


Fundamental Rights of Indian Constitution PDF

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FUNDAMENTAL RIGHTS

Rights are claims that are essential for the existence and development of individuals. In that sense there will be a long list of rights. Whereas all these are recognized by the society, some of the most important rights are recognized by the State and enshrined in the Constitution. Such rights are called **fundamental rights**. These rights are fundamental because of two reasons.

1. These are mentioned in the Constitution which guarantees them; and
2. These are justifiable, i.e. enforceable through courts.

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Notes on Fundamental Rights

Introduction of Fundamental Rights

Question: **What is a Fundamental Right**

Answer: ***Fundamental Rights of Indian Constitution PDF***: Rights are claims that are essential for the existence and development of individuals. In that sense there will be a long list of rights. Whereas all these are recognized by the society, some of the most important rights are recognized by the State and enshrined in the Constitution. Such rights are **called fundamental rights**. These rights are fundamental because of two reasons:

1. These are mentioned in the Constitution which guarantees them; and
2. These are justifiable, i.e. enforceable through courts.

Being justifiable means that in case of a violation of any of the **fundamental rights** the individual can approach courts for their protection. The fundamental rights were included under **Part III of the Indian Constitution** because they were considered essential for the development of the personality of every individual and to preserve human dignity. These Fundamental Rights guarantee to each citizen basic substantive and procedural protections from any arbitrary state actions, but some rights are enforceable against individuals.

For instance, the Constitution abolishes untouchability and also prohibits begar. These provisions act as a check both on state action as well as the action of private individuals. However, these rights are not absolute or uncontrolled and are subject to reasonable restrictions as necessary for the protection of general welfare. They can also be selectively curtailed.

ORIGIN OF FUNDAMENTAL RIGHTS

This Chapter of the Constitution of India is well described as the **Magna Carta of India**. If a government enacts a law that restricts any of these rights, it will be declared invalid by courts. As early as in 1214, the English people exacted an assurance from King John for respect of the then ancient liberties. The **Magna Carta** is the evidence of their success which is a written document. This is the first written document relating to fundamental rights.

Thereafter from time to time, the King had to accede to many rights to his subjects. In 1689, the Bill of rights was written consolidating all important rights and liberties of the English people. In France Declaration of Rights of Man and the Citizen (1789) declared the natural, inalienable and sacred rights of man.

Following the spirit of the Magna Carta of the British and the Declaration of the Rights of Man and the Citizen of France, the Americans incorporated the Bill of Rights in their Constitution. The Americans were the first to give Bill of Rights a Constitutional status. While drafting the Constitution of India, our Constitutional draftsmen took an inspiration and therefore incorporated under Part III what is called “fundamental rights”

FUNDAMENTAL RIGHTS ARTICLE 12 to 35

Question: What are the 6 fundamental rights?

Answer: **Part III of the Indian Constitution guarantees six fundamental rights to Indian citizens which are as follows:**

RIGHT TO EQUALITY (Article 14 – 18)

- Equality before law (Article 14)
- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15)
- Equality of opportunity in matters of public employment (Article 16)
- Abolition of Untouchability (Article 17)
- Abolition of titles. (Article 18)

- RIGHT TO FREEDOM (Article 19 – 22)
 - Protection of certain rights regarding freedom of speech, etc (Article 19)
 - Protection in respect of conviction for offences (Article 20)
 - Protection of life and personal liberty (Article 21)
 - Right to education (Article 21A)
 - Protection against arrest and detention in certain cases (Article 22)
- RIGHT AGAINST EXPLOITATION (Article 23 – 24)
 - Prohibition of traffic in human beings and forced labour (Article 23)
 - Prohibition of employment of children in factories, etc (Article 24)

RIGHT TO FREEDOM OF RELIGION (Article 25 – 28)

- Freedom of conscience and free profession, practice and propagation of religion (Article 25)
- Freedom to manage religious affairs (Article 26)
- Freedom as to payment of taxes for promotion of any particular religion (Article 27)
- Freedom as to attendance at religious instruction or religious worship in certain educational institutions (Article 28)

CULTURAL AND EDUCATIONAL RIGHT (Article 29 – 30)

- Protection of interests of minorities (Article 29)
- Right of minorities to establish and administer educational institutions (Article 30)

RIGHT TO CONSTITUTION REMEDIES (Article 32)

The 44th Amendment has abolished the right to property as a fundamental right as guaranteed by Art. 19(1)(f) and Art.31 of the Constitution. Since this Right created a lot of problems in the way of attaining the goal of socialism and equitable distribution of wealth, it was removed from the list of Fundamental Rights in 1978. However, its deletion does not mean that we do not have the right to acquire, hold and dispose of property. Citizens are still free to enjoy this right. But now it is just a legal or a Constitutional right as incorporated under Art. 300A. It is not a Fundamental Right anymore.

P.D. Shamdasani v. Central Bank of India [AIR 1952 SC 59]

Bank confiscated property on loan default. Supreme Court held that fundamental rights are available against the state and not against private individuals because there already are enough safeguards under ordinary laws for such disputes.

References