

Fundamental Rights, Fundamental Duties and Directive Principles of State Policy

EXERCISES

Question 1.

What is meant by the term 'Fundamental Rights'?

Answer:

A certain freedoms which are essential for personal and common hood, guaranteed under the India Constitution and have been incorporated in the Fundamental Law of the Land and can be enforced by the Courts are known as 'Fundamental Right'.

Question 2.

What is the significance of Fundamental Rights in view of the fact that India is democratic country ?

Answer:

Democracy is meaningless if civil liberties, such as freedom of speech, freedom of religion and freedom from unreasonable arrest are not protected by the State. The Constitution of India guarantees to the citizens freedom of speech, freedom of assembly, freedom of religion and the right to form Associations or unions.

Question 3.

What do we mean when we say that Fundamental Rights are justifiable ? OR Rights are enforceable by the Courts. How?

Answer:

The Fundamental Rights are justiciable, as these are enforceable in a court of law and a suit can be filed in a High Court or the Supreme court in case there is dissatisfaction.

Question 4.

What is meant by the statement that Rights are not absolute?

Answer:

Rights are not absolute or uncontrolled. Rights are subject to such reasonable restrictions as may be necessary for the protection of general welfare. State is the custodian of the general public interests decency or morality. Therefore, State may make laws putting restrictions on our rights.

Question 5.

Under what circumstances can the Fundamental Rights be suspended?

Answer:

The Fundamental Rights guaranteed under Article 19, can be suspended during an Emergency. For instance, freedom of speech, freedom of assembly, freedom of movement remain suspended. During Emergency, the President is the best person to decide how a particular problem should be solved.

Question 6.

Mention any two categories of the Fundamental Rights.

Answer:

The Fundamental Rights are grouped under six main categories you can select any two:

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

Question 7.

What is meant by Equality before Law in the context of the Fundamental Rights ?

Answer:

Article 14 guarantees to every person “equality before the law or the equal protection of the laws within the territory of India”. The Constitution forbids discrimination between persons placed in similar circumstances or conditions.

Question 8.

The Constitution seeks to ensure social equality. Mention the two Fundamental Rights strengthening this Equality.

Answer:

1. Abolition of Untouchability.
2. Abolition of Titles.

Question 9.

Mention any two freedoms embodied under the Right to Freedom.

Answer:

Two freedoms embodied under the Right to Freedom are:

1. Freedom of speech and expression.
2. Right to practice any profession or to carry on any occupation.

Question 10.

Mention provision of the Right to Education Act,2010.

Answer:

Key provisions of the Right to Education Act 2010

1. All children in 6-14 age group to get free and compulsory education.
2. No child shall be held back, expelled, or required to pass a board examination till Class-VIII.
3. There will be 25 per cent reservation for poor children even in private and minority schools.

Question 11.

Mention the restraints on the following freedoms:

- (a) Freedom of Speech and Expression
- (b) Freedom to reside and settle in any part of India.

Answer:

The restraints on the following freedoms are:

1. **Freedom of Speech and Expression:** It is restrained in the interests of public order, security of the State Decency or morality. Reasonable restrictions on this right can be imposed in case it fails to abide by the code and conduct.
2. **Freedom to reside and settle in any part of India:** This freedom is availed to the extent where the interests of general public or the interests of the Scheduled Tribes remain protected.

Question 12.

What is meant by 'Preventive Detention'?

Answer:

'Preventive Detention' means, "detention of a person without trial". The object of this detention is not to punish a person for having committed a crime, but to prevent him from doing so.

Question 13.

What is the significance of the Right to Information granted by an Act enacted in 2005?

Answer:

Right to Information Act 2005 enabled citizen to secure information from Public Authorities, Government Offices, Financial Institutions and Public Sector Undertakings in respect of documents and records under their charge. This right could curb corruption and promote transparency in Government departments.

Question 14.

Name the Fundamental Right that prohibits 'beggar' and forced labor.

Answer:

Right Against Exploitation prohibits 'beggar and forced labor.

Question 15.

Mention one important provision of the Right against Exploitation.

Answer:

Compulsory military conscription.

Question 16.

Mention two Fundamental Rights that indicate that India is a Secular State.

Answer:

Two Fundamental Rights that indicate that India is a Secular State are as follows:

1. Freedom of conscience and free profession and propagation of Religion.
2. Freedom to manage Religious Affairs.

Question 17.

Name the Fundamental Right aimed at protecting the interests of the Minorities.

Answer:

Cultural and Education Rights (Articles 29).

Question 18.

Name two Fundamental Rights that the Constitution confers on the Minorities.

Answer:

1. Right to conserve the Language, Script and Culture.
2. Right to establish Educational Institutions.

Question 19.

Name the Courts which are competent to issue Writs for the enforcement of Fundamental Rights.

Answer:

The Supreme Court and the High Courts are competent to issue Writs for the enforcement of Fundamental Rights.

Question 20.

What is the scope or purpose of the Writ of Habeas Corpus?

Answer:

'Habeas Corpus' is a Latin term which means, "you may have the body". It provides a remedy for a person wrongly detained or restrained. The Supreme Court and the High Courts issue this Writ to a person who detains another in custody and command him to bring the prisoner into Court and tell the time and the cause of the arrest. If the cause is insufficient, he is at once unconditionally released.

Question 21.

Name the Writ that shall be issued under the following circumstances:

Answer:

1. When a person is wrongfully detained or restrained.
2. To compel an inferior court or an individual to perform their duty.
3. To keep the courts within the limits of their jurisdiction.
4. **Against a person who usurps any office.**

The Writ that shall be used under the circumstances mentioned in the question's respectively given below:

1. The Writ of Habeas Corpus
2. The Writ of Mandamus
3. The Writ of Prohibition
4. The Writ of Quo Warranto

Question 22.

Mention any two Fundamental Duties inserted by the Forty-second Amendment Act, 1976.

Answer:

Two Fundamental Duties inserted by the 42nd Amendment Act, 1976 are as follows:

1. Duties towards Self
2. Duties concerning the Environment

Question 23.

Mention the citizen's one main duty towards his child under the Constitution 86th Amendment Act, 2002.

