

F- FREEDOM
R-FREEDOM OF RELIGION
E-RIGHT AGAINST EXPLOITATION
E-RIGHT TO EQUALITY
C- CONSTITUTIONAL REMEDIES
C-CULTURAL AND EDUCATIONAL RIGHTS

Introduction to Politics

Constitutional Government and Democracy in India

Philosophy of Indian constitution

Preamble of the Indian Constitution

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, DO HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Features of Indian Constitution

| | |
|--------------------------------------|--|
| Written Constitution | Fundamental Rights |
| Drawn from Various Sources | Fundamental Duties |
| Blend of Rigidity and Flexibility | Directive Principles of State Policy |
| Parliamentary Form of Democracy | Secularism with Indian Characteristics |
| Integrated and Independent Judiciary | Single Citizenship |
| Rule of Law | Universal Adult Franchise |
| Federal System with Unitary Bias | Autonomous Constitutional Bodies |
| Division of Power | Three-tier Government |
| Balance of Power | Co-operative Societies |

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Fundamental Rights

Right to Equality

Article 14- Equality before Law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15- Right against Discrimination

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to— (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

Fundamental Rights

Right to Equality

Article 16- Equality of Opportunity

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

Article 17- Abolition of Untouchability

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law

Fundamental Rights

Right to Equality

Article 18- Abolition of Titles

- (1) No title, not being a military or academic distinction, shall be conferred by the State.
- (2) No citizen of India shall accept any title from any foreign State.

Fundamental Rights

Right to Freedom

Article 19

All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (g) to practise any profession, or to carry on any occupation, trade or business.

Fundamental Rights

Right to Freedom

Article 20- Protection with respect to conviction for offences

(1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the Act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) No person accused of any offence shall be compelled to be a witness against himself.

Article 21- Protection of Life and Personal Liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Fundamental Rights

Right to Freedom

Article 22- Protection against Arrest and Detention

22(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

22 (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate

Fundamental Rights

Right against Exploitation

Article 23- Prohibition of Human Trafficking and Forced Labour

(1) Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Article 24- Prohibition of Child Labour

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Fundamental Rights

Right to Freedom of Religion

Article 25- Freedom of **Conscience, Profession, Practice and Propagation**

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

Article 26- Freedom to Manage Religious Affairs

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law.

Fundamental Rights

Right to Freedom of Religion

Article 27- Freedom from Taxation for Promotion of a Religion

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

Article 28- Freedom from Attending Religious Instruction

(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

(3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

Fundamental Rights

Cultural and Educational Rights

Article 29- Protection of Interests of Minorities

- (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
- (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 30- Right of Minorities to Establish and Administer Educational Institutions

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- (2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Fundamental Rights

Right to Constitutional Remedies

Article 32

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

Habeas corpus: It means “to have the body”. This writ protects the right to life and personal liberty (Article 21). It can be issued by the courts to any authority which has detained a person without trial to produce him to the court for trial. It challenges the executive if it has detained anyone against the authority of law. It can also challenge a law under which the detention has been made if that law is unconstitutional. The court can free a persons if she/he is detained illegally. Disobedience to this writ is met with punishment for contempt of court.

Fundamental Rights

Right to Constitutional Remedies

Mandamus: Mandamus means a command. It is an order issued to an authority or a person to do the duty mandated to it by law which it has refused to perform. Mandamus is not granted against the President, Governor of the state, the high court or supreme court judges. It is not issued against a private individual or body.

Prohibition: It is a writ issued by a higher court – the Supreme Court or a high court to an inferior court. It prohibits the latter from continuing proceedings to hear a case which is beyond the jurisdiction.

Certiorari: By this writ the Supreme Court, and the High Courts may call for the record of a case from a lower court or semi-judicial body on an allegation of an excess of jurisdiction.

Quo Warranto: By this writ the court asks a person or body of persons under which authority it is in a public office created by the constitution or a statute.

Fundamental Duties

It shall be the duty of every citizen of India—

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when 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;

Fundamental Duties

- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, 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 and 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.