

FUNDAMENTAL RIGHTS

of Indian Citizens



WHAT IS FUNDAMENTAL RIGHT

Defination

The Constitution of India guarantee civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India. These rights are known as "fundamental" as they are the most essential for all-round development , material, intellectual, moral and spiritual and protected by fundamental law of the constitution.

If fundamental rights are Violated Supreme court and State high court can issue the order for enforcement of the fundamental rights.



BACK GROUND AND SOURCES OF FUNDAMENTAL RIGHT OF INDIA

- Indian fundamental right inspired by
- USA Bills of Right
- UK
- CANADA
- JAPAN
- FRANCE
- RUSSIA
- AUSTRALIA



DEVELOPMENT



1895 To 1950

1. First demand for fundamental rights came in the form of the “Constitution of India Bill, in 1895. Also popularly known as the Swaraj Bill 1895, it was written during the emergence of Indian nationalism and increasingly vocal demands by Indians for self-government.
2. Indian Council Act. 1909.
3. Govt . Of India Act. 1919.
4. Indian national congress Karachi session 1931 (concept by Sardar Patel) , Citizens should get Freedom of speech, Expression, Association ... Irrespective of caste, sex and Religion.
5. Govt. of India Act. 1935.
6. The Indian Independence Act. 1947
7. 26th of November 1949 (Adopted) and 26th of January 1950 Executed .

FUNDAMENTAL RIGHT FOR WHOM?

INDIAN
CONSTITUTION



It is known as the “Magna Carta” of India

Citizen of Of
INDIA

CITIZEN

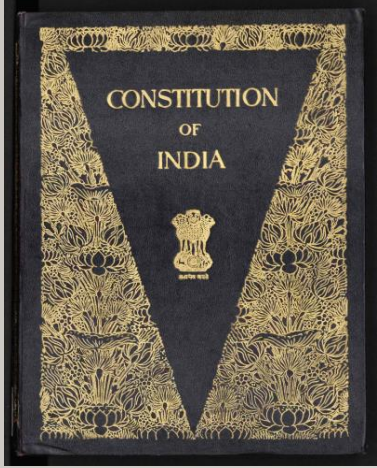


INDIAN CITIZEN

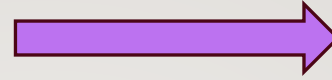


FOREIGN CITIZEN





Right



Constitutional Right

Fundamental
right –Part III

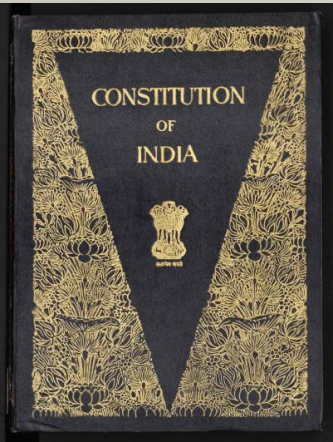


Other part
Constitutional
Right

The major differences between Fundamental rights and other constitutional rights is that –in case of violation of fundamental right you can approach the supreme court by filling a writ under Article 32 of Constitution.

This right directly move supreme court for the violation of your right is not available for other rights.

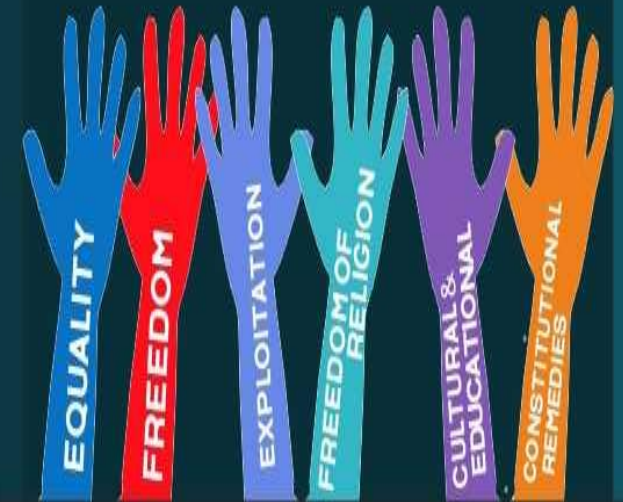
Thus our constitution prevent the establishment of an authoritarian and despotic rule in the country and protect the liberties freedom of the people against the invasion by the state

