
3. Right against exploitation,
4. Right to freedom of religion,
5. Cultural and educational rights, and
6. Right to constitutional remedies.

These rights are not just legal provisions but the very essence of a democratic and just society.

### Six Fundamental Rights

Fundamental Rights are established in Part III of the Indian Constitution (Article 12-35). They are:

- **Right to Equality (Articles 14 - 18):** The right to equality includes the following: equality before the law; prohibition of discrimination on the basis of religion; race; caste; sex; or place of birth; and the provision of equal opportunity in employment-related matters.
- **Right to Freedom (Articles 19 - 22):** Rights to free speech, assembly, association, or union-building, movement, residence, and the ability to participate in any profession or occupation (some of these rights are subject to security of the State, friendly relations with foreign countries, public order, decency or morality).
- **Right Against Exploitation (Articles 23 - 24):** Right against exploitation, prohibits all types of child labour, forced labour, and human trafficking.
- **Right to Freedom of Religion (Articles 25 - 28):** Constitution guarantees every citizen the right to profess, practice, and propagate their religion. Religious denominations can manage their affairs, and individuals are protected from compulsory religious instruction in state-funded educational institutions.
- **Educational and Cultural Rights (Articles 29 - 30):** The rights of minorities in terms of language, culture, and religion are protected by cultural and educational rights. It makes an effort to protect each community's traditions and heritage.
- **Right to Constitutional Remedies (Article 32-35):** Article 32 of the Constitution grants the right to Constitutional Remedies. It empowers citizens to directly approach the Supreme Court in case of violation of Fundamental Rights.

### Features of Fundamental Rights:

- **Justiciability:** Fundamental rights in India are justiciable, implying that individuals can seek legal remedies through the judiciary if their rights are violated.
- **Enforceability:** The courts have the authority to enforce fundamental rights and provide appropriate

remedies, making these rights legally binding.

- **Limitations:** Fundamental rights are not absolute and can be subject to reasonable restrictions imposed by the state in the interest of sovereignty and integrity, security of the state, friendly relations with foreign states, public order, decency, or morality.
- **Suspension during Emergency:** During a state of emergency (Article 352), certain fundamental rights can be suspended.
- **Equality and Non-Discrimination:** The rights ensure equality before the law and prohibit discrimination based on religion, race, caste, sex, or place of birth.
- **Amendability:** While the core principles of fundamental rights are immutable, some aspects can be amended by the Parliament through a constitutional amendment, provided such changes do not alter the basic structure of the Constitution.

- **Some fundamental rights in the Indian Constitution come with reasonable restrictions:**

1. **Right to Equality (Article 14):** While Article 14 guarantees equality before the law and equal protection of laws, it also allows the state to make special provisions for the advancement of socially and educationally backward classes.
2. **Right to Freedom (Article 19):** While citizens have the right to freedom of speech and expression, assembly, association, movement, residence, and profession, the state can impose reasonable restrictions on these rights for reasons such as sovereignty and integrity of India, security of the state, friendly relations with foreign countries, public order, decency, or morality.
3. **Right to Life and Personal Liberty (Article 21):** This fundamental right can only be restricted in accordance with the procedure established by law, ensuring that there is a fair, just, and reasonable process.

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