

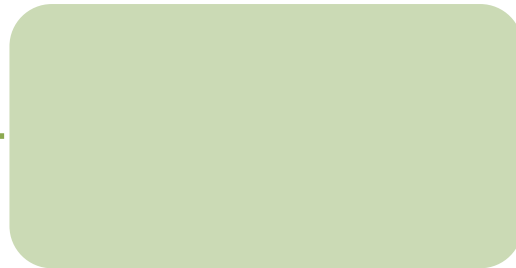
# FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

Also see ISRO Education Portal for videos

# Significance of Fundamental Rights

Rights are essential for development of individual

Democracy implies such fundamental freedoms and rights



The Fundamental Rights reveal the basic unity of India, along with single citizenship

Citizen's rights are counter checks on misuse of power by the nation State

# Fundamental Rights = those freedoms that are essential for personal and common good . Directive Principles are for making India into a Welfare State

Some Fundamental Rights are enjoyed by CITIZENS only, but a few are for 'persons' also – Right to Life, religion, speech, to reside – are for all.

Directive Principles are road maps and directions for future governments for moving towards making the nation state of India as a Welfare State

They are 'fundamental' because are given by the Constitution of India which is the supreme law in India.

They are 'Directive Principles' because they provide directions to the Governments in future for making policies for the higher good of all people

They ARE ENFORCEABLE in a court of law , but ARE NOT ABSOLUTE, but have 'reasonable restrictions' of decency, morality, social norms.

They CANNOT BE ENFORCED in a court of law

FR are grouped into six broad categories: Right to Equality, Freedom, Religion, Cultural and Educational, Constitutional Remedies and Right against Exploitation.

They can be grouped as Directive Principles (1) on Political and Administrative matters , (2) on Justice and Legal matters, (3) improvement of environment, (4) promotion of monuments , (5) Promote International peace and security.

# Three common restrictions on Fundamental Rights

- Personal liberties are subject to national security and public order. They cannot be misused to cause public commotion.
- During a national Emergency certain personal freedoms may be suspended.
- Terms such as 'reasonable restriction' on Fundamental Rights are criticised as being 'vague', but they are based on necessities.

# 1. Right to Equality covers five rights

Equality before Law

Equality of status : No titles like Raja, maharaja, are not to be used  
Bharat Ratna award is not to be used as titles

Exceptions:  
May make laws for Special knowledge of Local language, or for Backward classes .

Abolition of titles

Equality of Opportunity in public employment

Renamed in 1976: Protection Of Civil Rights Act

Abolition of Un-touch-ability

Prohibition of discrimination

Exceptions: Special Provisions for  
1) For women and children  
2) For socially backward groups

## 2. Right to Freedom covers six freedoms

Speech and Expression,  
subject to decency and  
morality

To assemble peacefully,  
without arms

To move freely within  
the nation state.  
Restrictions may be  
imposed to control  
epidemics

Freedom to form  
Associations and Unions  
, subject to morality ,  
public order and  
sovereignty / integrity of  
India

Right to practice any  
profession or carry out  
any occupation in any  
part of India

To reside and settle in  
any part of the nation  
state. Restrictions in  
tribal areas

# 3. Right against exploitation



# 4. Right to Freedom of Religion- liberty of belief, faith and worship

## Freedom of Conscience

- Freedom to profess and practice one's religion
- Freedom to propagate one's religion

## Freedom to manage Religious Affairs

- To establish and maintain institutions for religious and charitable purposes
- Each religious sect has a right to own and acquire movable and immovable property, subject to public order, morality and health

## India as a secular State is prohibited from

- Maintaining any particular religious institution for levying tax for it.
- No religious instruction shall be imparted in any State managed educational institution.



# 5. Cultural and Educational Rights

- India has a multi-lingual, multi-cultural, and a highly diverse traditional heritage. To preserve this plurality for future generations, and uphold the unity and integrity of India Cultural and Educational Rights are guaranteed by the Constitution of India under the **Right of 'Protection of Interests of Minorities'**.
- This includes the **Right to conserve one's Language, Script, and Culture**; and the **Right to establish Educational Institutions**.

## 6. Right to Constitutional Remedies is the key to fundamental rights

- Article 32 guarantees the right to move to the Supreme Court of India for enforcement of one's Fundamental Rights. This Right acts as a check against the arbitrary use of power by the Executive, through five Writs.
- 1) Writ of Habeas Corpus (2) Mandamus (3) Prohibition (4) Certiorari (5) Writ of Quo Warrants

# Rights to personal liberty for ordinary citizens

## Protection for conviction of offences

- Only one prosecution for one crime
- No witness against oneself
- No punishment except for breaking a law

## Protection of Life and Personal Liberty

- No one to be deprived of life except according to procedure of law
- Personal liberty includes all rights not included in Article 19 such as - right to travel abroad

## Rights of a person arrested under ordinary circumstances

- No detention without being informed
- Right to be defended by a lawyer
- Right to be produced before the nearest Magistrate within 24 hours of arrest.

# Suspension of Article 19 during Emergency

- Legislative and Executive action that curtails the Fundamental Rights given by Article 19 , cannot be challenged in Court of Law during an Emergency.
- PREVENTIVE DETENTION is arrest and detention without trial, for a maximum period of three months.
- The aim is to prevent the person from committing a major crime he is likely to commit.

# Certain restrictions on the enjoyment of fundamental rights

- 1. During national emergencies, the President of India may suspend Fundamental Rights
- 2. Personnel in Armed Forces, Police and Paramilitary forces have limitation in the enjoyment of these rights.