

# *Topic-Fundamental Rights*

*Dr. Suratha Ku. Malik*  
*Dept. of Political Science*

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Know  
Your  
Rights

# DEFINITION

- **Fundamental Rights** are essential human rights that are offered to every citizen irrespective of caste, race, creed, place of birth, religion or gender. These are equal to freedoms and these rights are essential for *personal good* and the *society* at large.

# SIX FUNDAMENTAL RIGHTS

- The Right to **EQUALITY**
- The Right to **FREEDOM**
- The Right to Freedom from **EXPLOITATION**
- The Right to **FREEDOM OF RELIGION**
- **CULTURAL** and **EDUCATIONAL** Rights
- The Right to **CONSTITUTIONAL REMEDIES**

# RIGHT TO EQUALITY

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# RIGHT TO EQUALITY (ART 14-18)

- (i) **Equality before Law** :- Article 14 of the constitution guarantees that all citizens shall be equally protected by the laws of the country
- (ii) **Social equality and equal access to public areas**:- Article 15 of the constitution states that no person shall be discriminated on the basis of caste, colour, language etc. Every person shall have equal access to public places like public parks, museums, wells, bathing ghats and temples etc. However, the State may make any special provision for women and children.

- (iii) **Equality in matters of public employment:-** Article 16 of the constitution lays down that the State cannot discriminate against anyone in the matters of employment. All citizens can apply for government jobs.
- (iv) **Abolition of untouchability:** - Article 17 of the constitution abolishes the practice of untouchability. Practice of untouchability is an offense and anyone doing so is punishable by law.
- (v) **Abolition of Titles:-** Article 18 of the constitution prohibits the State from conferring any titles. Citizens of India cannot accept titles from a foreign State.

# RIGHT TO FREEDOM





# RIGHT TO FREEDOM (ART 19-22)

- (i) **Freedom of Speech and expression**, which enable an individual to participate in public activities. The phrase, "freedom of press" has not been used in Article 19, but freedom of expression includes freedom of press.
- (ii) **Freedom to assemble peacefully without arms**, on which the State can impose reasonable restrictions in the interest of public order and the sovereignty and integrity of India.

- (iii) **Freedom to form associations or unions** on which the State can impose reasonable restrictions on this freedom in the interest of public order, morality and the sovereignty and integrity.
- iv) **Freedom to move freely throughout the territory of India** though reasonable restrictions can be imposed on this right in the interest of the general public, for example, restrictions may be imposed on movement and travelling, so as to control epidemics.
- (v) **Freedom to reside and settle in any part of the territory of India** which is also subject to reasonable restrictions by the State in the interest of the general public or for the protection of the

schedule tribes because certain safeguards as are envisaged here seem to be justified to protect indigenous and tribal peoples from exploitation and coercion.

- (vi) **Freedom to practice any profession or to carry on any occupation, trade or business** on which the State may impose reasonable restrictions in the interest of the general public. Thus, there is no right to carry on a business which is dangerous or immoral.

# Article 20 of the Indian Constitution-

- Protection in respect of conviction for offences.
- No person shall be convicted of any offence except for violation of the law.
- No person shall be prosecuted and punished for the same offence more than once
- No person accused of any offence shall be compelled to be a witness against himself.

# Article 21 of the Indian Constitution-

- Protection of life and personal liberty

- No person shall be deprived of his life or personal liberty except according to procedure established by law.
- The Constitution (86<sup>th</sup> Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a fundamental right in such a manner as the State may, by law, determine.

## Article 22 of the Indian Constitution-

*Article 22 says that “No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.”*

This means that if a person has been arrested cannot be detained without knowing his grounds of arrest; he shall not be denied the right to consult and be defended by a lawyer/legal practitioner of his/her choice.

Sub-clause (2) of Article 22 says that *“Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court.”*

This means that the arrested person who has been detained in custody has to be produced before the nearest magistrate within the time-frame of twenty-four hours of such arrest which excludes the time taken to travel from the jail to the court of the magistrate. No detainee shall be kept in custody beyond this time-frame without the approval of the magistrate.

# RIGHT AGAINST EXPLOITATION



## RIGHT AGAINST EXPLOITATION (ART 23-24)

- The abolition of trafficking in human beings and *Begar* (forced labour)
- Abolition of employment of children below the age of 14 years in dangerous jobs like factories and mines.
- *Begar*, practised in the past by landlords, has been declared a crime and is punishable by law
- Trafficking in humans for the purpose of slave trade or prostitution is also prohibited by law.





