

Right to Freedom (Articles 19 - 22)

The Right to Freedom is one of the Fundamental Rights guaranteed by the Constitution of India. It is very important to understand what this right entails and includes. This topic is a basic topic in the polity and constitution segments of the [UPSC Syllabus](#) for the civil services exam.

In this article, you can read all about the Right to Freedom and the related constitutional provisions from the IAS exam point of view.

The six [fundamental rights](#) enshrined in the Constitution are considered essential for the functioning of Indian democracy. The right to freedom gives citizens basic freedom with respect to speech and expression, form associations, freedom of personal liberty, freedom to live a life of dignity, etc. It is important to understand the scope of these provisions and any exceptions thereof.

Right to Freedom

The right to freedom guarantees freedom for citizens to live a life of dignity among other things. These are given in Articles 19, 20, 21A and 22 of the Indian Constitution. We shall take up the articles one by one in this section.

Below, we provide the associated articles of the Constitution under the right to freedom.

Article	Brief description
Article 19	Protection of 6 rights concerning the freedom of: <ol style="list-style-type: none">1. Speech and expression2. Assembly3. Association4. Movement5. Residence6. Profession
Article 20	Protection with respect to conviction for offences
Article 21	Right to life and personal liberty
Article 21A	Right to elementary education
Article 22	Protection against arrest and detention in certain cases

Article 19

Article 19 guarantees six freedoms to every person. They are:

1. **Freedom of speech and expression:** The State guarantees freedom of speech and expression to every person. However, the State can impose restrictions on the freedom of speech and expression in the interests of the integrity, security and sovereignty of the country, friendly relations with foreign nations, for public order, with respect to defamation, incitement to offence or contempt of court.
2. **Freedom to assemble:** The State guarantees every person the freedom to assemble peacefully without arms. However, as above, reasonable restrictions can be imposed in the interests of the sovereignty and integrity of the country and public order.
3. **Freedom to form associations/unions/cooperative societies:** Again, the State can impose

restrictions in the interests of the integrity, security and sovereignty of the country, friendly relations with foreign nations, for public order, with respect to defamation, incitement to offence or contempt of court. This freedom gives workers the right to form trade union, which is thus a fundamental right.

1. The Police Forces (Restriction of Rights) Act, 1966 prohibits police personnel from forming trade unions.
2. The Constitution also allows the Parliament to pass a law restricting the right to form political association to members of the armed forces, intelligence bureaus, persons employed with telecommunication system.
4. **Freedom to move freely:** A citizen of India can move freely throughout the territory of India. But this right can also be restricted on the grounds of security, public order or for protecting the interests of the [Scheduled Tribes](#).
5. **Freedom of residence:** Citizens of India have the right to reside in any part of the country. Although restrictions can be imposed on the grounds of security, public order or for protecting the interests of the Scheduled Tribes.
6. **Freedom of profession:** All citizens have the right to carry on any trade or profession/occupation, provided the trade or occupation is not illegal or immoral. Also, the law does not prevent the State from making laws related to technical or professional qualifications required for practicing the occupation or trade.

Article 20

Article 20 deals with the protection of citizens in respect of conviction for offences. This provides for three types of protection of the individual against the State.

1. **Retrospective criminal legislation:** This is also known as ex-post facto criminal legislation. Under this, a person cannot be convicted for an act that was committed at a time when the act had not been declared by law as an offence.
 1. This means that criminal legislation cannot be given a retrospective effect.
 2. This immunity cannot be used against the provision of preventive detention, and also does not cover trial.
 3. The law also provides that a person cannot be subject to punishment greater than what is prescribed by law for the offence committed.
2. **Double jeopardy:** This indicates that a person cannot be convicted for the same offence more than once.
3. **Prohibition against self-incrimination:** This implies that no person accused of an offence shall be compelled by the State to bear witness against himself.

Article 21

Article 21 states that no person shall be deprived of his life and personal liberty by the State except as per the procedure established by law. This article has a wide scope and its interpretation has undergone many changes over the decades.

- The Supreme Court has interpreted the right to life as the right to a dignified life.
- This is the most important right in one sense, because, without this right to life, all other fundamental rights would be meaningless.
- It is this article that differentiates between a police state and a constitutional state.

Article 21(A)

This article was introduced by the 86th Constitutional Amendment in 2002. It provides that the State shall

provide free and compulsory education to all children between the ages of 6 and 14.

Article 22

Article 22 deals with the protection against arrest and detention in certain cases.

- This article is applicable to both citizens and non-citizens.
- This provision extends certain procedural safeguards for individuals in case of an arrest.
- It comes into the picture after a person has been arrested. It is not a fundamental right against detention and arrest.
- The idea behind this right is to prevent arbitrary arrests and detention.
- The article provides the following safeguards:
 - Article 22(1) - Any person who is in custody has to be informed as to why he has been arrested. Further, he cannot be denied the right to consult an advocate.
 - Article 22(2) - The arrested individual should be produced before a judicial magistrate within 24 hours of his arrest.
 - Article 22(3) - No individual who has been arrested can be kept in custody for more than the period determined by the judicial magistrate.
- These safeguards are, however, not applicable to
 - Enemy aliens
 - People arrested under preventive detention laws

What is Preventive Detention?

There are two types of detention:

1. Punitive
2. Preventive

Punitive detention is detention after a trial. Preventive detention is detention without trial. The idea behind this is to prevent an individual from committing a crime. This means that persons can be detained on grounds of suspicion. The rights of people arrested in this manner are governed by the preventive detention laws.

UPSC Questions related to Right to Freedom

What are the six freedoms guaranteed by the right to freedom?

The 6 freedoms are freedom of:

1. Speech and expression
2. Assembly
3. Association
4. Movement
5. Residence
6. Profession

Why is right to freedom important?

The right to freedom is important because it is a basic human right. The Indian national struggle against colonialism was a fight to be free of foreign imperial rule, and also for the freedom to live life with dignity,

to determine how to live in accordance with law, profess any occupation or trade, speak and express freely, move and reside in any part of the country, and ultimately to be able to live meaningful lives with security.

What are the 6 fundamental rights?

The 6 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
6. Right to constitutional remedies