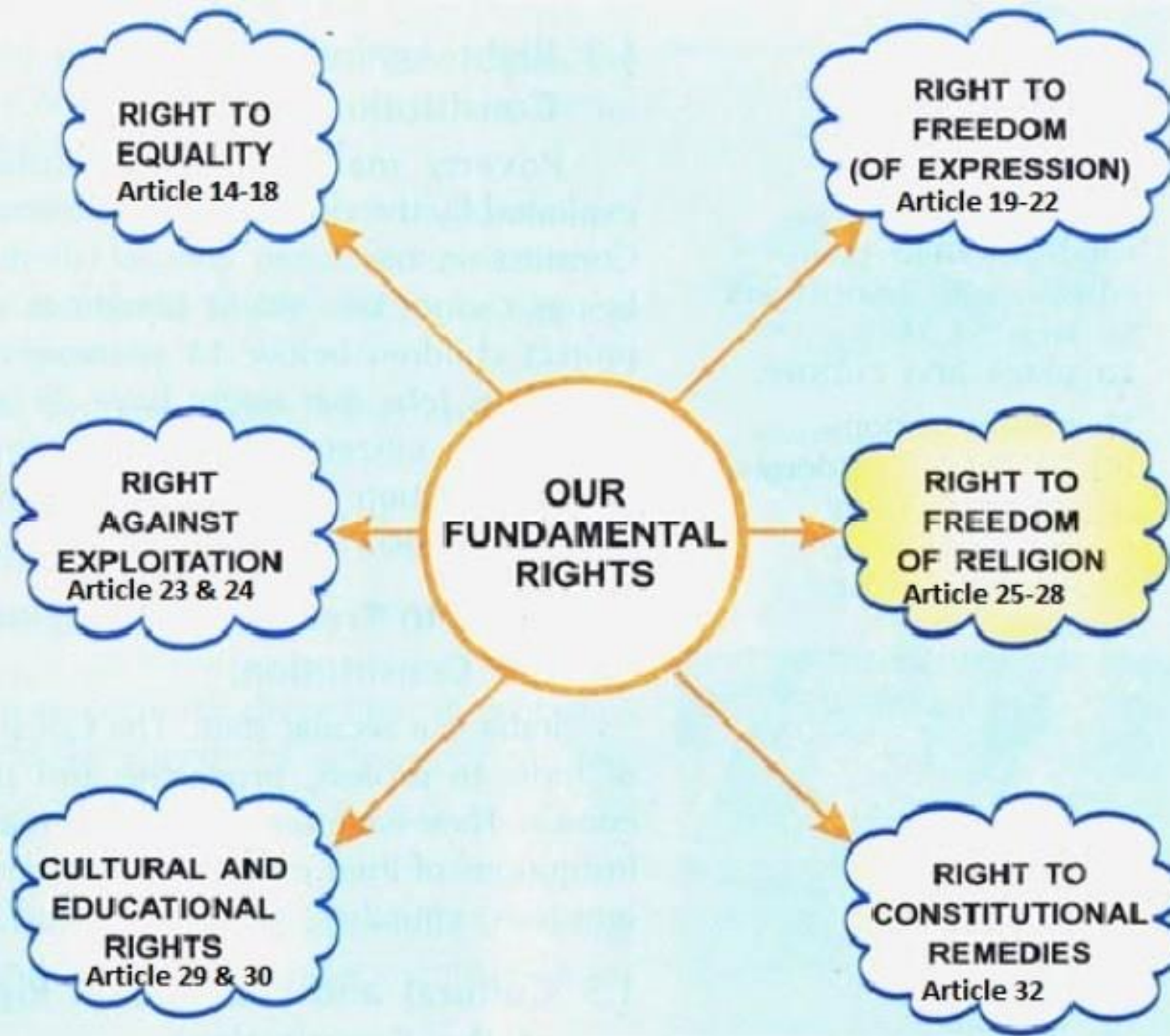


Fundamental Laws are guaranteed and protected by the constitution

All laws that are inconsistent with or in derogation of any of the fundamental right shall be Void

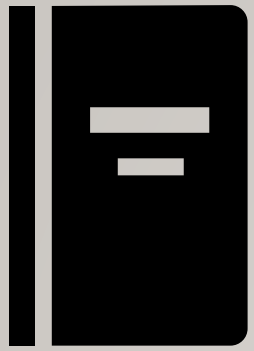
Fundamental Rights





**Now We have
6
Fundamental
Rights**

**Right to Property
repealed by the 44th
Amendment act 1978.
now Right to property no
more fundamental right.**



**PART –
III
Article
12**

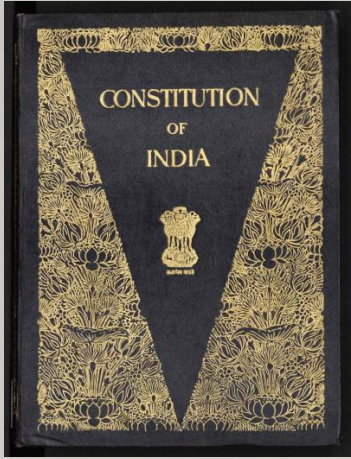


According to Prof. Garner, ‘The state is a community of persons more or less number permanently occupying a definite portion of a territory, independent and possessing an organised Govt. to which people render habited obedience.

