

Lesson-12

Fundamental Rights



Learning outcomes :

Students will–

- ✦ know the meaning of Rights.
- ✦ know about the Fundamental Rights provided by the Constitution.
- ✦ know the importance and limitations of the Fundamental Rights.

Countries around the world recognize certain opportunities for their citizens to develop their personalities and showcase their talents. These facilities provided by the state for the development of citizens are called rights. Of course the state may not recognize all the benefits or rights of a citizen. Some rights for the citizens in our India are included in the chapter 3 of the Constitution. These rights are known as fundamental rights as they are essential for the development of the individual and can be upheld by the courts. You have already read in the previous lesson that the Indian constitution adopted the concept of fundamental rights from the US Constitution. In addition to these fundamental rights, Chapter IV of the Indian Constitution includes certain other rights for the citizens. Of course these rights are not protected by the courts. These are known as instructional principle.

Now from the following dialogues try to understand how the challenges against one of the fundamental rights of Indian citizen, the right to education is prevented with the help of the law and how a child's right to education is protected—





A complain was lodged against the wife of Montu contractor who ill treated and refused to allow Parinita to come home. Parinita's mother and the women from Mother's Group sought help from law and recovered Parinita. Thus she was provided the constitutional right to education. Besides right to education, for the protection and personality development for child like Parinita, right to freedom, right to equality, right against exploitation, etc. are also needed. Rights are certain conditions recognized and enforced by the state for the development of personality of the individual and for social good. Such rights or provisions provided by the Indian Constitution are called Fundamental Rights. These Fundamental Rights are justiciable. A citizen may approach the court of law when his/her fundamental right is violated.

Write Answer :

- ✦ What do you understand by rights?
- ✦ What advice did the members of Mother's Group give to Parinita's mother?

- ★ Whose help did the Mother's Group and Parinita's mother take to bring her back?

Let us know :

- ★ The Indian Constituent Assembly has formed a separate sub committee to prepare the scheme of Fundamental Rights. This sub committee deliberated on the Bill of Rights of United States of America, Declaration of French Revolution, 1935 Ireland Constitution and the 1948 Universal Declaration of Human Rights. The Fundamental Rights were incorporated in the Constitution according to the recommendation of these committees: The Indian Constitution guarantees seven Fundamental Rights to its citizens during its enforcement. These Fundamental Rights were– Right to Equality, Right to Freedom, Right against Exploitation, Cultural and Educational Rights, Right to freedom of Religion, Right to Constitutional Remedies and Right to Property. The 44th Amendment Act of 1978 deletes Right to Property. Now the constitution provides six Fundamental Rights.

Presently, Part III of the Indian Constitution, Articles 14 to 35, deal with the Fundamental Rights are classified into six categories :

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Cultural and Educational Right
5. Right to Freedom of Religion
6. Right to Constitutional Remedies

Let us now discuss the Fundamental Right in details -

Right to Equality:

Articles 14 to 19 of the Indian Constitution provides Right to Equality to eradicate economic, social and political inequality among the citizens. Look at the given picture You must have seen this statue in the court. This statue symbolizes that all are equal in the eyes of law. All Indian citizens irrespective of social positions from the President to the common man must abide by the constitutional laws.



According to law, every Indian citizen irrespective of caste, community, religion, rich, poor or place of birth can use public water, roads, transport etc. There shall be no discrimination in respect of recruitment to public offices. The Constitution has abolished untouchability, social inequality and social evils to establish equality. The Constitution provides equal opportunity to all irrespective of class high or low. In

our country untouchability is a social disease.

The Right to Equality helps in developing a strong, healthy and cultured nation by eradicating social inequality.

Activity

- ✦ Make a list of the people living in your village/town/city/neighbourhood who are deprived of constitutional rights.

Right to Freedom :

In an independent and democratic nation a government solves the problems and looks into the demands of its citizen. Articles 19 to 22 of the Indian Constitution provides the Right to Freedom to its citizens.

You have learnt in the lesson 'Media and Mass Communication' of the Social Science Class VII textbook, that through newspaper, radio, T.V., internet, we have the freedom to express our feelings.

Look at the picture given below–



Two women organisation 'Milonjyoti Mahila Samiti' and 'Jana Kalyan Sanmilita Sangha' are taking out processions with banners in hand and shouting slogans like 'provide security to women' and 'control price rise', etc.

