BLOGS

Article 32 of the Indian Constitution

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Introduction

Article 32 of the Indian Constitution is a crucial provision that plays a pivotal role in safeguarding the fundamental rights of Indian citizens. Often referred to as the "Right to Constitutional Remedies," this article empowers individuals to seek justice from the Supreme Court of India when their fundamental rights are violated.

This article grants the Supreme Court the power to issue directions, orders, and writs for the enforcement of these fundamental rights.

In this article, we will delve into the provision of Article 32 and provide a summary of relevant case laws that have shaped its interpretation and implementation.

Article 32 under the Indian Constitution

Article 32 of the Indian Constitution states, "The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed."

This provision establishes the right of individuals to approach the Supreme Court directly for the protection and enforcement of their fundamental rights. It empowers the Supreme Court as the guardian of the Constitution and ensures that citizens have a meaningful mechanism to seek redressal when their rights are infringed upon.

Article 32 is considered the heart and soul of the Indian Constitution. It is an essential safeguard for protecting the fundamental rights enshrined in Part III of the Constitution. The provision grants individuals a fundamental right to move the Supreme Court directly for the enforcement of their fundamental rights, thereby ensuring quick and effective remedies. Article 32 is a fundamental right in itself, and any law or action that seeks to abridge or curtail this right is

subject to scrutiny by the judiciary.

Article 32 has been instrumental in fostering public interest litigation, allowing public-spirited individuals and organizations to seek legal remedies on behalf of marginalized sections of society.

Writs and Remedies

Article 32 empowers the Supreme Court to issue writs for the enforcement of fundamental rights. The five types of writs available under Article 32 are:

a) Habeas Corpus: A writ that ensures an individual's release from unlawful detention.

b) Mandamus: A writ that orders a public official or authority to perform a public duty.

c) Prohibition: A writ that prohibits a lower court or tribunal from exceeding its jurisdiction.

d) Certiorari: A writ that seeks the quashing of an order passed by a lower court or tribunal.

e) Quo Warranto: A writ that inquires into the legality of a person holding a public office.

These writs are powerful tools that enable the Supreme Court to protect and enforce fundamental rights and hold public authorities accountable.

Important Judgements under Article 32

Article 32 places significant responsibilities on the Supreme Court as the protector of fundamental rights. The Supreme Court acts as a sentinel on the qui vive, i.e., a vigilant guardian, ensuring that the rights of citizens are not violated or infringed upon.

It has the power to strike down laws, regulations, or actions that violate fundamental rights and may issue appropriate directions to safeguard these rights. The Supreme Court's role in interpreting and implementing Article 32 has been instrumental in shaping the jurisprudence of fundamental rights in India.

A.D.M. Jabalpur v. Shivkant Shukla: This landmark case, popularly known as the "Habeas Corpus case," raised significant questions regarding the scope and limitations of Article 32.

The Supreme Court, in a controversial decision, held that during an emergency, the right to move the court under Article 32 stood suspended. However, this decision was widely criticized and eventually overruled by the Supreme Court in subsequent judgments, reaffirming the significance

of Article 32 as a fundamental right.

Maneka Gandhi v. Union of India: In this case, the Supreme Court expansively interpreted the scope of Article 32, emphasizing that the right to life and personal liberty under Article 21 could not be restricted by the literal interpretation of the Constitution.

The court held that the procedure established by law must be fair, just, and reasonable. This judgment broadened the horizons of fundamental rights and reinforced the significance of Article 32 as a powerful tool for protecting individual liberties.

Bandhua Mukti Morcha v. Union of India: This case dealt with the exploitation of bonded laborers and highlighted the significance of Article 32 in providing access to justice for marginalized and oppressed sections of society.

The Supreme Court held that Article 32 could be invoked not only by aggrieved individuals but also by public-spirited persons or organizations on their behalf. This widened the standing and locus standi for filing petitions under Article 32.

State of Karnataka v. Union of India: This case reaffirmed the importance of Article 32 as a fundamental right and clarified that the court has a constitutional obligation to intervene and protect fundamental rights when they are violated.

The Supreme Court emphasized that it is the duty of the court to strike down any law or action that is arbitrary, unreasonable, or violative of fundamental rights.

Conclusion

Article 32 of the Indian Constitution serves as a powerful tool for protecting and enforcing fundamental rights. It empowers individuals to directly approach the Supreme Court for redressal when their rights are infringed upon. Over the years, through various landmark judgments, the Supreme Court has expanded the scope and interpretation of Article 32, ensuring that it remains a crucial safeguard for individual liberties.

The provision has played a vital role in promoting social justice, addressing inequality, and protecting the rights of marginalized sections of society. Article 32 stands as a testament to the commitment of the Indian Constitution towards upholding and preserving the fundamental rights of its citizens.