# RIGHT TO FREEDOM OF RELIGION

## (ART 25-28)

**According to the Constitution, all religions are equal before the State and no religion shall be given preference over the other. Citizens are free to preach, practice and propagate any religion of their choice.**

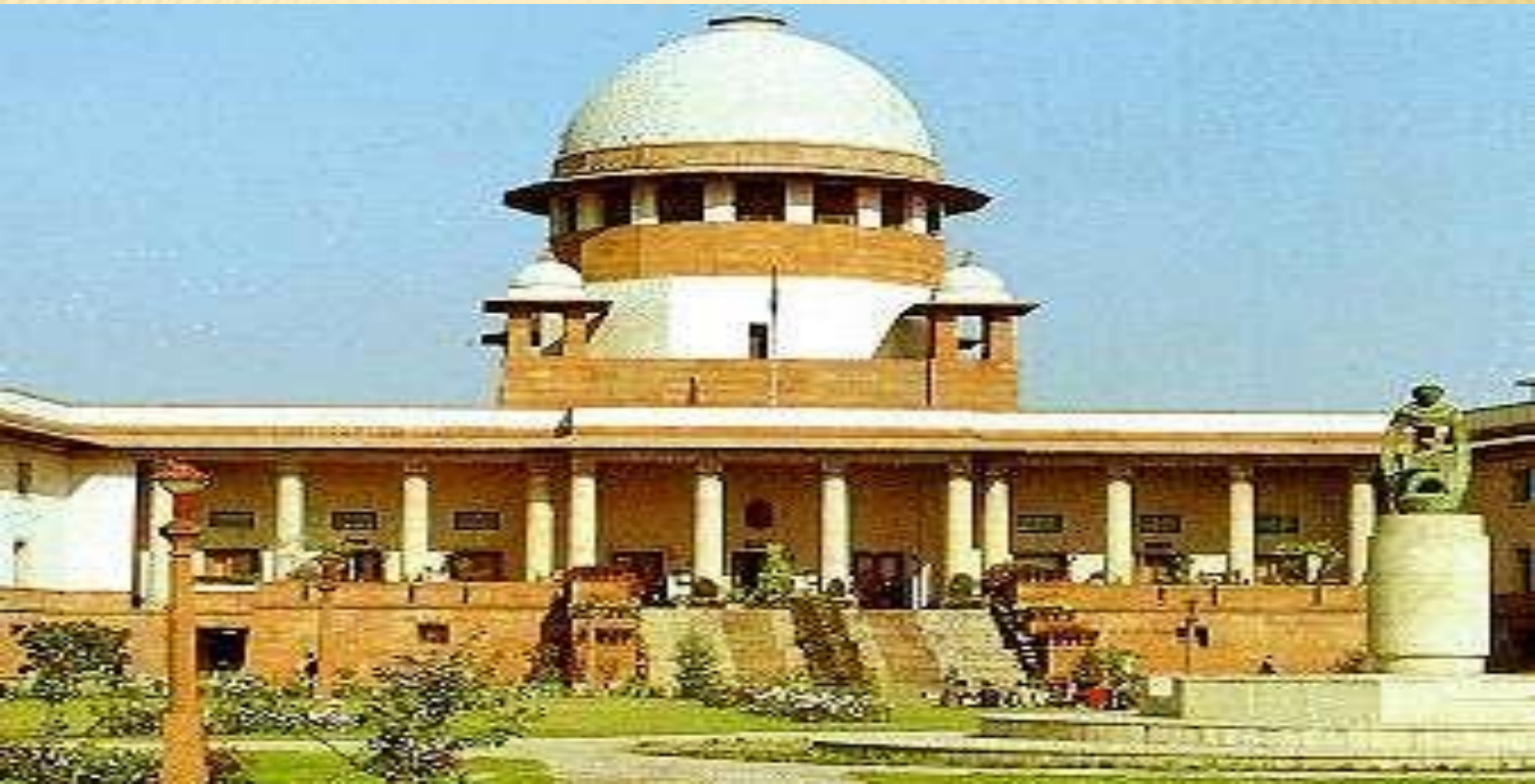
- i. Religious communities can set up charitable institutions of their own.
- ii. Activities in such institutions which are not religious are performed according to the laws laid down by the government

- iii. No person shall be compelled to pay taxes for the promotion of a particular religion.
- iv. A State run institution cannot impart education that is pro-religion.

# CULTURAL & EDUCATIONAL RIGHTS (ART 29-30)

- Any community which has a language and a script of its own has the right to conserve and develop it.
- All minorities, religious or linguistic, can set up their own educational institutions to preserve and develop their own culture.

# RIGHT TO CONSTITUTIONAL REMEDIES



## RIGHT TO CONSTITUTIONAL REMEDIES (ART-32)

- Right to constitutional remedies empowers the citizens to move a court of law in case of any denial of the fundamental rights.
- This procedure of asking the courts to preserve or safeguard the citizens' fundamental rights can be done in various ways. The courts can issue various kinds of writs. These writs are *habeas corpus*, *mandamus*, *prohibition*, *quo warranto* and *certiorari*.