

Preamble,  
Fundamental  
Rights &  
Fundamental  
duties

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# भारत का संविधान

उद्देशिका

हम, भारत के लोग, भारत को एक <sup>1</sup>[संपूर्ण प्रभुत्व-संपन्न समाजवादी पंचनिरपेक्ष लोकतंत्रात्मक गणराज्य] बनाने के लिए, तथा उसके समस्त नागरिकों को :

सामाजिक, आर्थिक और राजनैतिक न्याय,

विचार, अभिव्यक्ति, विश्वास, धर्म

और उपासना की स्वतंत्रता,

प्रतिष्ठा और अवसर की समता

प्राप्त कराने के लिए,

तथा उन सब में

व्यक्ति की गरिमा और <sup>2</sup>[राष्ट्र की एकता

और अखंडता] सुनिश्चित करने वाली बंधुता

बढ़ाने के लिए

दृढसंकल्प होकर अपनी इस संविधान सभा में आज तारीख 26 नवम्बर, 1949

ई० (मिति मार्गशीर्ष शुक्ला सप्तमी, संवत् दो हजार छह विक्रमी) को एतद्वारा इस संविधान को अंगीकृत, अधिनियमित और आत्मार्पित करते हैं ।



सत्यमेव जयते

## CONSTITUTION OF INDIA

Preamble

WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens

JUSTICE

Social, economics and political:

LIBERTY

of thought, expression, belief, faith and worship

EQUALITY

of status and of opportunity; and to promote among them all

FRATERNITY

assuring the dignity of the individual and the unit and integrity of the Nation

IN OUR CONSTITUENT ASSEMBLY

this twenty-sixth day of November, 1949, do

HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION


# FUNDAMENTAL RIGHTS

FUNDAMENTAL RIGHTS ARE INCORPORATED FROM ARTICLE 12 TO 35 IN THE THIRD CHAPTER (PART) OF THE INDIAN CONSTITUTION. RIGHTS ARE THE BASIC FACILITIES WHICH WE NEED FOR OUR GROWTH. THESE ARE THE CLAIMS OF INDIVIDUALS RECOGNISED BY THE SOCIETY AND ENFORCED BY THE STATE. THE EXISTENCE OF DEMOCRACY CAN'T BE IMAGINED WITHOUT FUNDAMENTAL RIGHTS IN INDIA BECAUSE RIGHTS ARE THE PILLARS OF DEMOCRACY.

## WHY DO WE CALL THESE RIGHTS AS FUNDAMENTAL?

- **These Rights are incorporated in the third Chapter (Part) of the Constitution of India.**
- **They afford a basis for the development of an Individual.**
- **The people and officials of India are ought to enjoy these rights.**

# NATURE OF RIGHTS

- Fundamental rights are equal to all.
  - Rights are justiciable
  - Fundamental rights are not absolute.
  - They limit the authority of the central and state governments.
  - Fundamental rights distinguish between citizens and foreign nationals.
  - They can be suspended during emergency.
  - Parliament can amend Fundamental rights.
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# FUNDAMENTAL RIGHTS (12 – 35)

Right to Equality

Right to Freedom

Right Against Exploitation

Right to Freedom of Religion

Cultural and Educational Rights

Right to Constitutional Remedies





# FUNDAMENTAL RIGHTS

## **ARTICLE 12 {DEFINITION}**

IN THIS PART, UNLESS THE CONTEXT OTHERWISE REQUIRES, "THE STATE" INCLUDES THE GOVERNMENT AND PARLIAMENT OF INDIA AND THE GOVERNMENT AND THE LEGISLATURE OF EACH OF THE STATES AND ALL LOCAL OR OTHER AUTHORITIES WITHIN THE TERRITORY OF INDIA OR UNDER THE CONTROL OF THE GOVERNMENT OF INDIA.

## **ARTICLE 13 {LAWS INCONSISTENT WITH OR IN DEROGATION OF THE FUNDAMENTAL RIGHTS}**

(1) ALL LAWS IN FORCE IN THE TERRITORY OF INDIA IMMEDIATELY BEFORE THE COMMENCEMENT OF THIS CONSTITUTION, IN SO FAR AS THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS PART, SHALL, TO THE EXTENT OF SUCH INCONSISTENCY, BE VOID.