From the above pictures we have learnt that Indian citizens have their right to demand the government to solve their problems. Citizens have the right to assemble peacefully and demand their rights in a democratic way.

Like Janakalyan Sanmilita Sangha and Milonjyoti Mahila Sangha, citizens have the right to form associations and union and work for the welfare of the society.

Indian citizens also have the right to reside and settle permanently at any place within the geographical boundary of the country and carry out profession, occupation, trade and business.

Another important characteristic of the Right to Freedom is that no person can be punished unless found guilty by law. If a person is detained by police for more than 24 hours, the person can appeal to the court.

The Right to Education is another new significant characteristic included in the Right to Freedom in 2009, Article 21 (A) introduced the Right to Education to all children. According to the Right to Education, all children irrespective of caste, community, religion and language can enjoy the right to education. You have read about this right in Parinita's story. Like Parinita, many children are provided this right. The members of the Mothers' Group also knew the significance of this right and helped Parinita. The objectives of Right to Education Act, 2009 are -to provide free and compulsory eight years primary school education to all children of 6-14 years of age group, to make provision for age-appropriate enrolment of children who have attained six years of age but are either not enrolled or dropped out before completing their primary education.

Activity

- ★ Find out in your locality the non enrolled children and prepare a plan to bring such children to school.

Right Against Exploitation :

Have you noticed children working in hotels, restaurants, shops, brick kiln, tea-gardens, factories, etc. The owners engage young children so that, by paying low wage they can be engaged to work for long hours. Sometimes the employer even engage children in dangerous and hazardous activities. Article 23 and 24 of the Indian Constitution deals with Right against Exploitation. According to the constitution, work without payment, forced labour, engagement in illegal and immoral activities are punishable offence.

Look at the pictures below- inspite of the Protection of Child Labour Act, 2006 there are a large number of children working in factories, industries, hotel, brick kiln etc.

Protection of Child Labour Act-2006



You must have read about kidnapping and missing news in newspapers. A class of people lures young children, adolescent girls and boys and sells them for illegal activities. Such children are deprived of their rights and have to live a miserable life. There are a number of laws in our country against such offences.

Let us know :

- ★ According to census report 2001, about 12% children of the age group of 6-14 years are engaged in different works. In October 2006, the government passed the Prohibition of Child Labour Act and this Act prohibited engagement of child in hotels, restaurants, shops and hazardous factories and industries. Anyone who violates this Act has to undergo 3 months to 2 years of imprisonment and pay an amount of Rs. 10,000 to Rs. 20,000 as fine. The Domestic Violence Act is another Act for protection of women.
- ★ **Protection of Children from Sexual Offences Act, 2012 :**
In 2012, the Indian Parliament passed POCSO to prevent sexual harassment of the children. Strict management is mentioned to prevent any sexual exploitation, abuse or sexual abuse of children to protect the rights of the children. The success of this act depends on the consciousness of the parents and the child.

Activity

- ★ Why are children engaged as labour?
- ★ When was the Child Labour Protection Act passed?

Cultural and Educational Right :

Article 29 and Article 30 of the Indian Constitution guarantees this Right to the Indian Citizen. The Constitution provides that all minorities based on religion or language have the right to establish and administer educational institution of their choice. No citizen shall be deprived of admission to any educational institution maintained by the state or receiving financial assistance from the government on the ground of religion, race, caste, language etc.

The citizens of India having a distinct language, script and culture have the right to conserve the same.

The Right to Religion :

You know that India is a secular state. The state does not recognise any particular religion. Every Indian citizen has the right to practice, propagate and form religious institution of one's choice by peaceful means. Article 26, Article 27 and Article 28 guarantees the Right to Religion to its citizen.

Right to Constitutional Remedies :

Article 32 to Article 35 of the Constitution provides an effective machinery for the protection and enforcement of the Fundamental Rights.

According to this Right a person may approach the High Court for the enforcement of Fundamental Rights.

Dr B. R. Ambedkar, Chairman of the Drafting Committee of the Indian Constituent Assmebly has remarked the Right to Constitutional Remedies as the 'very soul and heart' of the Constitution.

Activity :

- ✦ Does India have a state religion?
- ✦ What can a person do if he/she is denied of the Fundamental Rights?

