

Fundamental Rights & Fundamental Duties

Fundamental rights of the Indian constitution are the basic rights provided by the constitution of India to its citizens. These rights are essential for the development of the personality of every individual. They are also needed to preserve human dignity.

Fundamental Rights

There are six fundamental rights guaranteed by the Indian Constitution. They are as follows:

1. Right to Equality
2. Right to freedom
3. Right against exploitation
4. Right to freedom of Religion
5. Cultural and Educational Rights
6. Right to constitutional Remedies
7. The fundamental rights of Indian constitution are given by articles 12 to 35 of the constitution.
8. Article 12 defines the State and article 13 defines the laws inconsistent with or in derogation of Fundamental Rights.

The six fundamental rights of Indian constitution are discussed in detail in the subsequent sections.

- **Right to Equality**

The right to equality is given in the articles 14–18 of the Indian constitution. The articles under the right to equality include the following:

Article 14: Equality before law

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 16: Equality of opportunity in matters of public employment.

Article 17: Abolition of Untouchability.

Article 18: Abolition of titles: This article aims to abolish titles such as Rai Bahadur, Raj Bahadur, Maharaja, Taluqdar, Zamindar, etc., because using such titles does not give equal status for all.

- **Right to freedom**

The right to freedom is given in the articles 19–22 of the Indian constitution.

Article 19: Protection of certain rights regarding freedom of speech, etc.

Article 20: Protection in respect of conviction for offences.

Article 21: Protection of life and personal liberty.

Article 21-A: Right to Education

Article 22: Protection Against Arrest and Detention in certain cases

- **Right against Exploitation**

The right to freedom is given in the articles 23 and 24 of the Indian constitution. They are:

Article 23: Prohibition of traffic in human beings and forced labour:

Article 24: Prohibition of employment of children in factories, etc.:

- **Right to freedom of Religion**

The right to freedom is given in the articles 25 – 28 of the Indian constitution.

Article 25: Freedom of conscience and free profession, practice and propagation of religion

Article 26: Freedom to manage religious affairs

Article 27: Freedom as to the payment of taxes for promotion of any particular religion

Article 28: Freedom as to attendance at religious instruction or religious worship in certain educational institutions

- **Cultural and Educational Rights**

The right to freedom is given in the articles 29 and 30 of the Indian constitution.

Article 29: Protection of interests of minorities:

Article 30: Right of minorities to establish and administer educational institutions:

- **Right to constitutional Remedies**

The right to Constitutional Remedies gives the citizens the right to approach the Supreme Court or the High Court to implement the fundamental rights. The Courts can issue orders to the government to implement the rights. The right to constitutional remedies is given by articles 32-35 of the constitution.

Article 32: According to this article, the Courts can grant 5 types of writs namely, Habeas Corpus, Mandamus, Quo Warranto, Prohibition and Certiorari. Each of this writ is explained below:

1. Habeas Corpus: This writ is to direct the release of a person detained unlawfully.
2. Mandamus: Using this writ, the court can direct a public authority to do its duty.
3. Quo Warranto – to direct a person to vacate an office assumed wrongfully.
4. Prohibition – to prohibit a lower court from proceeding on a case.
5. Certiorari – the power of the higher court to remove a proceeding from a lower court and bring it before itself.

Article 33: This article gives powers to the Parliament to restrict or revoke (remove) the fundamental rights of the 'Members of the Armed Forces, paramilitary forces, police forces, intelligence agencies and analogous forces

Article 34: According to this article, the fundamental rights can be restricted when martial law (military rule) is implemented.

Article 35: This article provides authority to the Parliament to make laws on Fundamental Rights

Fundamental Duties

- Fundamental Duties are the moral responsibilities of the citizens of India to help promote a patriotic spirit and to uphold the unity of our country.
- The fundamental duties were incorporated under Part IV-A of the Constitution by The Constitution (42nd Amendment) Act, 1976.
- Article 51(A) of the constitution describes 11 fundamental duties.
- It states that it shall be the duty of every Indian citizen:

(a) to abide by the Constitution and to respect its ideals and institutions, the National Anthem and the National Flag;

(b) to cherish the noble ideals which inspired our national freedom struggle and follow them;

- (c) to uphold and to protect the unity, sovereignty, and integrity of the Indian nation;
- (d) to defend the country and render national service whenever called upon to do so;
- (e) 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;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual as well as collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
- (k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

Conclusion

Fundamental rights and duties are an important part of the Indian constitution. There are six fundamental rights that include right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, and right to constitutional remedies. The fundamental rights are given in the article 12 – 35 of the Indian constitution. These rights help in the personality development of every citizen and protect his/her dignity. Fundamental duties are the responsibility of the Indian citizens towards the country. There are 11 fundamental duties given in article 51(A) of the constitution.