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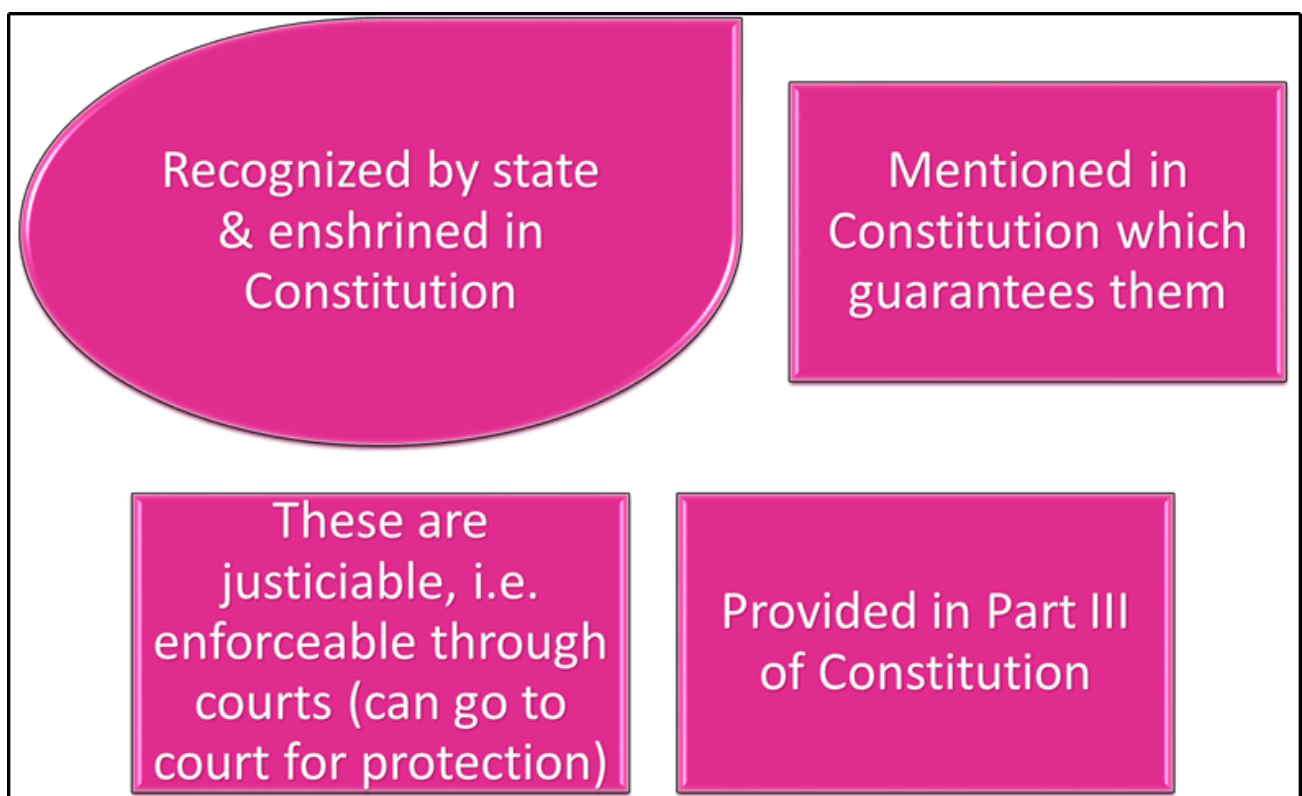
Rights and Duties, Fundamental Rights YouTube Lecture Handouts