ALL OF THEM REPRESENTS “STATE”



Local Authorities and other Statuary and Non-Statutory Authorities



Part III Article -13

Article 13 declares that All laws that are inconsistent with or in derogation of any of the fundamental right shall be Void.



JUDICIAL REVIEWS



RIGHT TO EQUALITY ARTICLE 14 TO ARTICLE 18

Everyone should be treated equally, by the Law



EQUALITY BEFORE LAW

Absence of any special privileges in favour of any person.

The Equal Subjection of all persons to the ordinary law of the land administered by ordinary law court.

Article 14



EQUAL PROTECTION OF LAWS

The like should be treated alike without any discrimination.

Article 15 of the Constitution of India

State shall not discriminate against any citizen on grounds on of

RELIGION

RACE

CASTE

SEX

PLACE OF BIRTH



forbids discrimination on grounds only of religion, race, caste, gender, or place of birth. It applies Article 14's general principle of equality in specific situations by forbidding classifications made on protected grounds.

(Both State and Private Individual)

Article -16

Equality of opportunity in public employment

State shall not discriminate against any citizen on grounds only of



RELIGION

RACE

CASTE

SEX

PLACE OF

BIRTH

DESCENT

Discrimination based on the grounds other than 6 are allowed.

■ Educational Qualification

■ Performance in test

■ Physical Fitness etc.

Exception

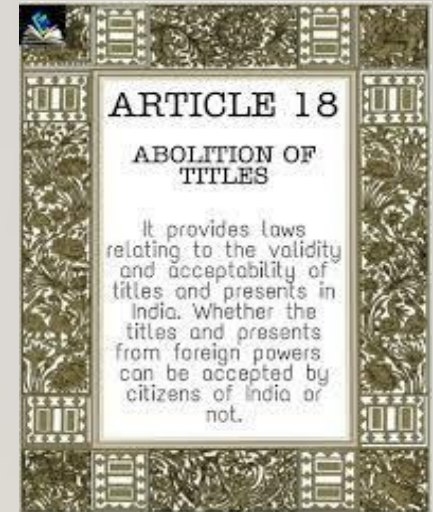
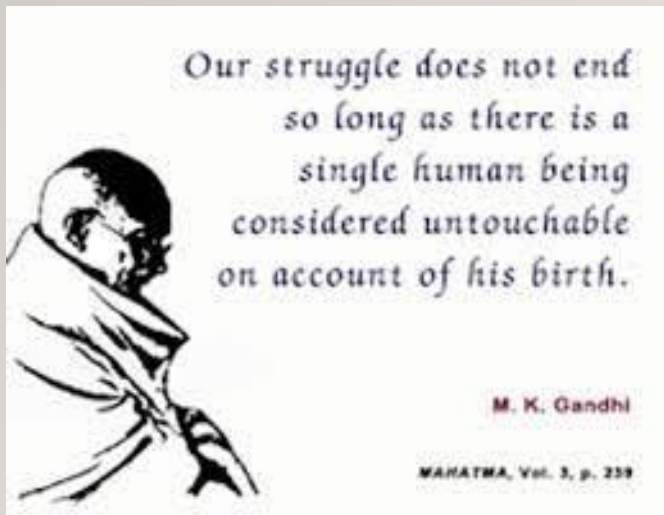
Parliament can prescribe residence as a condition for certain employment or appointment in a state or union territory or local Authority or other authority. (AP & Telangana)

Cast and Religion

Article -17 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.

People's Union for Democratic Rights v. Union of India, 1982

The highest court found that this article provides protection not just against the government but also against private citizens in this case. The state is required to take appropriate actions by making appropriate laws to stop the violation of Article 17.



Article - 18 talks about the abolition of titles. It says: No title, not being a military or academic distinction, shall be conferred by the State. No citizen of India shall accept any title from any foreign State.

Article 19 to 22 : Freedom of expression in India

British Raj



Indian Govt.



15th August 1947 ,Transfer all the power to Indian Leaders.

