

CLASS -8 | UNIT -5

CONSTITUTION OF INDIA: RIGHTS AND DUTIES

- "Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things"-

Dr. B. R. Ambedkar (the Constituent Assembly November 26, 1949)

Constituent Assembly

- The Constituent Assembly Came into existence on December 6, 1946.
- Chairman of the House: Dr. Rajendra Prasad.
- Chairman of 3 Main Sub-committees: Jawaharlal Nehru (India's first Prime Minister).
- Started with 389 members at the time of formation.
- Reconstituted with 299 members after independence in 1947.

Preamble

- The Preamble of the Indian Constitution declares that justice, liberty, equality, and fraternity shall be protected for all citizens.
- These principles are enshrined in the Constitution as:
 - Fundamental Rights
 - Guiding Principles of State Policy (Directive Principles)

What are Rights?

- Definition: Claims made by individuals that are accepted by society and recognized and enforced by the state through law.

Function in a Democracy:

- Enforced by the government via law.
- Places limitations on the government's ability to interfere with individual liberties.
- Provides redressal mechanisms in case of rights violations.



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Human Rights

- As human beings, everyone in the world has the right to live a dignified and equal life without any discrimination on the basis of caste, religion, race, colour, region, language or gender. Human rights are the rights that protect the dignity and individuality of human beings universally.

Fundamental Rights

- Fundamental rights are such rights recognised, protected and enforced by states.

Historical Timeline of Rights

Magna Carta – 1215

- The first official document in the world to refer to civil rights and liberties.
- Meaning of Magna Carta: "Big Document".
- Signed in 1215 when the people forced King John of England to sign it.

United States Bill of Rights – 1789

- Bill of Rights mentioned in the world's first written constitution.

Declaration of Human Rights after the French Revolution

(Declaration of the Rights of Man and of the Citizen – 1789)

- Bill of Rights defining human rights that influenced the nations of the world.

United Nations' Universal Declaration of Human Rights

(Universal Declaration of Human Rights – 1948)

- Bill of Rights issued by the United Nations for implementation by all member states.

Factors Influencing Fundamental Rights in India

- Denial of rights under British rule
- Values upheld by Freedom Struggle
- Indian Renaissance Movement
- Constitutions of Other Countries & Bills of Rights
- Fundamental Rights are enshrined in Part III of the Constitution of India.

Constitution Day:



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- Celebrated on November 26 in India to commemorate the adoption of the Constitution of India by the Constituent Assembly on November 26, 1949.

The fundamental rights in the Indian Constitution

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights
6. Right to Constitutional Remedies

Right to Equality

- Ensures equality before the law and equal protection of the law for all citizens.
- Prohibits discrimination based on religion, class, caste, sex, or place of birth.
- Guarantees equal access to public places such as hotels, shops, wells, ponds, bathing ghats, and public roads.
- Ensures equality of opportunity in public jobs.
- Prohibits untouchability and abolishes titles.

Right to Freedom

- Enshrined under Articles 19 to 22 of the Constitution, subject to reasonable restrictions.

Six Fundamental Freedoms under Article 19:

- Freedom of speech and expression
- Freedom to assemble peacefully
- Freedom to form associations
- Freedom to move freely throughout the territory of India
- Freedom to reside and settle in any part of the territory of India
- Freedom to practise any profession or carry on any occupation, trade, or business

Additional Rights (Articles 20–22):

- Includes the Right to Education, Right to Life, and Individual Freedom.



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- Rights are subject to limitations based on national integrity, sovereignty, and security.

Right to Education (RTE)

- Article 21A: Education was declared a fundamental right by the 86th Constitutional Amendment Act in 2002.
- Passed by Parliament in 2009 and came into effect in April 2010.
- Ensures free, compulsory, and quality education for all children aged 6 to 14 years.

Right against Exploitation

- Aimed at securing a protected life by eliminating historical practices of exploitation.
- Article 23: Prohibits all forms of slavery, human trafficking, and forced labour.
- Article 24: Prohibits employing children under the age of 14 in mines, factories, or other hazardous workplaces (Child Labour).

Right to Freedom of Religion

- Allows every individual to profess, practise, and propagate any acceptable religion according to their conscience.
- Guarantees equal treatment and equal protection to all
- Subject to restrictions based on public norms, health, and morality.