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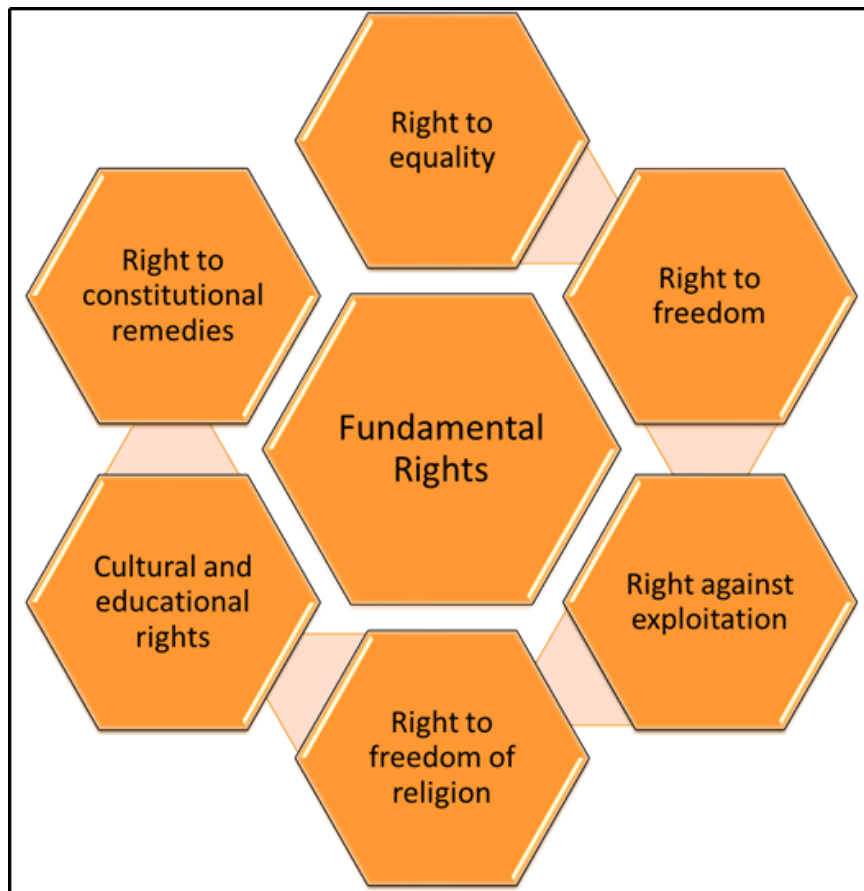
Rights and Duties

If we have the right to enjoy public facilities like transport or health services, it becomes our duty to allow others to avail the same. If we have the right to freedom, it becomes our duty not to misuse this and harm others.

Fundamental Rights



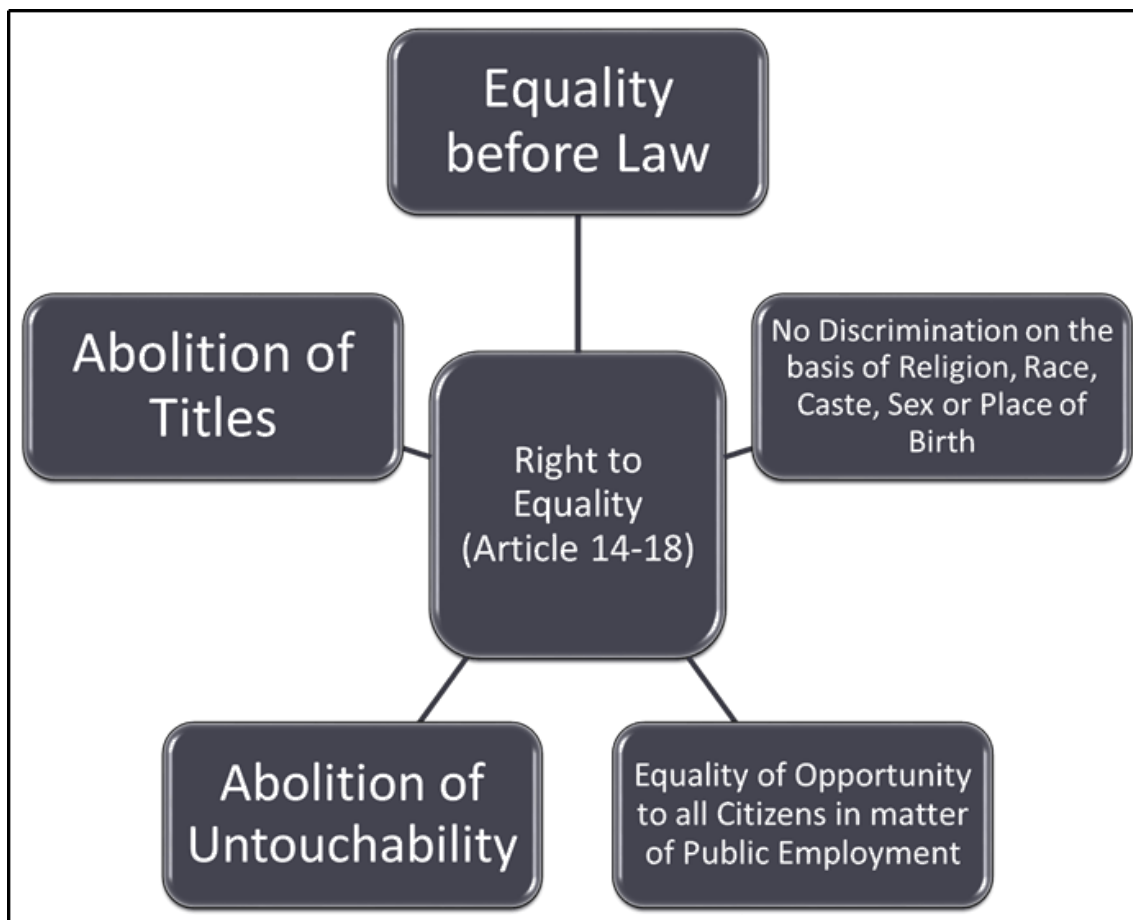
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- Right to Property was removed from the list of Fundamental Rights in 1978 by 44th constitutional amendment. However, its deletion does not mean that we do not have the right to acquire, hold and dispose of property. Citizens are still free to enjoy this right. Now it is just a legal right and not a Fundamental Right.

