

V.V.GIRI GOVT. KALASALA

DUMPAGADAPA, W.G.Dist., (via) AKIVIDU - 534 235

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College Code : **AKNU323**



Dr. K. SUJATHA, M.Sc., Ph.D.,
PRINCIPAL
Cell : 9440230091

E-mail : gcdumpagadapa.jkc@gmail.com
Website : www.dumpagadapa.ac.in

FUNDAMENTAL RIGHTS AND FUNDAMENTAL DUTIES

List of Fundamental Rights of Indian Constitution:

Fundamental Rights	Article	Provisions
Right to Equality	14	Equality Before Law
	15	Prohibition of Discrimination
	16	Equality of Opportunity in Public Employment
	17	Abolition of untouchability
	18	Abolition of Titles
Right to Freedom	19	Protection of 6 Rights <ul style="list-style-type: none">• The right to free speech and expression;• The right to peaceful assembly without the use of force;• The right to form associations, unions, or cooperative societies.• The freedom to roam around without restriction on Indian soil.• The right to practice any profession and the freedom to engage in any occupation, trade, or business in any location within Indian territory.
	20	Protection in Respect of Conviction for Offences
	21	Protection of Life and Personal Liberty
	21-A	Right to Education
	22	Protection Against Arrest and Detention

Right Against Exploitation	23	Prohibition of Human Trafficking and Forced Labour
	24	Prohibition of Child Labour
Right to Freedom of Religion	25	Freedom of Conscience, Profession, Practice and Propagation
	26	Freedom to Manage Religious Affairs
	27	Freedom from Taxation for the Promotion of a Religion
	28	Freedom from Attending Religious Instruction
Educational and Cultural Rights	29	Protection of Interests of Minorities
	30	Right of Minorities to Establish and Administer Educational Institutions
Right to Constitutional Remedies	32	<p>Right to use five writs as remedies for enforcing one's fundamental rights:</p> <ul style="list-style-type: none"> • Habeas Corpus: Used to order the release of someone wrongfully incarcerated. • To order a public authority to carry out its duties, use a mandamus. • Quo Warranto: To order someone to leave a position they are incorrectly supposed to be in. • Prohibition: Preventing a lower court from continuing with a matter. • Certiorari is the higher court's ability to take an ongoing case from a lower court and put it before itself.
	33	Provides the Parliament with the authority to limit or abolish the fundamental rights of "Members of the Armed Forces, paramilitary forces, police forces, intelligence agencies, and analogous forces"
	34	Provides for the restrictions on fundamental rights while martial law(military rule) is in force
	35	Empowers the Parliament to make laws on Fundamental Rights

Fundamental Rights of Indian Constitution: Articles 12-35

The United States Bill of Rights served as a major model for India's creation of Fundamental Rights. These rights are protected by the constitution because it is believed that they are necessary for each person's personality to grow and for the preservation of human dignity.

Part III of the Indian Constitution sometimes referred to as the Magna Carta of the Indian Constitution, contains provisions for fundamental rights. Due to their justified nature, which enables people to petition courts for their enforcement if and when they are violated, these rights are known as basic rights.

Six Fundamental Rights of Indian Constitution

Everyone's moral and intellectual development depends on fundamental rights. Fundamental rights are necessary for a person's development. The post-independence era in India has led to the inclusion of a number of crucial fundamental rights in the Indian constitution. The **Constitution of India** grants specific legal rights to each citizen. Knowing what they are is essential to prevent the violation of anyone's rights. The following Six **Fundamental Rights of Indian Constitution** are guaranteed to Indian citizens:

1. Right to Equality (Articles 14 – 18)

The right to equality entirely protects the equal legal rights of all citizens. The right to equality absolutely forbids discrimination on the basis of caste, creed, and religion, place of birth, race, or sexual orientation. It ensures that everyone has an equal chance to work for the government and prohibits the government from treating anyone differently at work just because of their religion, caste, race, gender, ancestry, place of birth, place of residency, or any other of these factors.

Equality before the law is provided for in Articles 14 through 18. The Constitution ensures that everyone is treated equally in front of the law and guarantees equality before the law. The state is not permitted to treat citizens differently based on their caste, race, religion, gender, or place of birth. This is required to achieve equality.

2. Right to Freedom (Articles 19 – 22)

It is also known as the right to liberty. The most cherished wish of every person is to be free. A few of the rights guaranteed by the right to freedom include the freedom of speech, the freedom of expression, the freedom of assembly without the use of force, the freedom of movement across the entire territory of our nation, the freedom of association, the freedom to practice any profession, and the freedom to live anywhere in the nation. These rights, however, are constrained in many ways.