# RIGHT TO EQUALITY

Article 14 to 18



# RIGHT TO EQUALITY, ARTICLE-14 TO 18

- ❑ Equality before law Article-14 provides that «the state shall not deny to any person equality before law or the equal protection of law within the territory of India ».
- ❑ Prohibition of Discrimination, Article-15  
(on grounds of religion,race,caste,sex or place of birth)
- ❑ Equality of Opportunity Article-16  
(in matters of public employment)
- ❑ Abolition of Untouchability Article-17
- ❑ Abolition of Titles Article-18




# RIGHT TO FREEDOM

Article 19 to 22

# RIGHT TO FREEDOM (19 – 22)

- **Freedom of speech and expression Article-19**
  - **Freedom of Press – (Article-361) A has been inserted according to which the press has been given the power to publish an account of the proceedings of the Indian Parliament and states legislatures.**
  - **Right to information is linked to the freedom of speech and expression granted in Article 19 in the constitution.**
  - Freedom to assemble peacefully without Arms.**
  - Freedom to form associations and unions.**
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- ❑ **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 to carry on any occupation, trade or business.**
  - **Protection in respect of conviction of an offence Article-20**
  - **Protection of life and personal liberty Article-21**
  - **Right to education Article-21 A**
  - **Protection against arrest and detention against certain cases Article-22**
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# RIGHT AGAINST EXPLOITATION

Article 23-24



# RIGHT AGAINST EXPLOITATION, ARTICLE 23-24

- **Prohibition of traffic in human beings and forced labour. Article 23**
- **Prohibition of compulsory services Article-23 : under this article the state can not force people to do compulsory service for public purposes.**
- **Prohibition of Child Labour Article-24: Children below the age of fourteen years will not be allowed to work in factories, mines or in other dangerous places so that their health is not adversely affected.**

# RIGHT TO RELIGIOUS FREEDOM

Article 25 to 28





# RIGHT TO FREEDOM OF RELIGION, ARTICLE 25 TO 28


- Freedom to profess and propagate any religion, Article-25
- Freedom to manage religious affairs, Article-26
- Freedom not to pay taxes for the promotion of any particular religion, Article-27
- No religious instructions in government educational institutions, Article-28(1)
- In private educational institutions religious education not against the will, Article-28(3)

# CULTURAL AND EDUCATIONAL RIGHTS

Article 29 to 30



# CULTURAL AND EDUCATIONAL RIGHTS,ARTICLE 29 TO 30


- Protection against interest of minorities,Article-29(1)
  - Freedom to get admission in educational institutions,Article-29(2)
  - Right to minorities to establish educational institutions,Article-30(1)
  - No discrimination while giving grants-Article-30(2)
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# RIGHT TO CONSTITUTIONAL REMEDIES.


Article-32



# RIGHT TO CONSTITUTIONAL REMEDIES,ARTICLE-32


- Article-31(1), provides that a citizen can approach the supreme court of India by due process of law for the implementation of the Fundamental Rights included in Chapter 3 of the constitution.
  - Article-32(2), the Supreme court of India has the right to issue writs in the nature of the Habeas Corpus,Mandamus,Prohibition,etc.
  - Article-32(3), The Indian Parliament can empower any court to issue notice within its jurisdiction without infringing or influencing the powers of the Supreme Court of India.
  - Article-32(4), the state cannot suspend the right to constitutional remedies except in cases provided in the Indian Constitution.
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# IMPORTANCE OF HUMAN RIGHTS

- Foundation of democracy
  - Check on the arbitrariness of the Government
  - Create proper conditions for the development of Men
  - Foundation of Rule of law
  - Establishment of Secular state
  - Protection of the interests of the minorities
  - Reconciliation between individual interests and social interests.
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# **THE FUNDAMENTAL DUTIES OF CITIZENS OF INDIA**

**The fundamental duties of citizens were added to the constitution by the 42nd Amendment in 1976 under Article 51A part 4A, upon the recommendations of the Swaran Singh Committee. Initially while drafting the Constitution of India fundamental duties were not part of Constitution of India. The fundamental duties were inspired by constitution of USSR (now Russia).**





**Originally ten in number, the fundamental duties were increased to eleven by the 86th Amendment in 2002, which added a duty on every parent or guardian to ensure that their child or ward was provided opportunities for education between the ages of six and fourteen years. The other fundamental duties obligate all citizens to respect the national symbols of India, including the constitution, to cherish its heritage, preserve its composite culture and assist in its defence. They also obligate all Indians to promote the spirit of common brotherhood, protect the environment and public property, develop scientific temper, abjure violence, and strive towards excellence in all spheres of life. The violation of fundamental duties is not punishable offense unless it is backed by Legislative enactments like Prevention of Insults to National Honour Act, 1971, Forest Act, Environment Act, Pollution Act and others. Supreme court has ruled that these fundamental duties can also help the court to decide the constitutionality of a law passed by the legislature. There is reference to such duties in international instruments such as the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights.**

**The fundamental duties noted in the constitution are as follows: It shall be the duty of every citizen of India —**

**a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;**

**b) To cherish and follow the noble ideals which inspired our national struggle for freedom;**


**c) To uphold and protect the sovereignty, unity and integrity of India;**

**d) To defend the country and render national service when called upon to do so;**

**e) 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;**

**f) To value and preserve the rich heritage of our composite culture;**



- g) To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures;**
  - h) To develop the scientific temper, humanism and the spirit of inquiry and reform;**
  - i) To safeguard public property and to abjure violence;**
  - j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;**
  - k) Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six to fourteen years. The duty was included in the list of fundamental duties by 86th Amendment to the constitution of India in the year 2002.**
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**THANK YOU**