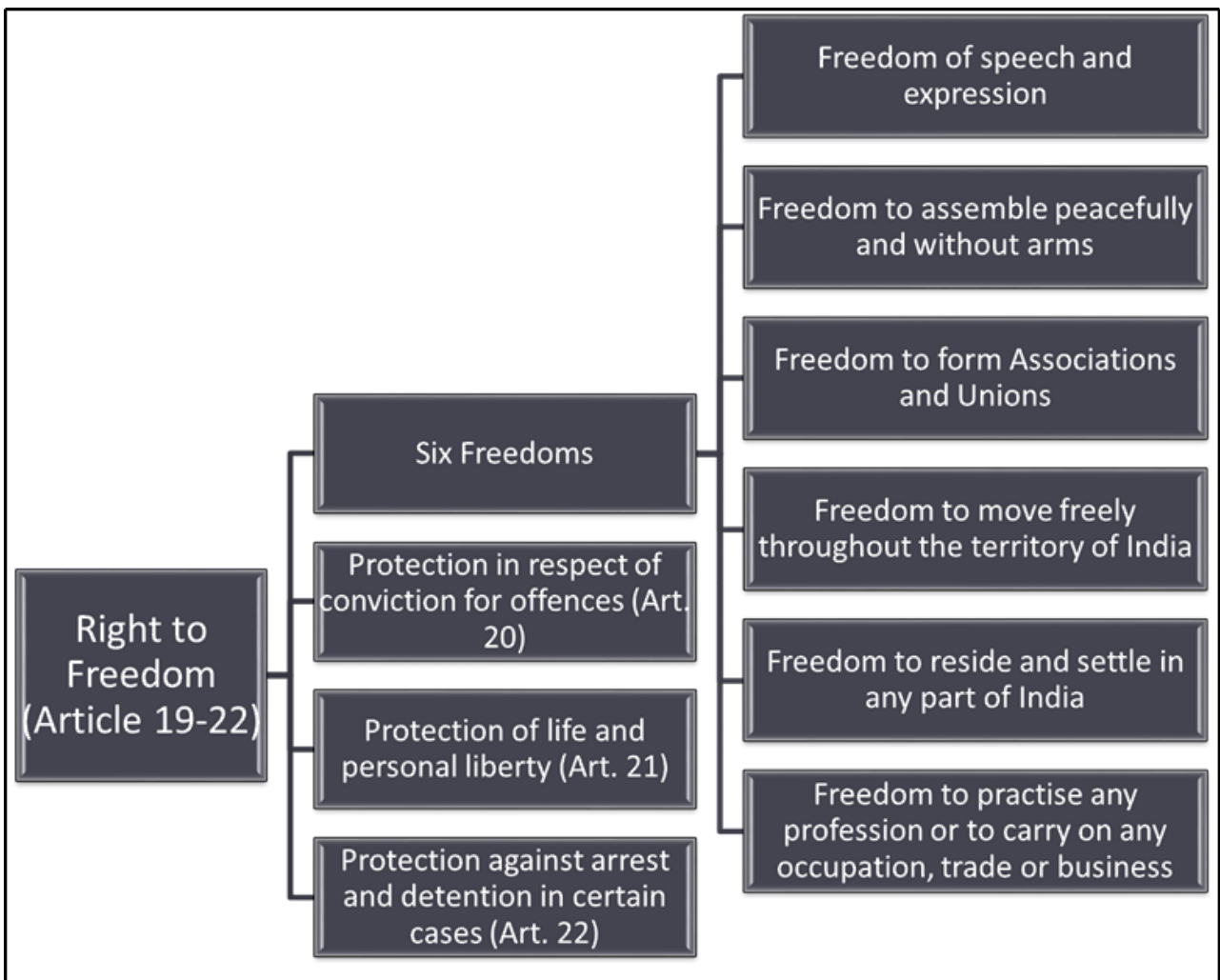
- **Right to Constitutional Remedies:** Since Fundamental Rights are justiciable, they are just like guarantees. They are enforceable, as every individual has the right to seek the help from courts, if they are violated. However, in reality it is not so. Encroachment or violation of Fundamental Right in our day-to-day life is a matter of great concern. Which is why, our Constitution does not permit the legislature and the executive to curb these rights. It provides legal remedies for the protection of our Fundamental Rights. This is called the Right to Constitutional Remedies stipulated in Article 32. When any of our rights are violated, we can seek justice through courts. We can directly approach the Supreme Court that can issue directions, orders, or writs for the enforcement of Fundamental Rights.