Answer:

A citizen who is a parent or guardian has a duty "to provide opportunities for education to his child or ward between the age of six and fourteen years."

Question 24.

Mention a Citizen's duty concerning the Environment.

Answer:

To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

Question 25.

In which Part of the Constitution are the Directive Principles of State Policy laid down?

OR

Which part of the Constitution provides for the establishment of a Welfare State in India?

Answer:

In Part-IV of the Constitution are the Directive Principles of State Policy laid down.

Question 26.

What is meant by 'Directive Principles of State Policy'?

OR

What is the basic purpose of the Directive Principles of State Policy ?

Answer:

The 'Directive Principles of State Policy' means directions or instructions that tell the legislature and the executive what to do. The basic purpose of these Directives is to guide the Courts to go in a right direction while implementing the laws for the welfare of state. Their another purpose is to keep up the proclamation that Indian State is when we say that the a welfare state

Question 27.

What do we mean Principles are non-justifiable rights of the citizens?

Answer:

'Directive Principles are non-justifiable rights of the citizens, by this we mean these provisions shall not be enforceable by any Court. If a Directive is infringed, no remedy is available to the aggrieved party by way of judicial proceedings.

Question 28.

Mention two Directive Principles based on Gandhi's ideals.

Answer:

Two Directive Principles based on Gandhi's ideals are:

1. The State shall promote with special care, the educational and economic interests of the weaker sections of the people, and in particular the interests of the Scheduled Castes and the Scheduled Tribes.
2. The State shall endeavor to promote cottage industries in rural areas.

Question 29.

What is the Directive Principles regarding 'Village Government' (Panchants)?

OR

What do the Directive Principles require the State to do to strengthen democracy at the grass roots?

Answer:

The 'Village Government' (Panchants) shall be endowed with such powers and authority as may be necessary to enable them to function as units of self-government.

Question 30.

Mention two Directive Principles based on Socialism (Socialist Policies).

Answer:

Two Directive Principles that aim at the establishment of a Socialistic Pattern of Society are as follows:

1. There should be fair distribution of wealth. There should be no concentration of wealth in the hands of a few people. Means of production and other resources of the country should be utilised for the common good.
2. Childhood and youth should be protected against exploitation. Men, women and children should not be forced by economic necessity to enter jobs and vocations, not suited to their age and strength

Question 31.

What is meant by a Welfare State ?

Answer:

'Welfare State' means a nation that provides her subject all the fundamental needs and necessities, equal and fair justice, education, a living wage, humane conditions of work a clean environment. It promotes egalitarian beliefs, one finds a clearer statement of socialist aims.

Question 32.

Mention any two steps taken by the Government of India to achieve the goal of a Welfare State.

Answer:

The government of India provided 27 percent reservation in Central Government posts for persons belonging to the Socially and Economically Backward Classes (also referred to as Other Backward Classes or OBCs). Under Reservation in Admissions Act, 2007, OBCs are entitled to 27 percent reservation in Central Educational Institutions also. The National Rural Employment Guarantee Act (2005), Named after Mahatma Gandhi, required to provide 100 days of employment in a year to each rural household in the country. This scheme now covers all the 644 rural districts of the country. On an average nearly five crore households were provided employment each year since 2008. In 2015 the daily wages varied from a minimum of 153 in Meghalaya to 236 in Haryana.

STRUCTURED QUESTIONS

Question 1.

Indian Constitution makes Equality as the bedrock of Indian polity. In this context, mention the following rights "guaranteed under the Right to Equality

- (a) Prohibition of Discrimination.
- (b) Equality of Opportunity in matters of Public Employment.
- (c) Abolition of Untouchability.

Answer:

Right guaranteed under the right to Equality are as below:

(a) Prohibition of Discrimination:

Article 15 prohibits the state to "discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them." No citizen shall be denied access to shops, public restaurants, hotels, places of public entertainment. Neither shall anyone be denied the use of wells, tanks, bathing- ghats and roads maintained wholly or partly out of the State funds. The State may make any special provision for women and children. Also, special provisions may be made for the advancement of socially and educationally backward class of citizens or for the Scheduled Castes and the Scheduled Tribes.

(b) Equality of Opportunity in matters of Public Employment:

Article 16 ensures of equal opportunity for citizens "in matter relating to employment or appointment to any office under the State." There shall be no discrimination against any citizen on grounds of religion, race, caste, sex, place of birth, residence or any of them in respect of any employment under the State. The Article however, undergoes three limitations i.e.,

1. The Parliament may make laws prescribing any requirement as to 'residence' for State employment. This is meant for posts which require a knowledge of the locality and of the language of the area,
2. Reserving posts for members of any backward class which is not adequately represented in the services under the State, and
3. There may be a law which requires that the holder of an office of any religious institution, shall be a person professing that particular religion.

(c) Abolition of Untouchability:

Article 17 declares that "untouchability is abolished and its practice in any form is forbidden." The untouchability Offences Act of 1955 provided penalties for preventing a person from entering a place of public worship or taking water from a tank, well or spring in common use. In 1976, the act was renamed as "the Protection of Civil Rights Act", from "Untouchability Offences Act."

Question 2.

Article 19 of the Constitution ensures to the Citizens Six Freedoms. Explain any four freedoms guaranteed under this Article.

Answer:

The six Freedoms guaranteed under Article 19 of the Constitution are explain below:

1. Freedom of Speech and Expression:

This right helps a person to discover the truth. It enables us to participate in public activities "freedom of expression" also incorporates freedom of the press. Where there is a question of interests of public order, security of the State, decency or morality, there reasonable restrictions on this right can be imposed.

2. Freedom to assemble peaceably and without Arms:

The right of assembly is to be exercised peaceably and without arms as per the limitations concerned. However, the State is liable to impose reasonable restrictions in the interests of public order or the national integrity.

3. Freedom to form Associations and Unions: The citizens have the freedom to form associations or unions. The State may impose reasonable restrictions on this freedom in the interests of morality public order and the sovereignty and integrity of India.

4. Right to move freely: The citizens have the right to go anywhere in the territory of India. However restrictions may be imposed on the movement and travelling, so as to control an epidemic.