Cultural and Educational Rights

- Designed specifically for religious, linguistic, and cultural minorities.
- Groups following a common language, religion, or culture who are fewer in number compared to other groups in a region or the nation.
- Helps minorities preserve and develop their culture, language, and script.
- Allows minorities the right to establish and run their own educational institutions.

Right to Constitutional Remedies

- Serves as one of the greatest protections for individual safety and security.



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- Allows citizens to approach the Supreme Court directly under Article 32 if fundamental rights are violated.
- Allows citizens to approach High Courts under Article 226 for the restoration of rights.
- Allows citizens to approach High Courts under Article 226 for the restoration of rights.
- Enables courts to restore fundamental rights through orders and directions known as writs.
- Described by Dr. B. R. Ambedkar as the "heart and soul of the Indian Constitution".

Types of Writs

- Habeas Corpus: A court order requiring the custodian of an unlawfully detained person to bring the person before the court.
- Mandamus: An order issued when a court finds an officer's failure to perform a statutory duty has prejudiced someone's rights.
- Prohibition: An order from the Supreme Court or High Court prohibiting lower courts from hearing cases outside their jurisdiction.
- Quo Warranto: An order restraining an officer from holding a position they are not legally entitled to.
- Certiorari: An order to transfer a case pending in a lower court to a higher court.

Directive Principles of State Policy (DPSP)

- Found in Part IV, spanning Articles 36 to 51.
- Aimed at achieving socio-economic justice and establishing a welfare state by ensuring progress for all sections of society.
- Non-enforceable in court (non-justiciable), unlike Fundamental Rights.
- Governance Role: Functions as recommendations and guidelines that governments must consider when framing policies and laws.

Categories of Directive Principles

Liberal Ideas:

- Promote international peace and security.
- Implement a Uniform Civil Code for all citizens.



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- Provide equal justice and free legal aid.
- Provide care and education for children under six years of age.
- Protect the environment, livestock, and wildlife.

Socialist Ideas:

- Ensure a living wage for workers.
- Provide equal pay for equal work for both men and women.
- Secure the participation of workers in industrial management.
- Guarantee the right to employment.
- Ensure humane working conditions and maternity benefits.

Gandhian Ideas:

- Organize Gram Panchayats.
- Foster cottage industries.
- Develop agriculture and animal husbandry.
- Prohibit the consumption of intoxicating drinks and drugs harmful to health.
- Uplift Scheduled Castes (SCs), Scheduled Tribes (STs), and other weaker sections.

Fundamental Rights vs. Directive Principles

- Fundamental Rights limit government powers, whereas Directive Principles compel the government to take specific actions.
- Fundamental Rights protect individual liberties, while Directive Principles ensure collective societal welfare.
- Fundamental Rights can be reinstated by courts if violated; Directive Principles cannot be enforced through courts.
- Amending Fundamental Rights requires complex constitutional procedures, whereas Directive Principles can be implemented or modified via simpler legislative procedures.
- Fundamental Rights establish political democracy, while Directive Principles realize socio-economic democracy.

Fundamental Duties

- Rights and duties are two sides of the same coin.



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- Sardar Vallabhbhai Patel emphasized that citizens must balance their rights in the country with regular duties.
- Swaran Singh Committee: Appointed by the Central Government in 1976 to submit recommendations on citizens' duties.
- Constitutional Addition: Incorporated into Part IVA as Article 51A via the 42nd Constitutional Amendment in 1976.
- Contains 11 Fundamental Duties.

They are

1. To abide by the Constitution and respect its ideals and institutions, the National Flag, and the National Anthem.
2. To cherish and follow the noble ideals that inspired the national struggle for freedom.
3. To uphold and protect the sovereignty, unity, and integrity of India.
4. To defend the country and render national service when called upon to do so.
5. 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.
6. To value and preserve the rich heritage of our composite culture.
7. To protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.
8. To develop the scientific temper, humanism, and the spirit of inquiry and reform.
9. To safeguard public property and to abjure violence.
10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.
11. To provide opportunities for education to his child or ward between the age of six and fourteen years (added in 2002).



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