



# **INDIAN CONSTITUTION**

## **FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES**

# FUNDAMENTAL RIGHTS

- Protects us from injustice
- **Rights:** Privileges given to the citizens are their rights.
- Natural rights :
  - right to live
  - right to self protection
- Legal rights :
  - right to equality,
  - right to education)
- **Fundamental Rights:** The Indian Constitution has given certain Fundamental Rights to all the citizens.
- Specified in the Constitution.
- Guaranteed and supported by law.
- Comes under the Part III of the Constitution of India.



- The Articles of Fundamental Rights are as follows:
  - ❖ Article 12: Definition
  - ❖ Article 13: Laws inconsistent with or in derogation of the Fundamental Right



# SIX FUNDAMENTAL RIGHTS

## 1. *Right to Equality:*

- ❖ All are equal before the law
- ❖ Nobody is above the law.
- ❖ All should get equal protection of the law.
- ❖ States that all citizens should be treated as equals irrespective of religion, race, caste, gender, or birth of place.
- ❖ Means there is supremacy of law or 'Rule of Law'.
- ❖ No citizen shall be subject to any restrictions with regard to access to shops, public restaurants, hotels, places of public entertainment, worship places, on the use of wells, tanks, roads and other public places. All citizens enjoy equal opportunities to take up government employment.



## ○ Right to Equality

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



# RIGHT TO FREEDOM:

- SIX types of freedom:
  - ❖ Freedom of Speech and Expression
  - ❖ Freedom to Assemble Peacefully
  - ❖ Freedom to form Associations
  - ❖ Freedom to move freely throughout India
  - ❖ Freedom to reside and settle in any part of India
  - ❖ Freedom to practice any Profession, Occupation, Trade or Business
  - ❖ The Constitution itself has specified certain circumstances under which individual freedoms may be restricted.



## ○ Right to Freedom

- ❖ Article 19: Protection of certain rights regarding Freedom of Speech, etc
- ❖ Article 20: Protection in respect of conviction for offences
- ❖ Article 21: Protection of life and personal life
- ❖ Article 22: Protection against arrest and detention in certain cases



# RIGHT AGAINST EXPLOITATION

- **Aim:** To prevent exploitation of women, children and the weak.
  - Both, giving and receiving dowry is punishable under the law;
  - The system of bonded labor has been prohibited;
  - Employment of children in mining, manufacture of beedi and fire-works and such other dangerous occupations is prohibited.
  - Made education compulsory up to the age of Fourteen.
  - Irrespective of gender, caste and religion, must now attend school.



## ○ Right against Exploitation

- Article 23: Prohibition of traffic in human beings and forced / bonded labor
- Article 24: Prohibition of employment of children in factories



# RIGHT TO FREEDOM OF RELIGION

- India is a secular country, every citizen has a right to practice and propagate his / her religion.
- State may impose restrictions in the interests of public order, morality and health.
- everyone enjoys the right to follow the religion of his or her choice.



## ○ Right to Freedom of Religion

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



# CULTURAL AND EDUCATIONAL RIGHTS

- Protects the interests of religious and linguistic minorities.
- Have the right to protect their language, script or culture.
- May establish and administer their own educational institutions.
  - For example, in Tamil Nadu, the Kannadigas (who are minority) have the right to establish Kannada medium schools.
  - The Tamilians in Karnataka also have similar rights.



- Cultural and Educational Rights
  - Article 29: Protection of interests of minorities
  - Article 30: Right of minorities to establish and administer educational institutions
  - Article 31: No person shall be deprived of his property save by authority of law



## RIGHT TO CONSTITUTIONAL REMEDIES:

- The Constitution has not only given Fundamental Rights to the citizens of India but also guaranteed them.
- When rights are violated, the citizens appeal to the court of law for their protection.
- The court of law is empowered to enforce the Fundamental Rights.
- On any matter relating to a Fundamental Right, a citizen may file a petition in the High Court / Supreme Court.
- Such petitions are known as Writ Petitions.



- Right to Constitutional Remedies
  - ❖ Article 32: Remedies for enforcement of rights
  - ❖ Article 33: Power of Parliament to modify the rights
  - Article 34: Restriction on rights conferred by this Part while martial law is in force in any area
  - ❖ Article 35: Legislation to give effect to the provisions of this Part



- In brief, the Fundamental Right forms the basis of our democratic system.
- However, the government is empowered to restrict them in the interests of the national security and socioeconomic progress.



# NEED FOR FUNDAMENTAL DUTIES

- India is a country where people belonging to different castes, religion etc.
- To live together and in order to maintain harmony and peace and to encourage the feeling of brotherhood and oneness
- Fundamental Duties on their part plays a vital role in upholding and protecting the sovereignty, unity and integrity of our country which is of inevitable importance.
- It reminds the citizens that rights and duties go hand in hand.



# FUNDAMENTAL DUTIES

- The Fundamental Duties (Article 51A) did not form part of the Constitution as originally adopted. They were included on 11th December, 1976 by the 42nd Amendment.
  - None of the major democracies like United States of America, Australia, Canada, France, Germany, etc. contain a table of Fundamental Duties.
  - The Duties ( $10 + 01^* = 11$ ) of the citizens enumerated are as follows:
    1. To abide / respect by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem
    2. To cherish and follow the noble ideals which inspired our national struggle for freedom
    3. To uphold and protect the sovereignty, unity and integrity of India
    4. To defend the country / motherland and render national service when called upon to do so
    5. To promote harmony and spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women
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6. To value and preserve the rich heritage of our composite culture
7. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures
8. To develop the scientific temper, humanism and the spirit of inquiry and reform
9. To safeguard the public property and to abjure violence
10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement
11. \* Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years

[\* Inserted by the Constitutional (86th Amendment) Act, 2002]



# REFERENCES

- Indian Constitution by M. Raja Ram.



**THANK YOU**