5. Freedom to reside and settle in any part of India: Reasonable restrictions are imposed on this freedom in the interests of general public or for the protection of the interests of the Scheduled Tribes.

6. Right to practise any profession or to carry on any Occupation: Though this right allows all citizens to practise any profession or carry on any occupation, trade or business, yet the State may impose reasonable restrictions on this right in the

interests of general public. To carry on dangerous or immoral business is not allowed. Professional or technical qualification may be prescribed for practising any profession or carrying on the trade.

Question 3.

With regard to the Right to Freedom of Religion, answer the following questions:

- (a) What does Freedom of Conscience mean?
- (b) What does the freedom to manage Religious Affairs imply?
- (c) Can public funds be utilized for religious instruction?

Answer:

The questions given above with regard to the Right to

Freedom of Religion are answered as under:

(a)

Article 25 guarantees to every person freedom of conscience and the right to profess, practise and propagate religion. The wearing and carrying of 'Kirpan' is included in the profession of the Sikh religion. But restriction may be imposed by the State in the interests of morality, health and public order. Thereby, no one is allowed to hurt the religious feelings of any class of citizens in India.

(b)

The Indian Constitution guarantees the right to establish and maintain institutions for religious and charitable purposes. Every religious sect has the right to own and acquire movable and immovable property. These rights also are subject to public order, morality and health.

(c)

Public funds can not be utilized by any institution to propagate religious instruction, especially when the institution is wholly maintained out of State Funds. Nevertheless, for State-aided or State-recognised institutions, there is no bar to giving religious instruction. But, no person can be required to take part in any religious instruction unless such person has his consent, or if he is a minor, consent of his guardian has been obtained. The Constitution, thus, aims to establish a Secular State.

Question 4.

With reference to the Right to Constitutional Remedies, answer the following questions:

(a)

What is meant by the term 'Writ'?

Ans.

A 'Writ' is a legal document that orders a particular person or official to do a particular thing or not to do it.

(b)

Explain the scope of any two Writs issued by Courts for enforcement of this Right.

Answer:

Two writs enforced by courts are:

1. **Mandamus:** It is the command from a Superior court to a lower or administrative authority to perform a certain duty.
2. **Writ of Prohibition:** It is an order issued by a superior court to a lower court to stop proceedings which are out of the jurisdiction of the lower court. The Supreme Court and the High Courts issue Writ to a person who detains another in custody and command him to bring the prisoner into Court and tell the time and the cause of the arrest. If the cause is insufficient, he is at once unconditionally released.

Question 5.

The purpose of incorporating duties is to highlight one's obligations to oneself, to state and the nation at large. In this context, mention a Citizen's duty:

(a) Towards Self, (b) Towards State, (c) Towards the Nation.

Answer:

The duties of a Citizen towards himself, to the state and the nation with reference to the given headings are described below:

(a) A Citizen's duty Towards Self:

The Constitution declares that it shall be the duty of every citizen "to develop the scientific temper, humanism and the spirit of inquiry and reform". A citizen should always be dutiful towards his state and country. He should strive for doing the best for them. He should know this thing, if the state and the nation secure, he himself will be secured.

(b) A Citizen's duty Towards State:

A State expects certain healthy and good from it's every citizen. Among these duties, the foremost duty of every citizen is to abide by the constitution and respect its ideals and institutions, the National Flag and the National Anthem ; It is the duty of all of us to uphold and protect the sovereignty,unity and integrity of India ; We should do our best to defend our – nation and render national service when called upon to do so ; A citizen should safeguard public property and abjure violence.

(c) A Citizen's duty Towards the Nation:

A citizen's duty is to cherish and follow the noble ideals which inspired our national struggle for freedom We should value and preserve the rich heritage of our composite culture ; We should promote harmony and the spirit of common brotherhood amongst people of India going beyond religious, linguistic and regional diversities. We should renounce practices derogatory to the dignity of women.

Question 6.

The Directive Principles lay down the foundation on which a Welfare State is sought to be established in India. In this context explain the following:

- (a) Meaning of a Welfare State
- (b) Any two Directive Principles included in the Constitution in pursuance of the ideals of a Welfare State.
- (c) Objectives and achievements of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA).

Answer:

(a)

'Welfare State' means a nation that provides her subject all the fundamental needs and necessities, equal and fair justice, education, a living wage, humane conditions of work a clean environment. It promotes egalitarian beliefs, one finds a clearer statement of socialist aims.

(b)

Under the Pradhan Mantri Jan-Dhan Yojana (PMJDY) it was made possible for all, especially the poor, to have banking opportunity.

(c)

Provide 100 days of employment in a year to each rural household in the country.

Additional Questions

Short Answer Question:

Question 1.

What is meant by the term 'Single Citizenship'.

Answer:

Single Citizenship means that all Indians irrespective of the State of their domicile are the Citizens of India. In India, a person born in Punjab or in Kerala can only be a citizen of India and not a Citizen of the State of their domicile like in the USA.

Question 2.

'Fundamental Rights are universal in nature'. Explain in one sentence.

Answer:

Fundamental Rights are bestowed on every citizen of India irrespective of caste, colour, creed, religion or sex.

Question 3.

How are Fundamental Rights justiciable?

Answer:

The Fundamental Rights are justiciable, as these are enforceable in a court of law and a suit can be filed in a High Court or the Supreme court in case there is dissatisfaction.

Question 4.

What is meant by the term 'Right to Equality' ?

Answer:

'Right to Equality' refers to the rights enjoyed by the citizens irrespective of caste, creed, religion or sex, for a successful democracy.

Question 5.

Mention one Fundamental Right granted to citizens of India.

Answer:

Right to Freedom: Article 19, Freedom of speech, expression, assembly, movement, settlement and profession.

Question 6.

Give the expanded form of the term 'ESMA'.

Answer:

Essential Services Maintenance Act (ESMA)

Question 7.

What does the Right to Constitutional Remedies provide for?

Answer:

Article 32 gives the Right to Constitutional Remedies or the Right given to citizens to move the Supreme Court for the enforcement of other Fundamental Rights conferred (granted), on them.