3. Right against Exploitation (Articles 23 – 24)

Due to Indian society's historical hierarchical structure, various forms of exploitation have occurred. It's critical to understand that being exploited is equivalent to, if not worse than, being abused. This fundamental right is essential for preventing any citizen from being forced to perform forced labour of any kind. Even if money is offered, no one may be made to work against their will.

Forced labour of any kind is forbidden by the Indian constitution. Forced labour is defined as work performed for less than the legal minimum pay. The article also cites human trafficking as a constitutional violation. Therefore, it is forbidden to buy and sell people for illegal or immoral reasons. Additionally, this paragraph declares that this "bound labor" is unconstitutional.

4. Right to Freedom of Religion (Articles 25 – 28)

One is completely free to practice whichever religion one choose. Because India is a multireligious nation where Hindus, Christians, Sikhs, and many more religions live, the Constitution designates it as a "secular state." It indicates that there is no "national" religion or "state religion" in India.

However, it completely allows residents to practice any religion they like and to worship anybody they choose. This shouldn't, however, obstruct another person's religious beliefs and/or practices. Foreigners can also exercise this freedom.

5. Cultural and Educational Rights (Articles 29 – 30)

All members of society have the right to maintain their native language or script thanks to cultural and educational rights. The first thing that comes to mind when thinking of Indian society is its diversity. In such a diverse nation, our Constitution believes that variation is our strength. The freedom of minorities to maintain their culture is thus one of their fundamental rights.

Minorities are ethnic or religious groups that are native to a certain area of the nation and who practice a similar language or religion. Minority linguistic and religious groups are also permitted to set up their own educational establishments. This will enable them to maintain and advance their own culture.

6. Right to Constitutional Remedies (32 – 35)

A citizen in India has the option to appeal to the Supreme Court to have their fundamental rights upheld. This privilege is protected for the Supreme Court and the High Court, respectively, under Articles 32 and 226 of the Constitution. It is known as the constitutional remedy right. The Supreme Court and the high courts have the authority to impose fundamental rights under this Article. Local courts may also have the ability to extend the rights. However, because it is subject to military law, the court-martial is excluded from this safeguard.

Fundamental Rights of Indian Constitution Features

The way that fundamental rights are upheld differs from the way that other legal rights are. A person who feels their legal rights have been violated cannot go straight to the SC and avoid going through lower courts. He or she ought to go to the lower courts first. All citizens have access to some fundamental rights, while the rest are universal (citizens and foreigners).

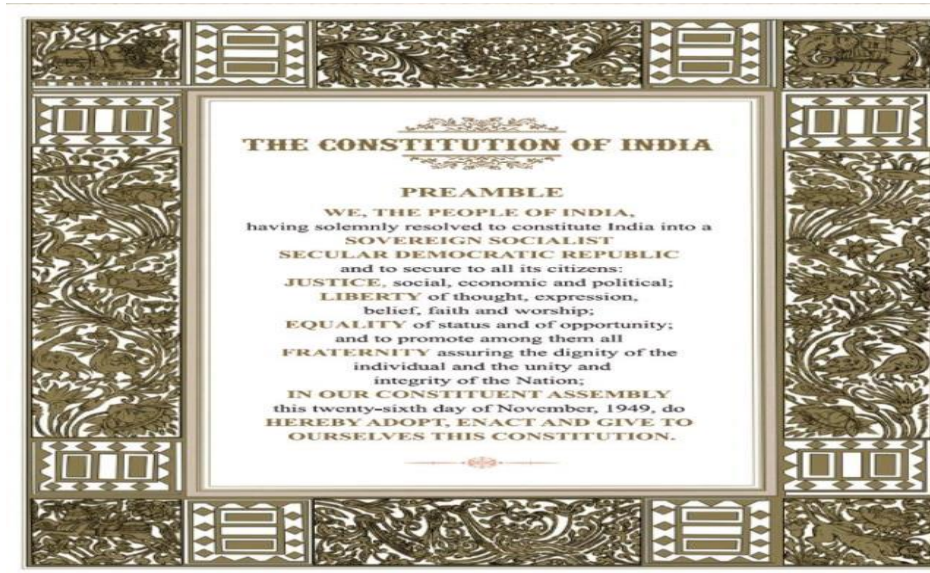
Fundamental freedoms aren't unqualified rights. They are subject to reasonable constraints, which include those related to public morality and decency, state security, and good ties with other nations. They are justifiable, which suggests that courts will uphold them. In the event that their fundamental rights have been violated, they may directly contact the SC.

