**Fundamental Rights:** [**(Course Link)**](https://unacademy.app.link/1xBP9jz6Fpb)

Differences between fundamental rights and fundamental duties are as follows:

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| Fundamental Rights | Fundamental Duties |
| They are compulsory to everyone.  This means to say that every citizen of India will have fundamental rights compulsorily. | They are not compulsory to everyone.  This means to say that no citizen will be forced to perform fundamental duties. But it is intended to be followed by those who consider themselves as good citizens of India. |
| Examples:   1. Right to Equality 2. Right to Freedom 3. Right against Exploitation 4. Right to Freedom of Religion | Examples:   1. Keeping the river clean without disposing waste into it. 2. Not writing stupid things on the walls of train. |
| They are subjected to judiciary.  This means to say that if your fundamental rights are violated, you can go for an appeal in the court of law. | They aren’t subjected to judiciary.  This means to say that if you don’t do your fundamental duties, then no one can go for an appeal in the court of law. |
| They are inspired from United States | They are inspired from Russia  (Earlier called USSR) |
| They were written into constitution during its development phase.  This means to say that when constitution of India was deployed to production on 26th November, 1949, fundamental rights were already there in the constitution. | They were patched later into the constitution. They were patched as 42nd amendment in 1976.  They are called as “Mini Constitution” till date. |

Why is Part 3 of Constitution called Magna Carta of India?

* Most portions of Indian constitution are adopted from the constitution of Britain.
* The summary of Britian’s constitution is called Magna Carta.
* Fundamental Rights which are written in Part 3 of Indian Constitution summarizes the whole constitution. That is why Part 3 of Indian Constitution is called “Magna Carta of India”

Hard rule of state 🡺 Dictatorship of the government. E.g. Hitler’s government

Article-31 (Right to Property) was removed from the list of fundamental rights and was shifted to Article 300-A as Legal right by 44th Amendment in 1978.

Why was this done?

* Edaneeru Mutt had its land in Kerala. The owner of that land was the then Edaneeru Mutt’s pontiff Keshavananda Bharati.
* The government of Kerala decides to start a project which had the requirement of using Edaneeru Mutt’s land.
* But Edaneeru Mutt (Keshavanada Bharati) did not agree for this.
* This matter goes to High Court of Kerala. High Court of Kerala gives decision in favor of Government of Kerala.
* Keshavanada Bharati moves to Supreme Court of India and files an application that his Right to Property was exploited.
* Supreme Court of India forms a jury of 13 members including highly respectable people of society such as Retd. Judges, Seasoned Politicians, etc.
* Out of 13, 6 voted in favor of Keshavananda Bharati and 7 voted in favor of Government of Kerala.
* Supreme Court was then forced to give its decision in favor of Government of Kerala. But Supreme Court also thought that such a decision would be against fundamental rights. So, supreme court moved Article-31 (Right to Property) to Article 300-A as legal right by 44th amendment in 1978.
* Supreme court also declared that Parliament can amend fundamental rights but the basic theme of fundamental rights should not be destroyed.

Fundamental rights runs from Article-12 to Article-35

No state government can take a decision that they will form a new state 🡺 Article 12

Fundamental rights can’t be reduced. It can be added or extended. In emergency cases it can be restricted for some time 🡺 Article 13

No person should have title like MahaRaja, Sultan, etc. 🡺 Article 18

Freedom of residence and settlement states that anyone can stay anywhere in India.

🡺Part of Article 19

Some Exceptions:

1. Jammu and Kashmir
2. Place where military resides

Article 19 was earlier giving us 6 rights. But now a 7th right had been added which is Right to use of Internet

An offender will get only that much of punishment given by court.

E.g. If an offender gets 6 months of conviction, police cannot extend his conviction for 2 years due to personal grudge 🡺 Article 20

Article 20 and Article 21 cannot be restricted at any point of time.

A’s fundamental rights will be valid only till the point it hurts B’s fundamental rights. Once B’s fundamental rights gets violated, A’s fundamental rights becomes NULL

E.g. ‘A’ goes and screams loudly in public and says its my Right to Freedom. As this violates fundamental rights of others (fundamental right of Right against Noise pollution), A’s fundamental right becomes NULL.