Characteristics of Fundamental Rights :

Following are few characteristics of Fundamental Rights

- ✦ Fundamental Rights are an indispensable part of the Constitution.
- ✦ Citizen can move to the court if one is deprived of Fundamental Rights according to the Right to Constitutional Remedies. Therefore the judiciary is called the Protector of Fundamental Rights.
- ✦ Every Indian citizen irrespective of caste, creed, religion, language can equally enjoy the Fundamental Rights.
- ✦ Fundamental rights contribute to the establishment of justice and equality in the social and political spheres.
- ✦ There are certain limitations to the enjoyment of fundamental rights.

Limitation of Fundamental Rights :

The Fundamental Rights provided by the Indian Constitution are not absolute. These rights have certain limitations. During emergency, these rights are temporarily suspended.

Importance and necessity of the Fundamental Rights :

From the above discussion, you have learnt that the Fundamental Rights inspite of its limitations are important for its citizens.

- ✦ The personal development of an individual is hampered in the absence of Fundamental Rights.
- ✦ Fundamental rights protect the freedom of the people by interfering with the arbitrariness

of the government.

- ★ The Fundamental Rights are not discriminatory in nature, therefore every citizen irrespective of caste, religion, language, sex, enjoys these rights equally.

Let us remember :

- ✍ Rights are certain conditions recognised and enforced by the state for the development of personality of the individual and for the social good.
- ✍ Rights guaranteed by the Indian Constitution are called the Fundamental Rights.
- ✍ There are certain provisions for the protection of the Fundamental Rights if they are violated.
- ✍ Article 14 to Article 35 of the Indian Constitution has laid down six Fundamental Rights.

| Right to Equality | Right to Freedom | Right against Exploitation | Cultural and Educational Rights | Right to Religion | Right to Constitutional Remedies |
|---|---|--|--|--|--|
| <ul style="list-style-type: none">⇒ equal in the eyes of law.⇒ equal opportunity in jobs⇒ abolition of untouchability⇒ equal access to public places | <ul style="list-style-type: none">⇒ expression of thought⇒ freedom of speech⇒ freedom to form association⇒ right to reside and settle in India⇒ right to freedom of profession⇒ move to court⇒ right to education | <ul style="list-style-type: none">⇒ prohibition of child labour⇒ pay deserving work.⇒ economic security⇒ security for women | <ul style="list-style-type: none">⇒ According to need one can establish educational institution⇒ to preserve and practice one's language and culture. | <ul style="list-style-type: none">⇒ to practice and propagate one's religion | <ul style="list-style-type: none">⇒ to approach the court if deprived of the Fundamental Rights. |

The Right to Property was abolished in 1978.

The main characteristics of the Fundamental Rights are—

- ★ The Fundamental Rights are an integral part of the Constitution.
- ★ The Fundamental Rights help in the development of an individual's personality.
- ★ The Fundamental Rights are not discriminatory.
- ★ The Fundamental Rights check the government from dictatorship rule.
- ★ The Right to Constitutional Remedies safeguard the Fundamental Rights.

Exercise

1. Write short answer—
 - (a) What do you understand by the Fundamental Rights?
 - (b) Name the country where the concept of Fundamental Rights originated.
 - (c) Which articles of the Indian Constitution deal with the Fundamental Rights?
 - (d) In which year the Constitution abolished the Right to Property?
 - (e) In which year the Right to Education of the child was introduced?
2. Fill in the blanks—
 - (a) Untouchability is a social——.
 - (b) —— is a secular country.
 - (c) The Fundamental Rights are an—— part of the Indian Constitution.
 - (d) The Fundamental Rights help in the —— development of an individual.
3. Choose the correct answer—
 - (a) During Emergency citizens can/cannot enjoy the Fundamental Rights.
 - (b) If a citizen is deprived of the Fundamental Rights he/she can/ cannot approach the court.
 - (c) Every Indian citizen from the President to the common man are equal/not equal in the eyes of law.
 - (d) Every child can/cannot enroll themselves in educational institution sanctioned by the government.
 - (e) Every Indian citizen can/cannot protect their own language and culture.
4. Write why the Fundamental Rights are incorporated in the Indian Constitution.
5. Organise a debate competition among the children, with the given topic— 'Fundamental Rights are citizens' protective shield.
6. Write plays on 'prohibition of child labour, equal rights for women and removal of superstitious belief. Organise short plays or perform the plays in various places.

