

Fundamental Rights under the Indian Constitution

Constitutional Law · Part III, Articles 12–35

1. Introduction

Part III of the Constitution of India (Articles 12 to 35) guarantees a set of Fundamental Rights to all citizens (and, for some rights, to all persons). These rights are justiciable — they can be enforced directly by the Supreme Court under Article 32 and by the High Courts under Article 226.

2. Classification of Fundamental Rights

- **Right to Equality** (Articles 14–18) — equality before law, prohibition of discrimination, equality of opportunity in public employment, abolition of untouchability and titles.
- **Right to Freedom** (Articles 19–22) — the six freedoms under Article 19(1), protection in respect of conviction for offences, protection of life and personal liberty, protection against arrest and detention.
- **Right against Exploitation** (Articles 23–24) — prohibition of trafficking and forced labour; prohibition of child labour in hazardous employment.
- **Right to Freedom of Religion** (Articles 25–28) — freedom of conscience and free profession, practice and propagation of religion.
- **Cultural and Educational Rights** (Articles 29–30) — protection of the interests of minorities; right of minorities to establish and administer educational institutions.
- **Right to Constitutional Remedies** (Article 32) — the right to move the Supreme Court for enforcement of Fundamental Rights, described by Dr. B.R. Ambedkar as the 'heart and soul' of the Constitution.

3. Article 21 — Protection of Life and Personal Liberty

Article 21 states that no person shall be deprived of his life or personal liberty except according to procedure established by law. Judicial interpretation has expanded Article 21 well beyond its literal text to include, among other things, the right to a speedy trial, the right to legal aid, the right to a clean environment, the right to privacy, and the right to livelihood.

4. Landmark Cases (for quick revision)

A.K. Gopalan v. State of Madras (1950) — early, narrow reading of Article 21; 'procedure established by law' interpreted literally.

Maneka Gandhi v. Union of India (1978) — overruled the narrow view; held that any procedure depriving personal liberty must be fair, just and reasonable, linking Articles 14, 19 and 21.

Kesavananda Bharati v. State of Kerala (1973) — propounded the 'basic structure' doctrine, holding that Parliament's

power to amend the Constitution under Article 368 cannot be used to alter its basic structure.

Minerva Mills v. Union of India (1980) — reaffirmed the basic structure doctrine; held that the harmony between Fundamental Rights and Directive Principles is itself part of the basic structure.

Justice K.S. Puttaswamy v. Union of India (2017) — recognised the right to privacy as intrinsic to the right to life and personal liberty under Article 21.

5. Restrictions on Fundamental Rights

Fundamental Rights are not absolute. Article 19 itself permits 'reasonable restrictions' on the enumerated freedoms in the interest of the sovereignty and integrity of India, public order, decency, morality, and other stated grounds. Courts examine whether a restriction is reasonable both in its substance and in the procedure by which it is imposed.

6. Exam-Focused Summary

- Know the six freedoms under Article 19(1)(a)-(g) and the corresponding restriction clauses.
- Be able to explain the shift from A.K. Gopalan to Maneka Gandhi in one paragraph.
- Remember Article 32 vs Article 226 — scope, and which court moves under which.
- Understand the basic structure doctrine and at least three examples of what has been held to be part of it.