Article 19

RIGHT TO FREEDOM:

- **Article 19 :-** It guarantees the citizens of India the following six fundamentals freedoms:-
 - Freedom of Speech and Expression
 - Freedom of Assembly
 - Freedom of form Associations and Unions
 - Freedom of Movement within Indian territory.
 - Freedom of Residence and Settlement
 - Freedom of Profession, Occupation, Trade and Business

Article 20 Protection against Conviction of Offences

Article 21 Protection of life and personal Liberty

Article 21(A) Right to education for 6 age to 14 age Child. By 84th Constitutional Amendment . 2008

Article 22 Protection Against Arrest and Detention



Article 23 and 24 Right against exploitation

Article 23

Prohibition of traffic in human beings and forced labour

Article 23(1): Traffic in human beings and the beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law.

Article 23(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.

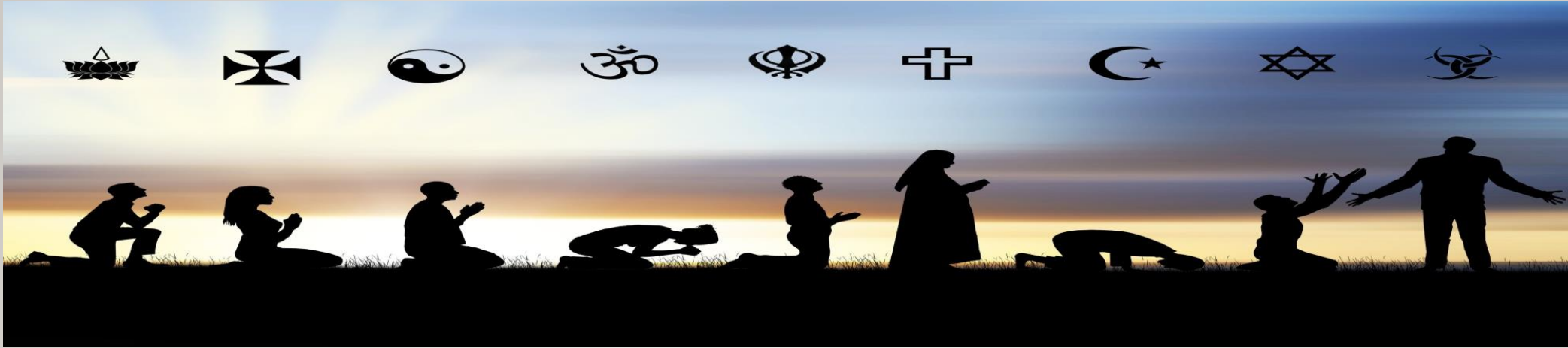
Article 24

Prohibition of employment of children in factories, etc.

Article 24 says that “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.”

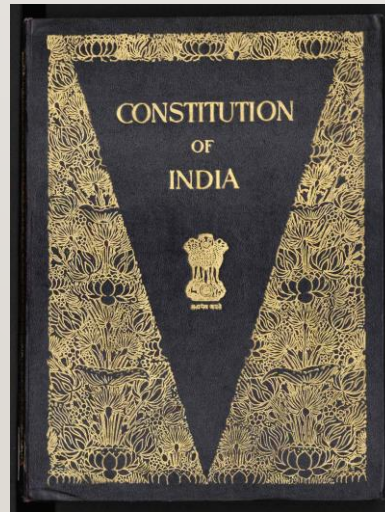


Article 25 to 28 Right to freedom of Religion



We should
neither adopt
nor promote
any particular
religion

India is a Secular Country



Constituent Assembly

Article 25 Freedom of Conscience and free profession, Practice and Propaganda of Religion.

Article 26 Freedom to Manage Religious Affairs.

Article 27 Freedom from Taxation for Promotion of a religion.

Article 28 Religious Instruction

State can intervene for religion contravenes , morality, health and welfare

Article 29 and 30 Cultural and educational Right

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.

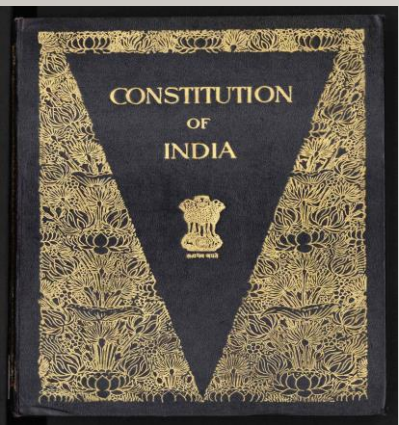
(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

(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.

National commission for Minorities act 1992.

Article 32 Constitutional Remedies

Every citizen of India has been given the right to seek constitutional remedy from the Supreme Court if they have been deprived of their fundamental rights.



Writ Petition



Habeas

Corpus

Mandamus

Prohibition

Certiorari

Quo

Warranto

Power to issue Writ