

U24MC102 INDIAN CONSTITUTION

UNIT 2 - RIGHTS, DUTIES AND DIRECTIVE PRINCIPLES

Fundamental Rights

Fundamental Rights are the basic rights given to every Indian citizen by the Constitution. These rights help people grow and live with dignity and respect. They are very important for protecting freedom and fairness in the country.

Six Fundamental Rights in India

The Constitution of India guarantees six main rights to all citizens. These are written in Articles 12 to 35. Here's a quick look at each:

1. Right to Equality (Articles 14–18)

This right means everyone is equal in the eyes of the law. No one can be treated unfairly based on their religion, race, caste, gender, or place of birth.

- Article 14 – Everyone is equal before the law.
- Article 15 – No discrimination based on religion, race, caste, gender, or birthplace.
- Article 16 – Equal chances in government jobs.
- Article 17 – Untouchability is banned.
- Article 18 – Titles like "Rai Bahadur" or "Maharaja" are not allowed because they promote inequality.

2. Right to Freedom (Articles 19–22)

This right gives freedom to speak, live freely, and do lawful activities.

- Article 19 – Freedom of speech, movement, and forming groups.
- Article 20 – Protection against unfair punishment.
- Article 21 – Right to live with dignity and personal liberty.
- Article 21A – Free and compulsory education for children aged 6 to 14.
- Article 22 – Protection against illegal arrest or detention.

3. Right Against Exploitation (Articles 23–24)

This right protects people from being misused or treated unfairly.

- Article 23 – No human trafficking or forced labour.
- Article 24 – Children under 14 cannot work in factories or dangerous jobs.

4. Right to Freedom of Religion (Articles 25–28)

This right gives every person the freedom to believe in, practice, and spread their religion.

- Article 25 – Freedom to follow and practice any religion.
- Article 26 – Right to manage religious matters.
- Article 27 – No one is forced to pay taxes for promoting a religion.
- Article 28 – No religious teaching in government-funded schools.

5. Cultural and Educational Rights (Articles 29–30)

These rights protect the culture, language, and education rights of minorities.

- Article 29 – Minorities can protect their language and culture.
- Article 30 – Minorities can run their own educational institutions.

6. Right to Constitutional Remedies (Articles 32–35)

This right allows people to go to the courts if their rights are denied.

- Article 32 – People can ask the Supreme Court or High Court to protect their rights. The courts can issue the following writs:
 - Habeas Corpus – Release someone who is held illegally.
 - Mandamus – Order a public officer to do their duty.
 - Quo Warranto – Stop someone from holding a public office they are not entitled to.
 - Prohibition – Stop a lower court from overstepping its limits.
 - Certiorari – Transfer a case from a lower court to a higher one.
- Article 33 – Parliament can limit the rights of armed forces and police for national security.
- Article 34 – Rights can be limited during military rule (martial law).

- Article 35 – Parliament can make laws related to these rights.

Fundamental Duties (Article 51A)

Fundamental Duties are moral responsibilities that every Indian citizen should follow to help the country grow strong and united. These were added to the Constitution in 1976.

There are 11 duties, and every citizen must:

1. Respect the Constitution, National Flag, and National Anthem.
2. Follow the ideals of our freedom fighters.
3. Protect the unity and integrity of India.
4. Defend the country when needed.
5. Promote harmony and avoid discrimination; respect women.
6. Value our culture and traditions.
7. Protect the environment and be kind to animals.
8. Develop a scientific mindset and ask questions.
9. Protect public property and avoid violence.
10. Do your best in everything to help India grow.
11. Educate your children (if you are a parent or guardian) between the ages of 6 and 14.

Writs and Duties

Writs are written orders given by the **Supreme Court** or **High Courts** to protect a person's **Fundamental Rights** when they are violated.

If someone's rights are taken away or ignored, they can go to the **Supreme Court (Article 32)** or a **High Court (Article 226)** and ask for help. The court can then issue a writ to solve the problem quickly and fairly.

Writs help people get justice without delay, especially in urgent matters. They are very important for protecting freedom and ensuring the law is followed.

Who Can File a Writ Petition?

- **Any Indian citizen** can file a writ petition if their fundamental rights are violated.
- They must approach either the Supreme Court or a High Court that has the power to handle such cases.
- The person must explain clearly what right has been violated.
- There is **no fixed time limit**, but if there is a delay in filing, a **valid reason** must be given.

Types of Writs in the Indian Constitution

The Constitution of India allows **five types of writs**, each with a specific purpose:

1. Habeas Corpus (means "to have the body")

- Used when someone is **illegally detained or arrested**.
- The court can order the release of the person if the detention is found to be unlawful.

2. Mandamus (means "we command")

- The court tells a **government official or authority** to **do their legal duty**.
- Example: If a public officer is not doing something they are supposed to, the court can order them to act.

3. Prohibition

- Issued by a **higher court** to **stop a lower court** or tribunal from going beyond its powers.
- It stops the court from continuing a case it should not handle.

4. Certiorari (means "to be informed")

- The higher court **reviews and cancels** an order passed by a lower court if it was **unlawful or made without proper authority**.

5. Quo Warranto (means "by what authority")

- Used to **question the legality** of someone holding a public office.
- If the person is not qualified to hold that post, the court can remove them.

Why Writs Are Important

- They **protect our basic rights**.
- They provide a **quick way to get justice**.
- They help **keep government and public officials in check**.
- They are a key part of the legal system and **ensure fairness for everyone**.

Directive Principles of State Policy (DPSP)

The **Directive Principles of State Policy** are **guidelines or instructions** given by the **Indian Constitution** to the government. These help the government make **laws and policies** that aim to improve the **welfare of the people** and ensure **social and economic justice**.

These principles are found in **Part IV of the Constitution**, from **Articles 36 to 51**. They were explained by **Dr. B. R. Ambedkar** and are meant to help build a **welfare state**, where everyone can live a good life with fairness and equality.

Although these principles are **not legally enforceable** in court (unlike Fundamental Rights), they are **important for good governance and social progress**.

Main Goals of DPSPs:

- Create a **fair and just society**
- Ensure **economic and social equality**
- Improve **living standards** for all
- Promote **welfare and development**

DPSPs are divided into three main types:

1. Socialist Principles (Articles 38 to 43A)

These principles aim to bring **social and economic justice** to all citizens. They help reduce the gap between the rich and the poor and promote **equal opportunities**.

Key ideas:

- Provide **equal pay for equal work**
- Protect the rights of **workers and the poor**
- Ensure **fair distribution of wealth**
- Support **public health, education, and welfare**

2. Gandhian Principles (Articles 40 to 48)

These are based on the **ideals of Mahatma Gandhi**. They aim to **rebuild society** based on **rural development, self-reliance, and simple living**.

Key ideas:

- Promote **village panchayats** (local self-governments)
- Encourage **cottage industries** and small-scale farming
- Protect **women, children, and weaker sections**
- Ban **alcohol** and **cow slaughter**
- Preserve **Indian culture and traditions**

3. Liberal and Intellectual Principles

These principles reflect the values of a **modern democratic state**. They aim to build a society that respects **freedom, justice, and international peace**.

Key ideas:

- Provide **free legal aid**
- Protect **monuments** and the **environment**
- Follow **international laws and treaties**

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- Ensure **equal justice** and **human rights**
- Promote **scientific development** and **education**