Question 8.

Name the courts which are competent to issue writs.

Answer:

Presently, only the Supreme Court and the High Courts have the power to issue the writs.

Question 9.

In the context of Fundamental Rights, give one example that India is a secular state.

Answer:

'Right to Freedom of Religion', is one example for proving India, a secular state due to freedom for adopting any religion by the citizens.

Question 10.

What is meant by the term 'Right Against Exploitation'?

Answer:

It means the Prohibition against slavery, beggary, forced labour and child labour etc.

Question 11.

When and by which Act of the Parliament were the Fundamental Duties included in the Constitution ? Mention one Fundamental Duty.

Answer:

The Fundamental Duties were added to the Constitution by the 42nd Amendment Act, 1976 and inserted in Part IV of the Constitution. One of the Fundamental Duty is to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

Question 12.

Mention the Fundamental Duty which has been added by the Constitution (86th Amendment) Act, 2002.

Answer:

Article 51A of the Constitution was amended by the Constitution (86th Amendment) Act, 2002, which says, "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 and fourteen years."

Question 13.

Which Fundamental Right will be violated in each of the following cases ?

- (a) A person belonging to a certain religious community has been dismissed from Government service without reason.
- (b) Some students of a school were disqualified from taking examinations without notice.
- (c) A 10 year old child was found working in a factory.

Answer:

- (a) Rights to Equality (Equality of Opportunity), Article 16
- (b) Right to Constitutional Remedies, Article 31
- (c) Right Against Exploitation, Article 24

Question 14.

Name the writ that will be issued in each of the following circumstances:

- (a) Against a person holding a public office to which he is not entitled.
- (b) For a transfer of a case from lower to higher court.
- (c) An order to an administrative authority to perform a certain duty.
- (d) To prohibit a lower court from proceeding in a case.

Answer:

- (a) Quo-warranto
- (b) Writ of Certiorari
- (c) Mandamus
- (d) Writ of Prohibition

Question 15.

Give the article of the Constitution under which following Rights are guaranteed to citizens

- (a) Right to Freedom
- (b) Cultural and Educational Right
- (c) Right to Freedom of Religion
- (d) Right to Equality
- (e) Right to Education
- (f) Right to Information

Answer:

- (a) Article 19-22
- (b) Article 29-30
- (c) Article 25-28
- (d) Article 14-18
- (e) Article 21 A
- (f) Article 19

Question 16.

To whom can the citizens of India file an application if they wish to seek any information from the government authorities ?

Answer:

Any citizen can file an application under RTI with the Public Information Officers (PIOs), Assistant Public Information Officers (APIOs) and seek the required information.

Question 17.

What is meant by the term 'Fundamental Rights'?

Answer:

A certain freedoms which are essential for personal and common hood, guaranteed under the India Constitution and have been incorporated in the Fundamental Law of the Land and can be enforced by the Courts are known as 'Fundamental Right'.

Question 18.

What is the significance of Fundamental Rights in terms of the effect that they have on our personality?

Answer:

Fundamental Rights are essential for the development of the powers inherent in every individual. They preserve human dignity and promote social progress in larger freedom. Fundamental Rights build-up the confidence of a person, they make the people well-educated and generous. They kindle the flame of awareness among the people in every field of life. They make us strong enough to resist injustice, they lift-up the standard of living in society. Fundamental Rights arouse the feelings of brotherhood and unity.

Question 19.

How do the Fundamental Rights act as a check on the arbitrary conduct of the State?

Answer:

The Fundamental Rights can be altered or curtailed only by an amendment of the Constitution. This, their inclusion is a check not only on the Executive (the President, the Prime Minister, Ministers and government officials), but also on Parliament and other legislative bodies.

Question 20.

What do we mean when we say that Fundamental Rights are justiciable? **OR** Rights are enforceable by the Courts. How?

Answer:

The rights conferred by Part-III of the Constitution, can be enforced through the Supreme Court or the High Court by all persons irrespective of race, caste, religion or sex. In the public interest, anyone can commence litigation in the Court. This is called as 'Public Interest Litigation.'

Question 21.

What is meant by the statement that Rights are not absolute?

Answer:

Rights are not absolute or uncontrolled. Rights are subject to such reasonable restrictions as may be necessary for the protection of general welfare. State is the

custodian of the general public interests decency or morality. Therefore, State may make laws putting restrictions on our rights.

Question 22.

Under what circumstances can the Fundamental Rights be suspended?

Answer:

The Fundamental Rights guaranteed under Article 19, can be suspended during an Emergency. For instance, freedom of speech, freedom of assembly, freedom of movement remain suspended. During Emergency, the President is the best person to decide how a particular problem should be solved.

Question 23.

In what way the Fundamental Rights are affected in an Emergency?

Answer:

In an Emergency, Fundamental Rights are adversely affected e.g., one is not free to make speeches. Holding of gathering or assembly is banned, one cannot unnecessarily move about here and there.

Question 24.

The Fundamental Rights fall into six main categories. List them all.

Answer:

The six main categories of the Fundamental Rights are enlisted below:

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.

Question 25.

Explain the scope of the following rights:

- (a) Equality before law
- (b) Equality of opportunity in matters of Public Employment.

Answer:

(a) Equality before law:

Article 14 guarantees to every person, “equality before the law or the equal protection of the laws within the territory of India.” The Constitution forbids discrimination between persons placed in similar circumstances or conditions. The Supreme Court has directed

the Parliament to create Special Courts for the speedy trial of offences committed by persons holding high offices.

(b)

Equality of opportunity in matters of Public Employment:

Article 16, lays down that there shall be equal opportunity for citizens, "in matters relating to employment or appointment to any office under the State". There shall be no discrimination against any citizen on grounds of religion, race, caste, sex, place of birth residence or any of them in respect of any employment under the State.

There are however three limitations:

1. For State employment, the parliament may make laws prescribing any requirement as to 'residence'. Posts which require a knowledge of the locality and of the language of the area are confined to it,
2. For members from backward classes, not adequately represented in the services under the State, the State may reserve posts for them,
3. There may be a law which requires that the holder of an office of any religious institution shall be a person professing that particular religion.

