

## Lesson – 6 Fundamental Rights

### Summary –

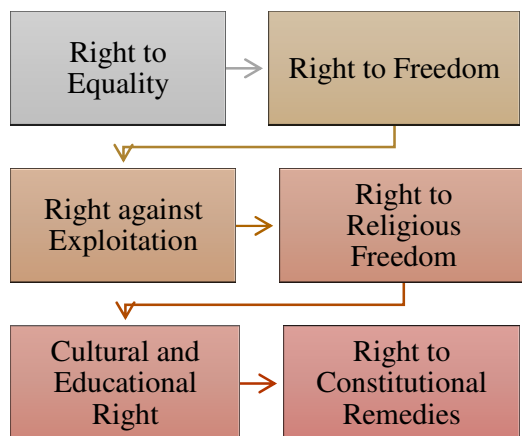
India respects the rights of the people which are listed in our Constitution under the heading “Fundamental Rights”. Fundamental Rights are the salient features of the Constitution.

### Meaning and Importance of Fundamental Rights –

- ✚ **Meaning** - The rights which are enshrined in the Constitution are called Fundamental Rights.
- ✚ **Importance** - These rights ensure the fullest physical, mental, and moral development and basic freedoms of every citizen.
  - Generate the feeling of security in citizens.
  - They establish the framework of democratic legitimacy for the rule of the majority.
  - Provides standards of Equality, conduct, citizenship, justice.
  - Fundamental Rights are enumerated in Part III from

### Features of Fundamental Rights –

- ✚ Fundamental rights are justiciable.
- ✚ The Supreme or High Court can repeal a law that violates fundamental rights.
- ✚ The Right to Equality before Law and Right to Freedom of Religion are for both, citizens as well as foreigners.
- ✚ The Fundamental Rights though justiciable are not absolute.
- ✚ The Constitution empowers the government to impose restrictions on our rights in the interest of public good.
- ✚ Seven Fundamental Rights were enshrined in the Constitution of India.
- ✚ The Right to Property was removed from the list of fundamental rights by 44th Amendment Act.
- ✚ Now we have (06) Six Fundamental Rights.



## Right to Equality –

✚ The State shall not deny to any person **equality before law** or **equal protection of laws** within the territory of India.

**Equality before law**  
- no person is above law, and all are equal before law

**Equal Protection of laws** - two persons commit the same crime; both will get the same punishment

**No Discrimination** on Grounds of Religion, Race, Caste, Sex, Place of Birth, or any of them

**Equality of Opportunity** in matters of Public Employment

**Abolition of Untouchability**  
Constitution abolishes untouchability and its practice in any form is forbidden

**Abolition of Titles**  
artificial distinctions in social status have been abolished

## Right to Freedom –

India has set of six freedoms as the Right to Freedom:

- i. Freedom of speech and expression.
- ii. Freedom to assemble peacefully without arms.
- iii. Freedom to form associations or unions.
- iv. Freedom to move freely throughout the territory of India.
- v. Freedom to reside and settle in any part of the territory of India.
- vi. Freedom to practise any profession or to carry on any occupation, trade, or business.

- Protection in Respect of Conviction for An Offence.
- Protection of Life and Personal Liberty.
- Prevention against Arbitrary Arrest and Detention.

## Right to Education –

✚ The State shall provide free and compulsory education to all children of the age of six to fourteen in such a manner as the State may by law determine.

## Right against Exploitation-

- ✚ Prohibits all forms of forced labour as well as human trafficking,
  - State requires citizens services in times of major calamities.
  - the employment of children below the age of fourteen years is banned.

## Right to Freedom of Religion –

Allows all citizens to follow, preach and practice any religion.

- The state has no religion of its own.
- No child can be compelled to receive religious instructions against wishes.

## Cultural and Educational Rights –

✚ Provides guarantees to preserve maintain and promote every culture and language.

- ✚ Allows minorities to establish and maintains educational institutions of their own.
- ✚ Provides security that the state shall not discriminate on any ground against any educational institution while granting financial aid.

### **Right To Constitutional Remedies**

– Part III of our Constitution provides for legal remedies for the protection of fundamental rights, citizens of India can move to Supreme or High Courts for the enforcement of these rights & the courts can issue or order writs : -

- ✚ **HABEAS CORPUS:** (Latin term)  
It is an order by the court to the state to produce the person physically.
- ✚ **MANDAMUS:** (Latin term)  
Command or order from superior court to a subordinate to perform its duty.
- ✚ **PROHIBITION:** Order by superior court to forbid a subordinate court from proceeding which is beyond its jurisdiction.
- ✚ **QUO WARRANTO:** This writ is issued to restrain a person from acting in a public office to which s/he is not entitled.
- ✚ **CERTIORARI:** “to be informed of what is going”. It is an order to a lower court from a superior court to transfer the matter to it or to any other court for deciding the matter.

### **Evaluate yourself -**

1. Discuss the importance of the fundamental rights provided by the constitution in your own words.
2. Right against exploitation will help in establishing a welfare state and polity in India, if yes, write the examples in support to the statement.
3. Write a short note on the writs mentioned in the right to constitutional remedies.