

CONSTITUTIONAL REMEDIES FOR CITIZENS (ARTICLE 32)

Introduction

Constitutional Remedies are **legal tools** provided by the Constitution of India to protect the **Fundamental Rights** of its citizens. These remedies ensure that if **any of the Fundamental Rights are violated**, individuals can **approach the Supreme Court or High Courts directly** for enforcement.

This right is enshrined in **Article 32** of the Constitution and is regarded as the “**heart and soul of the Constitution**” by Dr. B.R. Ambedkar.

Article 32 – Right to Constitutional Remedies

Key Provisions:

- Empowers individuals to move the **Supreme Court** directly for the enforcement of Fundamental Rights.
- The Supreme Court can issue appropriate **writs** for the enforcement of these rights.
- This right is **guaranteed** and **justiciable**.

◆ **Note:** Similar powers are given to **High Courts** under **Article 226**, which is broader as it also covers legal rights (not just Fundamental Rights).

Five Types of Writs under Article 32

Writ	Purpose	Meaning
Habeas Corpus	Protection of personal liberty	“To have the body” – issued to release a person unlawfully detained
Mandamus	Duty enforcement	“We command” – directs a public official/body to perform its duty
Prohibition	Prevents excess of jurisdiction	Issued by a higher court to a lower court or tribunal to stop overstepping
Certiorari	Quashing illegal orders	“To be informed” – used to transfer a case from a lower court or quash its order
Quo-Warranto	Prevents illegal occupation of office	“By what authority” – issued to a person occupying a public office without legal authority