Question 26.

The Constitution prohibits the State to discriminate against any citizen grounds only of religion, race, castes or sex. Mention two exceptions to this Right.

Answer:

The two notable exceptions to the Right of Prohibition of Discrimination are:

1. The State may make any special provision for women and children.
2. Special provisions may be made for the advancement of any socially and educationally backward class of citizens or for the Scheduled Castes and the Scheduled Tribes.

Question 27.

The Constitution seeks to ensure social equality. Mention the two Fundamental Rights strengthening this Equality.

Answer:

1. Abolition of Untouchability.
2. Abolition of Titles.

Question 28.

Why did the Constitution abolish the old system of conferring 'Titles'?

Answer:

The system of conferring 'titles', was popular during that British rule in India. Titles like-

Rai Bahadurs or Khan Bahadurs were meant for a peculiar class of aristocrats created by the British Government. As, these titles went against the principle of 'equality of status', therefore the Constitution abolished the old system of conferring 'Titles'.

Question 29.

Mention any two freedoms embodied under the Right to Freedom.

Answer:

Two freedoms embodied under the Right to Freedom are:

1. Freedom of speech and expression.
2. Right- to practise any profession or to carry on any occupation.

Question 30.

Mention any two provisions of the Right to Education Act, 2010.

Answer:

Key provisions of the Right to Education Act 2010

1. All children in 6-14 age group to get free and compulsory education.
2. No child shall be held back, expelled, or required to pass a board examination till Class-VIII.
3. There will be 25 per cent reservation for poor children even in private and minority schools.

Question 31.

Mention the restraints on the following freedoms:

- (a) Freedom of Speech and Expression
- (b) Freedom to reside and settle in any part of India.

Answer:

The restraints on the following freedoms are:

(a) Freedom of Speech and Expression:

It is restrained upto the interests of public order, security of the State, decency or morality. Reasonable restrictions on this right can be imposed in case it fails to abide by the code and conduct.

(b) Freedom to reside and settle in any part of India:

This freedom is availed to the extent where the interests of general public or the interests of the Scheduled Tribes remain protected.

Question 32.

Mention three rights of an individual, arrested under ordinary circumstances.

Answer:

Three rights of an individual arrested under ordinary circumstances are:

1. No person shall be detained in custody without being informed of the grounds for such arrest.
2. He shall have the right to be defended by a lawyer of his choice.
3. He has the right to be produced before the nearest magistrate within twenty-four hours of such arrest. He cannot be detained in custody beyond the said period without the orders of the magistrate.

Exceptions:

1. The mentioned safeguards are not available to an enemy alien.
2. These rights do not apply to persons detained under the Preventive Detention Act.

Question 33.

What is meant by 'Preventive Detention'?

Answer:

'Preventive Detention' means, "detention of a person without trial". The object of this detention is not to punish a person for having committed a crime, but to prevent him from doing so.

Question 34.

Mention two rights of a person, detained under a Preventive Detention Act.

Answer:

Two rights of a person detained under a Preventive Detention Act are as follows:

1. The detenu shall be detained for a period not more than three months.
2. The detenu has the right to know the grounds on which he has been detained, also he has the right to make a representation against the detention order.

Question 35.

What is the importance of the Right to Information granted by an Act enacted in 2005?

Answer:

Right to Information Act 2005 enabled citizen to secure information from Public Authorities, Government Offices, Financial Institutions and Public Sector Undertakings in respect of documents and records under their charge. This right could curb corruption and promote transparency in Government departments.

Question 36.

Name the Fundamental Right that prohibits 'begar' and forced labour.

Answer:

Right Against Exploitation prohibits 'begar' and forced labour.

Question 37.

Mention one important provision of the Right against Exploitation.

Answer:

Compulsory military conscription.

Question 38.

Mention two Fundamental Rights that indicate that India is a Secular State.

Answer:

Two Fundamental Rights that indicate that India is a Secular State are as follows:

1. Freedom of conscience and free profession and propagation of Religion.
2. Freedom to manage Religious Affairs.

Question 39.

Name the Fundamental Right aimed at protecting the interests of the Minorities.

Answer:

Cultural and Education Rights (Articles 29).

Question 40.

Name two Fundamental Rights that the Constitution confers on the Minorities.

Answer:

1. Right to conserve the Language, Script and Culture.
2. Right to establish Educational Institutions.

Question 41.

What is the importance of the Right to Constitutional Remedies?

Answer:

The Right to Constitutional Remedies (Article 32) guarantees the right to move the Supreme Court for the enforcement of the Rights conferred by Part-III of the Constitution. The Constitution empowers the High Courts also to issue writs or orders for the enforcement of any of the rights.

Question 42.

What is meant by the term 'Writ'?

Answer:

A 'Writ' is a legal document that orders a particular person or official to do a particular thing or not to do it.

Question 43.

Name the Courts which are competent to issue Writs for the enforcement of Fundamental Rights.

Answer:

The Supreme Court and the High Courts are competent to issue Writs for the enforcement of Fundamental Rights.

Question 44.

What is the scope or purpose of the Writ of Habeas Corpus?

Answer:

'Habeas Corpus' is a Latin term which means, "you may have the body". It provides a remedy for a person wrongly detained or restrained. The Supreme Court and the High Courts issue this Writ to a person who detains another in custody and command him to bring the prisoner into Court and tell the time and the cause of the arrest. If the cause is insufficient, he is at once unconditionally released.

Question 45.

What is the purpose of the Writ of Mandamus?

Answer:

The purpose of the Writ of Mandamus is to compel an inferior court or an individual to perform their duty. This purpose has to be exercised only for the enforcement of Fundamental Rights.

Question 46.

How does the Writ of Prohibition differ from the Writ of Certiorari?

Answer: The Writ of Prohibition is issued to prevent an inferior court from exercising powers with which it is not legally vested. It directs the inferior to keep within the limits of their authority. The Writ of Certiorari asks the lower court to hand over the record of a particular case to the higher court. The difference between the two is that they are issued at different stages of the proceedings. The Writ of Prohibition is preventive, whereas the Writ of Certiorari is remedial.

