

Fundamental Rights and Duties

Nature and Main Features

- ◉ Detailed description of Fundamental Rights
- ◉ Fundamental Rights are in conformity with our social conditions
- ◉ Only classified rights, no recognition of natural rights
- ◉ Fundamental Rights are obligatory on Union Government, State Governments and Local Governments
- ◉ Positive and Negative rights

- Difference between citizens and aliens
- Fundamental Rights are equally applicable to all citizens
- Rights are not absolute or unlimited
- Fundamental Rights can be suspended
- Parliament can amend the Fundamental Rights within the basic structure of the constitution
- Parliament can restrict the fundamental Rights of the security forces
- Fundamental Rights are justiciable

Fundamental Rights enshrined in the Indian Constitution

- Right to Equality – Article 14-18
 1. Equality before law – Article 14
 2. Prohibition of discrimination – Article 15
 3. Equality of opportunity in the matters of public employment – Article 16
 4. Abolition of untouchability – Article 17
 5. Abolition of titles – Article 18

◎ Right to Freedom – Article 19

1. Freedom of speech and expression
2. Freedom to assemble peacefully and without arms
3. Freedom to form associations and unions
4. Freedom to move throughout the territory of India
5. Freedom to reside and settle in any part of India
6. Freedom to practice any profession, occupation, trade or business

○ Right Against Exploitation – Article 23-24

1. Prohibition of traffic in human beings and forced labour

2. Prohibition of child labour

○ Rights to Religious Freedom, Articles 25-28

1. Freedom of Conscience

2. Freedom to manage religious affairs

3. Freedom from payment of taxes for promotion of any particular religion

4. No religious instruction in government educational institutions

5. Religious instruction is not compulsory in private institutions

- Cultural and Educational Rights Articles, 29-30

- Right to Constitutional Remedies Article 32

The right to constitutional remedies is the most important right because it makes other fundamental rights secure. Without it, other fundamental rights can't be got enforced. The courts can issue many kinds of writs to protect the rights of the citizens:

- Writ of Habeas Corpus
- Writ of Mandamus

- Writ of Prohibition
- Writ of Quo-Warranto
- Writ of Certiorari

Fundamental Duties

Rights and Duties are co-relative and they are often considered as the two sides of the same coin. The Union Parliament passed the Forty-Second Constitutional Amendment Act in 1976 and through it incorporated a new part (Part IV) and a new Article (Article 51 A) in the Constitution. The new Article in the new part provides the following eleven Fundamental Duties for the Indian Citizens:

- To abide by the Constitution and respect its Ideals and Institutions, the National Flag and the National Anthem
- To cherish and follow the Noble Ideals which inspired our national Struggle for Freedom
- To uphold and protect the Sovereignty, Unity and Integrity of India
- To defend the Country and render national Service when called upon to do so
- 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

- To value and preserve the Rich Heritage of our Composite Culture
- To protect and improve the National Environment including Forests, Lakes, Rivers and Wildlife and to have Compassion for Living Creatures
- To develop the Scientific Temper, Humanism and the Spirit of Inquiry and Reform
- To safeguard Public Property and to abjure Violence
- To strive towards Excellence in all Sphere of Individual and collective Activity so that the Nation rises to Higher Levels of Endeavour and Achievement
- To provide opportunities concerning the Education to Children by their parents