Only if the revision does not change the Constitution's fundamental design can the Parliament amend fundamental rights by a constitutional amendment. During a national emergency, fundamental rights may be suspended. However, Articles 20 and 21's guarantees of rights are unalterable. In areas that have been subjected to martial law or military control, the exercise of fundamental rights may be limited.

Six Fundamental Rights of India

Fundamental Rights	Articles
Right to Equality	<ul style="list-style-type: none">• Article 14• Article 15• Article 16• Article 17• Article 18
Right to Freedom	<ul style="list-style-type: none">• Article 19• Article 20• Article 21• Article 21 A• Article 22
Right Against Exploitation	<ul style="list-style-type: none">• Article 23• Article 24
Right to Freedom of Religion	<ul style="list-style-type: none">• Article 25• Article 26• Article 27• Article 28
Educational and Cultural Rights	<ul style="list-style-type: none">• Article 29• Article 30
Right to Constitutional Remedies	<ul style="list-style-type: none">• Article 32• Article 33• Article 34• Article 35

Fundamental Duties: Article 51-A



Origin of the Concept:

- **Dharm Duty**
- The **concept of duties** has its origin in the **Vedas**.
- **Dharam shastras** also mention duties of each group in society.
- Epics like **Bhagavad Geeta, Ramayana and Mahabharat**, also enshrine duty as part of one's Dharma.

Need for Fundamental Duties-

- **Democracy- Peoples Participation- Primary feature.**
- **Fundamental Rights** are there with people.
- **Article 51(A)** provides 11 Fundamental Duties
- Initially there were **10 FDs added**, were added to the constitution by the **42nd Amendment in 1976**
- Added upon the recommendations of the **Swaran Singh Committee**
- **11th FD** was added to Art. 51(A) by the **86th Amendment in 2002**
- **Some Recommendations of Swaran Singh Committee Report** were rejected by the then Government – one was – **non-compliance of the fundamental duties would be met with imposition of penalty or punishment on citizens.**

51A. Fundamental duties. —It shall be the duty of every citizen of India—

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the 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;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) 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;
- (k) 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.

Enforcement of Duties

- **Fundamental Duties are not enforceable in court of law.**
- SC in *Minerva Mills Ltd. v. Union of India* held
- **The law may provide a mechanism for enforcement of this obligation, but the existence of the obligation does not depend upon the creation of such mechanism. The obligation exists prior to and independent of the mechanism of enforcement. A rule imposing an obligation or duty would not therefore cease to be a rule of law because there is no regular judicial or quasi-judicial machinery to enforce its command. Such a rule would exist despite of any problem relating to its enforcement.**

JUSTICE VERMA COMMITTEE REPORT OF 1999-

- **Committee to Operationalize Suggestions to Teach Fundamental Duties to the Citizens of India –**
- Recommended that –
- **“Duty to vote at elections, actively participate in the democratic governance and to pay taxes should be included in Article 51-A.”**
- **NATIONAL COMMISSION TO REVIEW THE WORKING OF CONSTITUTION-**
- *“The first and foremost step required by the Union and State Governments is to **sensitize the people and create a general awareness of the provisions of fundamental duties amongst the citizens on the lines recommended by Justice Verma Committee.**”*
- **86TH AMENDMENT, 2002**
- **Article 51-A(k) – the duty of every parent or guardian to provide opportunities for education to his child between the age of 6 and 14 years which corresponds to right to free and compulsory education in Article 21-A of the Constitution.**
- In *Javed v. State of Haryana*, the Supreme Court held that **fundamental rights have to be read with fundamental duties and the Directive Principles of State Policy and they cannot be read in isolation.**

legislations which help implement some fundamental duties

- **Prevention of Insults to National Honour Act, 1971,**
- **the Protection of Civil Rights Act, 1955,**
- **the Unlawful Activities (Prevention) Act, 1967,**
- **the Representation of the People Act, 1951,**
- **the Environment (Protection) Act, 1986, and**
- **the Forest (Conservation) Act, 1980**

Additional Duties, that experts suggest should be there

- *Duty to vote-* recommendations of the J.S. Verma Committee.
- *Duty to pay taxes.*
- *Duty to keep premises clean.*
- *Duty to help accident victims.*