Question 47.

What is the purpose of the Writ of Quo Warranto?

Answer:

The Writ of Quo Warranto is directed against a person who has wrongfully usurped an office. The Writ calls upon the person to show under that authority he holds the office. If the court decides that the person concerned is holding that office illegally, it may declare the office to be vacant.

Question 48.

Name the Writ that shall be issued under the following circumstances:

1. When a person is wrongfully detained or restrained.
2. To compel an inferior court or an individual to perform their duty.
3. To keep the courts within the limits of their jurisdiction.
4. When a Superior Court desires to be informed of what is going on in an inferior court.
5. Against a person who usurps any office.

Answer:

The Writ that shall be used under the circumstances mentioned in the question's respectively given below:

1. The Writ of Habeas Corpus
2. The Writ of Mandamus
3. The Writ of Prohibition
4. The Writ of Certiorari
5. The Writ of Quo Warranto

Question 49.

Mention two Fundamental Duties inserted by the Forty- second Amendment Act, 1976.

Answer:

Two Fundamental Duties inserted by the 42nd Amendment Act, 1976 are as follows:

1. Duties towards Self
2. Duties concerning the Environment

Question 50.

Mention Citizen's one main duty towards himself.

Answer:

To develop the scientific temper, humanism and the spirit of inquiry and reform.

Question 51.

Mention the citizen's one main duty towards his child under the Constitution 86th Amendment Act, 2002.

Answer:

The 86th Amendment Act had cast a new duty on Citizens of India. It states that a Citizen who is a parent or guardian has a duty "to provide opportunities for education to his child or ward between the age of six and fourteen years."

Question 52.

Mention a Citizen's duty concerning the Environment.

Answer:

To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion living creatures.

Question 53.

Mention two duties that we owe to State.

Answer:

1. Duty to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
2. Duty to safeguard public property and to abjure violence.

Structured Questions

Question 1.

Explain the following basic features of the Indian Constitution:

- (a) Single Citizenship
- (b) Universal Adult Franchise.
- (c) Fundamental Rights.

Answer:

(a) Single Citizenship:

The Constitution of India believes in the Single Citizenship. That means a person who belongs to India, is liable to take hold of Single Citizenship no matter in "which State he resides. Single Citizenship allows a citizen to entertain the rights and laws of the country. However, in America, dual citizenship is prevalent.

(b) Universal Adult Franchise:

Adult or Universal Franchise means, every such person whether male or female, is eligible to cast vote to elect the government, who is a citizen of India, is not less than 18 years of age and is not otherwise disqualified under any law.

(c) Fundamental Rights:

A certain freedoms which are essential for personal and commonhood, guaranteed under the India Constitution and have been incorporated in the Fundamental Law of the Land and can be enforced by the Courts are known as 'Fundamental Right'.

Question 2.

- (a) Why are the Fundamental Rights so called ?
- (b) What are their characteristic features ?
- (c) State any two restrictions that can be imposed by the State.

Answer:

(a)

The Fundamental Rights are called Fundamental, because these are the basic human rights, which should be enjoyed by every citizen.

(b)

The characteristic features are to provide all-around development, protection against unjust, discrimination power and no distinction of caste and creed or religion.

(c)

Two restrictions are:

1. Article – 19 can be suspended during Emergency.
2. Laws of Parliament (ESMA) Act can impose restrictions on the Right to Freedom to protect the prestige of the Nation.

Question 3.

With reference to Equality.

- (a) Briefly explain the components of this right.
- (b) Explain the restrictions imposed on these rights.

Answer:

(a)

Article 14 Equality before law.

Article 15 Prohibition of discrimination.

Article 16 Equality of opportunity Article 17 Abolition of untouch ability.

Article 18 Abolition of titles.

(b)

The 42nd Amendment Act, 1976 puts certain restriction son the Right to Equality. A person cannot move the court, if his right of equality is restricted to implement the Directive Principles of State Policy, which are the guide-lines of the Constitution.

Question 4.

With reference to inclusion of Right to Freedom in the Indian Constitution state the following.

(a) Name the essential freedoms guaranteed to citizens under Article 19.
(b) What do these freedoms imply.

Answer:

(a)

Under Article 19, is included Freedom of Speech, expression, assembly, movement, settlement and profession.

(b)

1. Freedom of speech and expression.
2. Freedom to assemble peacefully without arms.
3. Freedom to form associations and unions.
4. Freedom to move freely throughout India.
5. Freedom to reside and settle in any part of India.
6. Freedom to practise any profession, trade or business.

Question 5.

Article 20 provides for Protection in Respect of Conviction for Offences. In this respect answer the following :

(a) What protections are available to the citizens against conviction ?
(b) What is meant by Preventive Detention ? State the right of citizens in this respect.
(c) Explain the limitations of the Right to Protection.

Answer:

(a)

The protections available are protection of Life and Personal Liberty, against arrest and detention, limit of custody not more than 24 hours and right to consult a lawyer for defence.

(b)

In case a person is detained under Preventive Detention he can be kept in custody for a period of three months without trial.

(c)

Limitations are Public interest and Power of the Parliament. Public interest can force the state to disclose the grounds of detention. Parliament has the power to specify the maximum period of Preventive Detention.

Question 6.

With reference to the Right to Religion, answer the following questions:

(a) How is the objective of secularism secured under this right ?
(b) Explain the features of this right in detail.

Answer:

(a)

The objective of secularism is fulfilled in the sense that a citizen is free to adopt the

religion of his choice.

(b)

All persons are entitled to freedom of conscience and the right to freely profess, practise and propagate their religion. No person and the institution are not to be compelled for adopting any particular religion and for paying taxes etc.

Question 7.

With reference to the Right to Constitutional Remedies, answer the following questions:

(a) How has this right been given legal sanction ?

(b) Why is this right important ?

(c) Explain any two writs issued by the courts for enforcement of these rights.

Answer:

(a)

This right has been given legal sanction, because it is given to citizens to move the Supreme Court for the enforcement of other Fundamental Rights conferred on them.