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Equal opportunity: There is a special provision for the reservation of posts for citizens belonging to Scheduled Castes, Scheduled Tribes, and Other Backward Classes (OBCs)

Abolition of Titles: All the British titles like Sir (Knighthood) or Rai Bahadur which were given to the British loyalists during the British rule, have been abolished because they created distinctions of artificial nature



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- Article 22: arrested person must be produced before the nearest magistrate within 24 hours of such an arrest excepting a person who has been arrested under preventive detention law.
- Article 20 of the Constitution provides for the protection in respect of conviction for offences. No one can be convicted for an act that was not an offence at the time of its commission, and no one can be given punishment greater than what was provided in the law prevalent at the time of its commission
- As provided in Article 21, no one can be deprived of his or her life or personal liberty except according to the procedure established by law
- The Right to Education is added by introducing a new Article 21A in the Chapter on Fundamental Rights in 2002 by the 86th Constitutional Amendment. It was a long-standing demand so that all children in the age group of 6 - 14 years (and their parents) can claim compulsory and free education as a Fundamental Right.

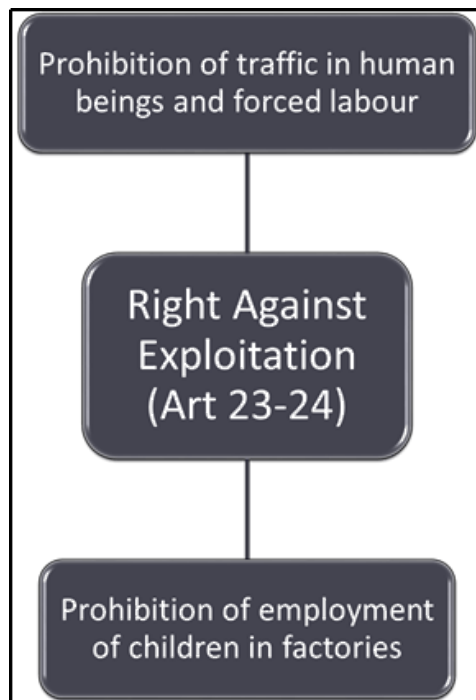
Freedom	Reasonable Restrictions
1. Freedom of speech and expression	(a) Restriction on the movement of a person/group to prevent spread of violence.
2. Freedom to form Associations and Unions	(b) Not allowed to run trades like gambling, prostitution, selling of narcotic drugs.
3. Freedom to assemble peacefully and without arms.	(c) Not allowed to reside too close to aerodrome
4. Freedom to move freely throughout the territory of India	d) Restriction on the use of language that may instigate people for communal violence
5. Free to reside and settle in any part of India	e) Not allowed to form an association to help terrorist activities
6. Freedom to practise any profession or to carry on any occupation, trade or business	f) Should be peaceful and participants should not carry any weapon.

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The purpose of providing these freedoms is to build and maintain an environment for proper functioning of democracy. However, the Constitution has authorized the State to impose certain **reasonable restrictions** on each of them:

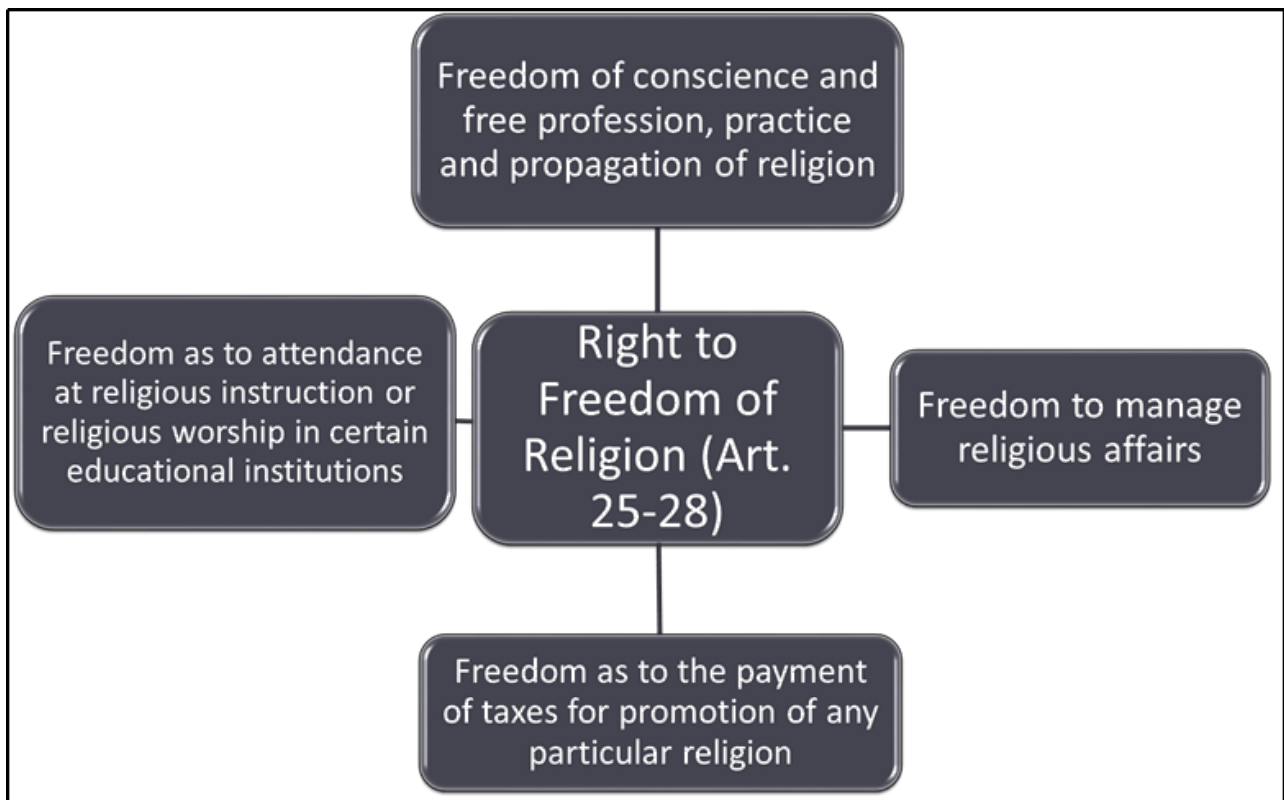
- Restrictions may be put on the Right to Freedom of speech and expression in the interests of the sovereignty, integrity, and security of India, friendly relations with foreign States, public order, decency, or morality, or in relation to contempt of court, defamation, or incitement to an offence.

- Right to assemble peacefully and without arms may be restricted in the interests of the sovereignty and integrity of India or public order.
- Right to form associations or unions may have restrictions in the interests of the sovereignty and integrity of India, public order or morality.
- Right to move freely throughout the territory of India and to reside and settle in any part of India may also be restricted in the interest of the public or for the protection of the interests of any Scheduled Tribe.
- Right to practise any profession or to carry on any occupation, trade, or business may have restrictions in the interests of the public. The State is also permitted to lay down the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade, or business.



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As the Constitution provides, 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. This right aims at eliminating one of the most serious problems, child labour, that India has been facing since ages.

