

8 th Chapter 5 Constitution of India: Rights and Duties

1. Write a note about Fundamental Rights ?

Answer :

- There are certain fundamental rights that are internationally recognised as human rights and that are essential to the dignity, liberty and survival of citizens in a democratic system.
- Fundamental rights are such rights recognised, protected and enforced by states

2. Some important events in human history led to the concept of fundamental rights , What were that events ? OR What were timeline of Fundamental Rights ?

Answer :

- Magna Carta – 1215 - The first official document in the world to refer to civil rights and liberties.
- 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 – 1789 - Bill of Rights defining human rights that influenced the nations of the world.
- United Nations' Universal Declaration of Human Rights – 1948 - Bill of Rights issued by the United Nations for implementation by all member states.

3. What were the factors that influenced the framers of the Constitution to include Fundamental Rights in the Constitution of India ?

Answer:

- The main factor is the denial of rights that the Indian people had to suffer during the British rule.
- The values upheld by the freedom struggle and the ideas of the Indian Renaissance Movement
- The rights mentioned in the constitutions of other countries and the Bills of Rights which are the precursors of fundamental rights

4. What are the six fundamental rights in india

Answer:

- Right to Equality (Articles 14 to 18)
- Right to Liberty (Articles 19 to 22)

- Right against Exploitation (Articles 23 and 24)
- Right to Freedom of Religion (Articles 25 to 28)
- Cultural and Educational Rights (Articles 29 to 30)
- Right to Constitutional Remedies (Article 32)

5. Explain each fundamental rights in indian constitution ?

Answer:

Right to Equality

- The right to equality is the right to ensure equality before the law and equal protection of the law for all in our country
- There is no discrimination on the basis of religion, class, caste , gender or place of birth.
- Equal access to hotels, shops, wells, ponds, bathing ghats and public roads.
- Ensures equality of opportunity in public jobs, prohibits untouchability and abolishes titles.

Right to Freedom (Right to Liberty (Articles 19 to 22)

- Freedom of speech and expression
- Freedom to assemble peacefully
- Freedom to form associations
- Freedom to move freely through out the territory of India
- Freedom to reside and settle in any part of the territory of India
- Freedom to practise any profession or to carry on any occupation, trade or business
- Right to education, right to life and individual freedom are included in Articles 20 to 22

Right to Education Act-2009 (Article 21A)

- Education was declared a fundamental right under Article 21A by the 86th Constitutional Amendment Act in 2002.
- In 2009, Parliament passed the Right to Education Act.
- The Act came into effect in April 2010.
- This Act ensures free, compulsory and quality education for all children between the age group of six and fourteen.

Right against Exploitation (Articles 23 and 24)

- The right against exploitation, ensures a secured life by eliminating exploitations like slavery, human trafficking, forced labour and child labour.
- Article 23 of the Constitution prohibits all forms of forced labour and human trafficking, declaring them illegal.
- According to Article 24, employing children under the age of 14 in mines, factories or other hazardous workplaces is prohibited

Right to Freedom of Religion (Articles 25 to 28)

- The Constitution allows everyone in India the freedom to profess, practise and propagate any acceptable religion.
- This right includes the freedom to act according to their conscience.
- The right to freedom of religion guarantees equal treatment and equal protection to all religions.
- This right is subject to the restrictions of public norms, health and morality.

Cultural and Educational Rights (Articles 29 to 30)

- Minorities are groups of people who follow a common language, religion or culture and are fewer in number than other
- Cultural and educational rights are the means for minorities to preserve and develop their culture, language and script.
- All religious, linguistic and cultural minorities have the right to establish and run their own educational institutions.

Right to Constitutional Remedies (Article 32)

- If any of the fundamental rights is violated, the Supreme Court under Article 32 and the High Courts under Article 226 can be approached for their restoration.
- The Supreme Court and High Courts restore fundamental rights through writs.
- Writs are orders and directions issued by the Supreme Court or the High Courts for the protection of fundamental rights.

6. What is directive Principles of State Policy and explain the three classifications?

Answer:

- Its aim is to establish a welfare state by ensuring the welfare and progress of all sections of the people.
- Unlike fundamental rights, these are not enforceable with the support of the courts.
- Articles 36 to 51 of Part IV of the Constitution contain directive principles.
- Directive Principles are the recommendations that governments should follow in administration and legislation.
- The directive principles of state policy classified into three categories, namely, liberal ideas, socialist ideas and Gandhian ideas.

Liberal Ideas

- Promote international peace and security
- Uniform Civil Code for citizens
- Equal justice and free legal aid
- Provision of care and education for children under six years of age

Socialist Ideas

- Wage for livelihood for workers
- Equal pay for equal work for men and women
- Participation of workers in the management of industries
- Right to employment

Gandhian Ideas

- Organise Gram Panchayats
- Agriculture and animal husbandry
- Prohibition of consumption of intoxicating drinks and drugs injurious to health
- Uplift of Scheduled Castes and Scheduled Tribes and other weaker sections

7. Write the differences between fundamental rights and directive principles.

Answer:

Fundamental rights

- Fundamental rights limit the powers of the government
- Fundamental rights mainly protect the rights of individuals

- One can approach the Supreme Court or High Court when fundamental rights are violated
- Amendment of fundamental rights requires complex procedures
- In the process of democracy, fundamental rights implement political democracy

Directive principles.

- Directives compel the government to do certain things.
- directive principles ensure the welfare of all sections of the society
- It is not possible to approach the court if the directive principles are violated
- Procedures for amending the directive principles are relatively simple
- Guiding principles realise socio-economic democracy.

8. Write a note about fundamental duties.

Answer:

- The Sardar Swaran Singh Committee was appointed by the Central Government in 1976 to submit recommendations on the fundamental duties of citizens.
- Fundamental Duties became part of the Constitution as Article 51A.
- Obeying the Constitution as a citizen, protecting the country, performing national service when the country calls for it, and protecting the environment are among the ideas included in the fundamental duties.
- Obey the Constitution and respect its ideals, institutions, national flag and national anthem
- These are the duties that every citizen has to fulfill towards the nation and the society.