(b)

Ambedkar described this article as the 'Heart and Soul of the Constitution', because it is used to maintain order, peace and right judgement with respect to the satisfaction of the community.

(c) Two writs are :

1. **Mandamus:** It is the command from a Superior court to a lower or administrative authority to perform a certain duty.
2. **Writ of Prohibition:** It is an order issued by a superior court to a lower court to stop proceedings which are out of the jurisdiction of the lower court.

Question 8.

With reference to Fundamental Rights, answer the following:

(a) What are the components of the Right to Education?

(b) How is the Right to Information an implied Fundamental Right ?

Answer:

(a)

This right has been granted by the Constitution (Eighty-six Amendment) Act, 2002. By this Act a new article 21A has been inserted in the Constitution, which states, "The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the state may, by law, determine". The Act also enjoins on the State to endeavor to provide early childhood care and education to all children until they complete six years of age.

(b)

An implied Fundamental Right is the one which is a part of a named Fundamental Right or partakes of the same basic nature and character as that Fundamental Right. Since RTI is implicit in the Right to Freedom of Speech and Expression (Act. 19), it is an

implied Fundamental Right because if one does not know the facts one cannot speak freely. The Right to Information Act came into force on Oct. 12, 2005.

9. With reference to the Fundamental Duties, answer the following:

Question 9(a).

What are known as Fundamental Duties ?

Answer:

Duties and rights go hand-in-hand; there can be no rights in a society where there are no duties. Every right has a corresponding duty. For example, if we have a right to life, it is our duty to respect human life and not to injure another person. Similarly, the right to freedom implies that we have to maintain a self-restraint and accord similar rights to others which we want for ourselves

Question 9(b).

Give any three Fundamental Duties.

Answer:

The Article 51 -A of the Constitution states the following duties of a citizen:

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 which inspired our 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 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.

Question 9(c).

What is the importance of these Duties ?

Answer:

The Importance of Fundamental Duties are enlisted in the Constitution of India:

1. To make the citizens aware of their social and economic obligations;
2. To warn them to do and not to do certain things in the interest of their country, fellow citizens and themselves.
3. To protect and awaken the people to their cultural heritage.
4. To tame the unruly elements in society.
5. To strengthen national harmony as they stir up patriotism.

PRACTICE QUESTIONS

P.Q. Indian Constitution takes Equality as the bedrock of Indian polity. In this context, mention the following rights guaranteed under the Right to Equality:

(a) Prohibition of Discrimination, (b) Abolition of Untouchability.

Answer:

Right guaranteed under the right to Equality are as below:

(a) Prohibition of Discrimination:

Article 15 prohibits the state to “discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.” No citizen shall be denied access to shops, public restaurants, hotels, places of public entertainment. Neither shall anyone be denied the use of wells, tanks, bathing- ghats and roads maintained wholly or partly out of the State funds. The State may make any special provision for women and children. Also, special provisions may be made for the advancement of socially and educationally backward class of citizens or for the Scheduled Castes and the Scheduled Tribes.

(b)Abolition of Untouchability:

Article 17 declares that “untouchability is abolished and its practice in any form is forbidden.” The untouchability Offences Act of 1955 provided penalties for preventing a person from entering a place of public worship or taking water from a tank, well or spring in common use. In 1976, the act was renamed as “the Protection of Civil Rights Act”, from “Untouchability Offences Act.”

Question 10.

Explain the six Freedoms guaranteed under Article 19 of the Constitution of India.

Answer:

The six Freedoms guaranteed under Article 19 of the Constitution are explain below:

1. Freedom of Speech and Expression:

This right helps a person to discover the truth. It enables us to participate in public activities “freedom of expression” also incorporates freedom of the press. Where there is a question of interests of public order, security of the State, decency or morality, there reasonable restrictions on this right can be imposed,

2. Freedom to assemble peaceably and without Arms:

The right of assembly is to be exercised peaceably and without arms as per the limitations concerned. However, the State is liable to impose reasonable restrictions in the interests 'of public order or the national integrity.

3. Freedom to form Associations and Unions:

The citizens have the freedom to form associations or unions. The State may

impose reasonable restrictions on this freedom in the interests of morality public order and the sovereignty and integrity of India.

4. **Right to move freely:** The citizens have the right to go anywhere in the territory of India. However restrictions may be imposed on the movement and travelling, so as to control an epidemic.
5. **Freedom to reside and settle in any part of India:** Reasonable restrictions are imposed on this freedom in the interests of general public or for the protection of the interests of the Scheduled Tribes.
6. **Right to practise any profession or to carry on any Occupation:** Though this right allows all citizens to practise any profession or carry on any occupation, trade or business, yet the State may impose reasonable restrictions on this right in the interests of general public. To carry on dangerous or immoral business is not allowed. Professional or technical qualification may be prescribed for practising any profession or carrying on the trade.

Question 11.

With regard to the Right to Freedom of Religion, answer the following questions:

- (a) What does Freedom of Conscience mean?
- (b) What does the freedom to manage Religious Affairs imply?
- (c) Can public funds be utilized for religious instruction?

Answer:

The questions given above with regard to the Right to Freedom of Religion are answered as under:

(a)

Article 25 guarantees to every person freedom of conscience and the right to profess, practice and propagate religion. The wearing and carrying of 'Kirpan' is included in the profession of the Sikh religion. But restriction may be imposed by the State in the interests of morality, health and public order. Thereby, no one is allowed to hurt the religious feelings of any class of citizens in India.

(b)

The Indian Constitution guarantees the right to establish and maintain institutions for religious and charitable purposes. Every religious sect has the right to own and acquire movable and immovable property. These rights also are subject to public order, morality and health.

(c)

Public funds can not be utilized by any institution to propagate religious instruction, especially when the institution is wholly maintained out of State Funds. Nevertheless, for State-aided or State-recognised institutions, there is no bar to giving religious instruction. But, no person can be required to take part in any religious instruction unless such person has consent, or if he is a minor, consent of his guardian has been obtained. The Constitution, thus, aims to establish a Secular State.

Question 12.

What are the three common restrictions on Fundamental Rights that the Constitution guarantees to citizens of India.