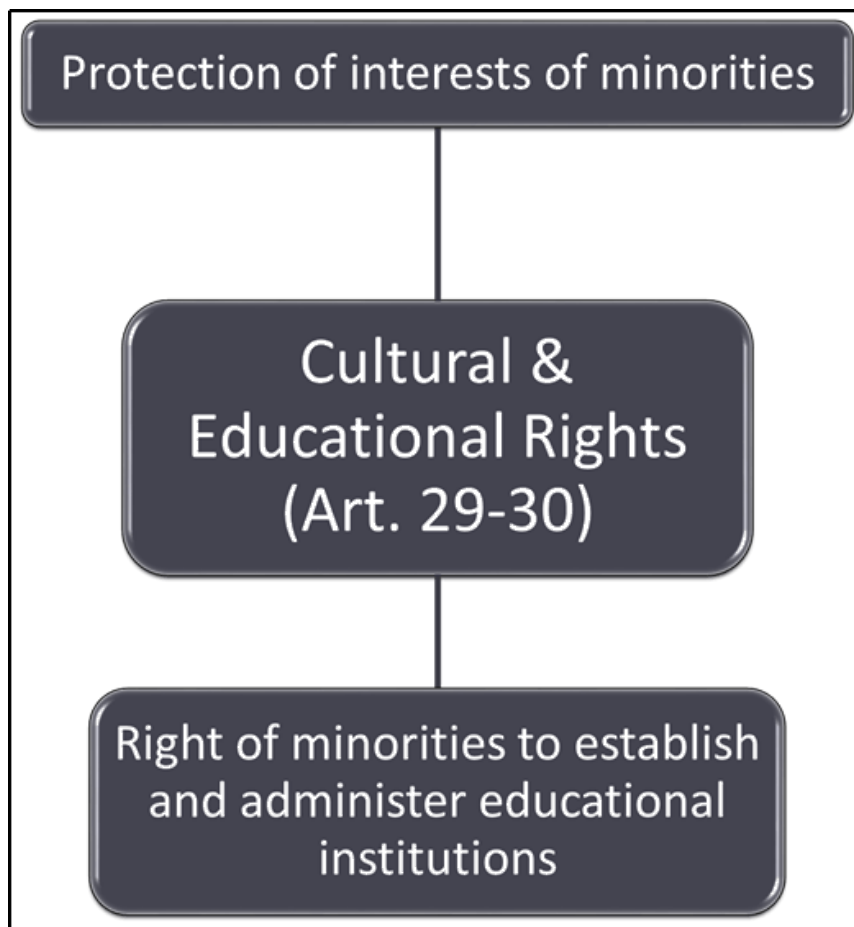


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Freedom of conscience and free profession, practice and propagation of religion – abolish sati pratha

Freedom to manage religious affairs: Subject to public order, morality and health, every religious group or any section thereof shall have the right

- To establish and maintain institutions for religious and charitable purposes;
- To manage its own affairs in matters of religion;
- To own and acquire movable and immovable property; and
- To administer such property in accordance with law.



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Minority does not mean minority at the national level. There can be minorities at the state level also. For example, the Sikhs are a majority community in Punjab, but they are a minority community in Delhi, Rajasthan, Haryana, and many other States. Similarly Telugu, Kannad and Bangala speaking people are in minority in most of the States in India except in their own, i.e.. Andhra Pradesh, Karnataka, West Bengal.

Fundamental Rights as Human Rights

- Equality before Law
- Freedom from Discrimination
- Right to Life, Liberty and Personal Security
- Right to Free Movement
- Right to Education
- Right to Marriage and Family
- Freedom of Thought, Conscience and Religion
- Right to Peaceful Assembly and Association
- Right to Participate in the Cultural Life of the Community

General Assembly of the United Nations adopted Human Rights in 1948 and enshrined them in Universal Declaration of Human Rights about which you will study later. National Human Rights Commission was founded in 1993 by the Government of India to guarantee that the Indian citizens also enjoy those rights

Human rights are universal, fundamental, and absolute: universal because they belong to all humans everywhere; fundamental because they are inalienable; absolute because they are basic to a real living.

Fundamental Duties

- To abide by the Constitution and respect its ideals and institutions, the National Flag, National Anthem
- To cherish and follow the noble ideals which inspired our national struggle for freedom
- To uphold and protect the sovereignty, unity and integrity of India
- To defend the country and render national service when called upon to do
- To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women
- To value and preserve the rich heritage of our composite culture
- To protect and improve the natural environments including forests, lakes, rivers and wildlife
- To develop the scientific temper, humanism and the spirit of inquiry and reform
- To safeguard public property and not to use violence
- To serve towards excellence in all spheres of individual and collective activity

The original Constitution enforced on 26th January, 1950 did not mention anything about the duties of the citizen. It was expected that the citizens of free India would perform their duties willingly. However, things did not go as expected. Therefore, ten Fundamental Duties were added in Part-IV of the Constitution under Article 51-A in the year 1976 through the 42nd Constitutional Amendment. However, whereas Fundamental Rights are justiciable, the Fundamental Duties are non-justiciable. It means that the violation of fundamental duties, i.e., the non-performance of these duties by citizens is not punishable.

Besides, a new duty has been added after the passage of Right to Education Act, 2009. “A parent or guardian has to provide opportunities for the education of his child/ward between the age of six and fourteen years”

✍ Mayank

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