

Indian constitution and rights

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Right to Equality

The Right to equality ensures that every citizen is the same under the law. Hence, any person irrespective of age, gender, caste, creed, religion, language, and social status are considered equal. The Right to equality ensures that all persons are treated equally.

Right to equality

Article 14: Equality before the law- the constitution guarantees that all persons are equal within the territory of India.

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

Article 16: Guarantees equality of opportunity in matters of public employment to any office under the state.

Article 17: Abolition of untouchability

Article 18: no titles being military or academic distinctions shall be conferred by the state.

Right to Freedom

Indian Citizens enjoy six freedoms as per the Constitution. The Right to freedom ensures that Indian citizens can carry out their daily lives peacefully without undue restriction, harassment, or oversight by the Government.

Six fundamental freedom provided under Article 19 of the Constitution are:

- Freedom of speech and expression
- Freedom to assemble peacefully without arms
- Freedom to form associations or unions or co-operative societies
- Freedom to move freely throughout the territory of India
- Freedom to reside and settle in any part of the territory of India
- Freedom to practise any profession or to carry on any occupation, trade or business

Article 20: Ensures protection in respect of conviction for offences.

- No person shall be convicted of any offence except for violation of law in force at the time
- No person shall be punished for the same offence more than once
- No person shall be compelled to be a witness against himself

Article 21: Protection of life and personal liberty

Article 22: Protection against arrest and detention in cases of concerning security of the union

- No person can be held under preventive detention for more than three months
- A person detained need to be explained the grounds of detention.
- The detained person has the right to defend himself by a counsel of his own choice

Right against Exploitation

All Indian Citizens enjoy a right against being exploited or misused. Article 23 provides that bonded labour, child labour, and human trafficking are prohibited. Article 24 states that the employment of children below the age of 14 is prohibited in a factory.

Right to Freedom of Religion

India is a secular country with people of different faiths living in harmony. Indian citizens can practice a religion of choice and perform rituals or activities as per their religious customs. According to the Constitution, all religions are equal before the State, and no religion has a preference over the other. Further, Indian Citizens are free to preach, practise, and propagate any religion of their choice.

The following Articles in the Constitution ensure the Right to freedom of religion:

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

Article 26: Freedom to establish and maintain institutions for religious affairs

Article 27: No person is compelled to pay any taxes for the promotion or maintenance of any particular religion or religious denomination

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

Cultural and Educational Rights

The Cultural and Education Rights in the Constitution protect the rights and customs of the minorities. Further, the Constitution provides for any community that has a language, and a script of its own has the Right to conserve and develop it.

The following Articles in the Constitution protect cultural and education rights:

Article 29: Protection of interests of minorities in India

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

Right to Constitutional Remedies (Article 32)

Right to Constitution Remedies empowers Indian citizens to approach a court of law, in case of any denial of the fundamental rights. This Right gives also empowers Courts to preserve or safeguard the citizens' fundamental rights as laid out in the Constitution.

The Constitution empowers the Supreme Court and High Courts to issue orders or writs.

The types of writs are:

- **Habeas Corpus- 'let us have the body'**
- **Certiorari- 'certified'**
- **Prohibition- 'stay orders'**
- **Mandamus- 'we command'**
- **Quo Warranto- 'by what warrants'**

Habeas Corpus

Habeas Corpus is a writ that is enforced to protect the fundamental right to liberty of an individual against unlawful detention. This writ commands a public official to deliver a detained person in front of the court and provide valid reasons for the detention.

Certiorari

The writ of certiorari is issued to a lower court directing that the transfer of a case for review, usually to overrule the judgment of the lower court. The Supreme Court issues the writ of Certiorari in case the decision passed by the lower court is challenged by the party. It is issued in case the higher court finds it a matter of over jurisdiction or lack of jurisdiction.

It is one of the mechanisms by which the fundamental rights of the citizens are upheld.

Prohibition

Prohibition is a writ issued by a higher court to a lower court to enforce inactivity in the jurisdiction. It happens only in case the higher court is of the discretion that the case falls outside the jurisdiction of the lower court. Writ of Prohibition can only be issued against judicial and quasi-judicial authorities.

Mandamus

The writ of mandamus is issued to a subordinate court, an officer of the government, or a corporation or other institution commanding the performance of certain acts or duties. The writ of mandamus can be used to order the completion of a task or in other cases, it may require an activity to be ceased.

Quo-Warranto

Quo warranto is issued against a person who claims or usurps a public office. Through this writ, the court inquires 'by what authority' the person supports his or her claim. Through this writ, the court enquires into the legality of a claim of a person to a public office.