Apart from the rights to freedom, equality, religion etc., there are a number of other, lesser known fundamental rights that can be exercised by citizens. No less important, they guarantee protection from excesses of law enforcement officials.

**Right to life and liberty**

**Q. What does the right to life and personal liberty entail?**

The right to life and personal liberty means that no person shall be deprived of his life or personal liberty except under procedures laid down by the law.

**Q. How does the right to life and liberty extend to the medical obligation of doctors to save lives?**

Doctors and other health professionals are obligated to save patients’ lives using any and every means at their disposal. No law or other statute passed by the State can come in the way of a medical professional’s discharge of this paramount obligation. All other statutes and laws that come in the way of discharging this duty must thus give way.

**Q. Is this right abrogated when an Emergency is imposed?**

No. A citizen cannot be deprived of the right to life and liberty even after the promulgation of an Emergency.

**Q. Do fundamental rights guarantee protection against unlawful arrest and detention too?**

In certain cases, a person is guaranteed protection. Under these cases, an arrested person must:

- Be informed of the grounds for arrest and detention

- Not be denied the opportunity to consult and be represented by a legal practitioner of his choice

- Be produced before the nearest magistrate within 24 hours of arrest (excluding the time of travel between the police station and the courts).

There are some cases in which the above protections do not apply:

- When the arrested person is an enemy alien

- When the person is detained under preventive custody.

- Even under preventive custody, the person can be detained for a maximum 3 months at a time, upon expiry of which, approval from an Advisory Board must be sought.

- The authority issuing the order for preventive custody would be required to communicate to the arrested person the reasons for making such an order and allowing him/her the opportunity to challenge the order.

**Q. Are there any rights concerned with protection in case of an offence?**

Yes. A person can be convicted of an offence only if:

- There are laws in force governing the commission of such an offence at the time the offence was committed.

- A person cannot be convicted more than once for the same offence.

- A person cannot be compelled to become a witness against himself.

**Right against exploitation**

**Q. Is it punishable to traffic in human beings?**

Yes. Buying and selling humans and forced labour are illegal and punishable by law. However, the State may impose compulsory service for a public purpose and the State cannot discriminate between people on the grounds of religion, caste, sex or creed.

**Q. Can children be employed in factories?**

No. It is illegal to employ children below 14 years of age in factories, mines and other hazardous employment.

**Q. Can the State impose public service on the people?**

Yes. The State may impose compulsory service on the people for public purposes. In imposing such service, the State may not differentiate between citizens on the basis of caste, creed, sex or religion.

**Right to Freedom of Religion**

**Q. What does the right to Freedom of religion entail?**

It allows all Indian citizens the right to freely profess, practice and propagate a religion of their choice. It also allows every religious denomination to have the right to establish and maintain institutions for religious and charitable purposes, manage its own affairs in matters of religion and acquire and administer movable and immovable property.

**Q. Does this mean that religious activities will be unregulated? Does the State have no power to regulate religious activities?**

As has been said earlier, there is no such thing as unrestricted freedom. The right to freedom of religion exists only as long as it does not affect public order, morality and health. Further, the State can also make laws regulating or restricting any economic, financial, political or other secular activity.

**Q. Does the right to freedom of religion also mean the right to continue with casteism?**

No. Discrimination on the basis of caste is forbidden under the right to equality. The right to freedom of religion allows the State to frame laws and regulations that provide for social welfare and throwing open of Hindu religious institutions of a public character to all classes of Hindus. Here Hindus is defined as inclusive of Sikhs, Buddhists and Jainas, in addition to Hindus.

**Q. Can a person be compelled to pay a tax for promotion of a particular religion?**

No. A person cannot be compelled to pay taxes the sole purpose of which is payment of expenses for promotion or maintenance of a religion or denomination.

**Right to Education**

**Q. Is education a fundamental right?**

Yes. Education is seen as critical to enabling people to live a life of freedom and dignity. The State shall provide free and compulsory education to all children between 6 and 14 years of age. The right to education was earlier among the Directive Principles of State Policy, which meant that it was not enforceable.

**Q. Are educational institutions free to provide religious instruction?**

Educational institutions wholly maintained out of State funds cannot provide religious instruction. However, those institutions maintained by the State but established under an endowment or trust which requires religious instruction to be imparted to the students are exempt from this. Further, an educational institute recognized by the State or receiving State funds cannot coerce a student into taking religious instructions or attend any religious worship.

**Cultural and educational rights**

**Q. What rights do minorities have of protecting their culture?**

Any section of citizens residing in any part of the country with a distinctive language, script or culture have a right to conserve the same. To protect their culture and heritage, minorities can establish and administer educational institutions of their choice. However, admission to these institutions cannot be discriminated on the basis of caste, creed, sex or religion. The State too cannot discriminate against any educational institute on the grounds that it is administered by a minority.

--Ends