Answer:

Part-III of the Constitution which deals with Fundamental Rights has been criticised on the following grounds:

1. The right to freedom and personal liberty has a number of limiting clauses. The Phrases 'Security of the State', 'public order' and 'morality' are general and of wide implication. There is also the provision of preventive detention. Acts like MISA (Maintenance of Internal Security Act), and NS A (National Security Act) seemed to eat away the essence of the rights.
2. The phrases like 'reasonable restrictions' or 'in the interests of public order' are vague or ill defined. They shall lead to unnecessary litigation.
3. During the proclamation of Emergency many rights such as freedom of speech and freedom of assembly may suspend the right to move the Supreme Court or High Court for the enforcement of other rights as well, (except the rights conferred by Articles 20 and 21).

Question 13.

The purpose of incorporating duties is to highlight one's obligations to oneself, to state and the nation at large. In this context, mention a Citizen's duty:

- (a) Towards Self.
- (b) Towards State.
- (c) Towards the Nation.

Answer:

The duties of a Citizen towards himself, to the state and the nation with reference to the given headings are described below:

(a) A Citizen's duty Towards Self: The Constitution declares that it shall be the duty of every citizen "to develop the scientific temper, humanism and the spirit of inquiry and reform". A citizen should always be dutiful towards his state and country. He should strive for doing the best for them. He should know this thing, if the state and the nation secure, he himself will be secured.

(b) A Citizen's duty Towards State:

A State expects certain healthy and good from its every citizen. Among these duties, the foremost duty of every citizen is to abide by the constitution and respect its ideals and institutions, the National Flag and the National Anthem ; It is the duty of all of us to uphold and protect the sovereignty, unity and integrity of India ; We should do our best to defend our nation and render national service when called upon to do so ; A citizen should safeguard public property and abjure violence.

(c) A Citizen's duty Towards the Nation:

A citizen's duty is to cherish and follow the noble ideals which inspired our national

struggle for freedom We should value and preserve the rich heritage of our composite culture ; We should promote harmony and the spirit of common brother-hood amongst people of India going beyond religious, linguistic and regional diversities. We should renounce practices derogatory to the dignity of women.

Question 14.

Rights and duties are two aspects of the same thing. In this context, explain the importance of Fundamental Duties and their relationship with Rights.

Answer:

Rights and duties are indeed two aspects of the same thing. It is the duty of other if it is the right for the one and vice versa. If a person does something constructive taking it for his duty, the other person has no right to tamper with his efforts with intention to demoralise him. It would rather be an offence on his part if he does so. If one has the right to a "nationality", he is under an obligation to defend the country and render "national service" when called upon to do. We also have an obligation to safeguard public property and to abjure violence.

Question 15.

Part-III. of the Constitution deals with Fundamental Rights. Discuss their significance or reasons for their inclusion in the Constitution of India under the following headlines:

- (a) Democracy implies Civil Liberties.
- (b) Rights are a check on the arbitrary powers of the Government.
- (c) Violations of human rights constitute threat to International Peace.

Answer:

(a) Democracy implies Civil Liberties:

Democracy has a direct relationship with the Civil Liberties like—freedom of speech, religion and freedom from arbitrary arrest. All these liberties are recognised and protected by the State. Without civil liberties, Democracy is of no avail. Democracy is essentially government by opinion or persuasion. The means for formulating public opinion should be secured to the citizens. Democracy enables a citizens express his views or ideas fearlessly, manage assembly, form association and move throughout the territory of India.

(b) Rights are a check on the arbitrary powers of the Government:

Rights are a check on the Executive i.e., the President, the Prime Minister, Ministers, Government officials, Parliament and other legislative bodies as Fundamental rights can be altered or curtailed only by an amendment of the Constitution.

(c) Violations of Human Rights Constitute Threat to International Peace:

Violations of Human Rights can cause mass-destruction and huge damage on a large scale. Take example of the outbreak of the World War-II. If occurred, but due to the

reasons of violating human rights. The fascist and Nazi rulers of Italy and Germany played havoc with the innocent lives. In such circumstances, inclusion of the fundamental rights in the constitution is quite essential which would otherwise be a threat to International Peace.

Question 16.

Examine the characteristic features of the Fundamental Rights with regard to the following points:

- (a) Some rights are available to all persons, others are available to Citizens alone.
- (b) Rights are not absolute.
- (c) Many rights remain suspended during Proclamation of Emergency.

Answer:

With regard to the points given, the characteristic features of the Fundamental Rights can be examined as under:

(a) Some rights are available to all persons, others are available to Citizens alone:

In general, the rights that are availed of by all persons, they are, Right to life or personal liberty. Similarly, all persons can have faith in any religion. Such rights do not fall under any kind of hard and fast restrictions. But, still there is other kind of rights like—freedom of speech and expression and freedom to reside and settle in any part of the country, these are such rights that are secured to the citizens alone. It is very essential for a speaker, while he is at speech or expressing his views that he should keep in mind the code and conduct of oratory, nowhere his speech should cross the limits lest the feelings or sentiments of the listeners should get hurt. The speaker must be aware of his limitations. Likewise, it is only the citizens who can get the benefit to reside and settle in any part of the country. It is important that one should be a citizen before enjoying such a right. No alien or outsider is allowed to get hold on to this right unless or until he observes the citizenship of the country.

(b) Rights are not absolute:

Rights are never unrestrained or absolute. They are propagated to the framework of decency and ethics, so that no one should take undue advantage of the right. Rights are meant to run the social life smoothly. Indeed, rights are subject to such reasonable restrictions as may be necessary for the protection of general welfare. State is responsible for the general public intersects, decency or morality. Thus, State may make laws putting restrictions on our rights.

(c) Many rights remain suspended during Proclamation of Emergency:

The Nation-Intersects are above all. At times, when the unity of nation is felt to be in danger, the President of the country is liable to impose Emergency in the country or any province to maintain law and order. In such condition, the Fundamental Right conferred by Article 19 (freedom of speech, freedom of movement, freedom of assembly etc.) remain suspended. The President may by order suspend the rights to move the Court for the enforcement of other rights conferred by Articles 20 and 21.