

Fundamental Rights and Duties

Important Words

- Fundamental Rights are those basic rights which are considered essential to be provided to a person for his all-round development.
- The different rights guaranteed by the Constitution are the following:
 1. Right to Equality
 2. Right to Freedom
 3. Right to Freedom of Religion
 4. Right against Exploitation
 5. Cultural and Educational Rights
 6. Right to Constitutional Remedies
 7. Right to Education
- Fundamental Rights are universal in application and justiciable in nature.
- Fundamental Rights are not absolute. Some reasonable restrictions can be put on them in the interest of society.
- Fundamental duties were added to the Constitution by the 42nd Constitutional Amendment Act, 1976.
- Fundamental Duties are not enforceable and justiciable.

Time To Learn

I. Fill in the blanks:

1. The citizens of India can move freely and **assemble peacefully** in any part of the country.
2. The citizens of India have right to profess, **propagate** and **practice** the religion of their choice.
3. The Constitution does not allow **exploitation** of labour or begar.
4. **Rights** and duties are two sides of a coin.
5. We should **respect** the National Flag and the National Anthem.

II. Match the contents of Column A Column B

| Column A | Column B |
|--|--------------------------------------|
| 1. Employment of children below 14 years is banned in India. | (a) Right to Equality |
| 2. In India one can practise any religion. | (b) Right to Freedom |
| 3. Every community can safeguard its language. | (c) Right against Exploitation |
| 4. Everybody can approach the court for the enforcement of his Fundamental Rights, if they are encroached upon by anyone | (d) Right to Freedom of Religion |
| 5. Everybody has the right to form an association. | (e) Cultural and Educational Rights |
| 6. Everybody has the right to use a public well. | (f) Right to Constitutional Remedies |

Answer:

| Column A | Column B |
|---|--------------------------------------|
| 1. Employment of children below 14 years is banned in India. | (c) Right against Exploitation |
| 2. In India one can practise any religion. | (d) Right to Freedom of Religion |
| 3. Every community can safeguard its language. | (e) Cultural and Educational Rights |
| 4. Everybody can approach the court of the enforcement of his Fundamental Rights, if they are encroached upon by anyone | (f) Right to Constitutional Remedies |
| 5. Everybody has the right to form an association. | (b) Right to Freedom |
| 6. Everybody has the right to use a public well. | (a) Right to Equality |

III. Tick mark (✓) the correct statements and cross mark (X) the wrong ones:

1. Right to property is one of the Fundamental Rights.
X
2. India is a secular state.
✓
3. We are not bound to preserve the rich heritage of our country.
X
4. Our Constitution provides titles like 'Rai Sahib' or 'Khan Bahadur'.
✓
5. Fundamental rights are not enforceable.
✓

IV. Answer the following questions:

Question 1.

What are Fundamental Rights? Why are Fundamental Rights essential for us?

Answer:

The basic human rights which every human being has a right to enjoy are called Fundamental Rights. They are essential for the balanced growth of a citizen. They are guaranteed by the Constitution. Therefore, all people irrespective of caste, creed or religious belief can go to the court of law for its enforcement.

The Fundamental Rights have great importance:

1. They play a great part in the all round development of the individual by ensuring all such freedoms which make his life happy and worth living.
2. A person enjoys these rights irrespective of caste or creed. As such, they provide equality of status and opportunity to every citizen.
3. They protect him from any exploitation on the part of the state or any individual.

Question 2.

List down the Fundamental rights guaranteed to the citizens of India.

Answer:

Right to Equality is an important fundamental right. It guarantees that all citizens of India will be treated equally irrespective of caste, creed or sex.

1. It guarantees 'equality before law' which means that all citizens will be equally protected by laws of the country.
2. Articles 16 guarantees that there would be no discrimination against anyone in matters relating to employment or appointment to any government office.
3. To keep everyone at par, Article 18 abolishes all title except military and academic ones.
4. Practicing of untouchability in any form has been made a punishable offence by law.

Question 3.

What do you understand by the right to freedom of religion?

Answer:

Freedom is the very essence of democracy. By giving the Right to Freedom of Religion, the Constitution makes it clear that all religions are equal before the state and no religion is superior or inferior.

According to this right, an individual is allowed:

1. To follow any religion of his choice.
2. To practice it according to his specific ways.
3. To preach it.

Question 4.

What are Cultural and Educational Rights? Explain with the help of an example.

Answer:

India is a land of diverse religions, languages and culture.

To maintain unity many cultural and educational rights have been given:

1. Any community can safeguard its culture, language and script.
2. There is no discrimination on the basis of religion at the time of admission to state or state aided institutions.
3. All sects and minorities in the country have been granted the right to preserve or develop their culture.

Question 5.

How does the Right to Constitutional Remedies help to safeguard our Fundamental Rights?

Answer:

The Right of Constitutional Remedies is a very special right. This gives every citizens a right to move the Supreme Court or High Court if his Fundamental rights are violated by the state, a person or a body of persons. Infact the Right to Constitutional Remedies is so important because it is the only right which guarantees the enforcement of Fundamental Rights. Without this right all other rights would have become meaningless.

Question 6.

List any five Fundamental Duties. How are Fundamental Duties important for us?

Answer:

The eleven Fundamental Duties provided by the Constitution 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 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 the spirit of brotherhood amongst all the people of India.
6. To value and preserve the rich heritage of our composite culture.
7. To protect and improve the national environment including forests, lakes, rivers and wildlife, and 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.
11. A parent/guardian should provide opportunities for education to his child/ward, between the age of 6-14 years.

Fundamental Duties are very important for the progress and prosperity of our nation. They are also important for achieving the goal of national integration.

These duties are not enforceable by a court of law but as good and responsible citizens we are obliged to perform them with honesty and sincerity.

Question 7.

Why do we say that every right has a corresponding duty? Explain with the help of an example.

Answer:

'Rights imply duties' means that rights and duties go hand in hand. If one hopes to enjoy rights, then he must perform certain duties. Rights and Duties are two sides of the same coin. Every right carries with it a duty.

For example, if a person has a right to follow any religion, it is his duty to allow others to follow their own religion. Fundamental duties have been laid down by our Constitution to make every citizen realize that if they are given Fundamental Rights, they must also perform certain duties. To promote harmony and to strengthen our nation it is necessary to realise the importance of these duties which are attached to every right which we enjoy.

Question 8.

Do you think Fundamental Duties should be made enforceable? Give reasons for your answer.

Answer:

No, Fundamental duties should not be made enforceable. Fundamental duties are supposed to be moral duties, expected to be followed by citizens. Since no one can enforce morals, they are not enforceable. They are more like a reminder of Indian culture, traditions, values of freedom struggle etc. However, parliament can make laws to enforce certain duties by making legislation.

V. Mention the Right which is exercised / violated in each of the following cases:

1. A group of citizens assembles peacefully.
Ans. Right to Freedom.
2. A citizen goes to worship to a place of his choice.
Ans. Right to Freedom of Religion.
3. A citizen moves a court of law to seek justice. .
Ans. Right to Constitutional Remedies.
4. A citizen can join any institution run by the state.
Ans. Right to Equality.
5. A citizen cannot be forced to work without payment.
Ans. Right against exploitation.

Additional Questions (The Fundamental Rights and Duties)

A. Fill in the blanks:

1. There are **six** Fundamental Rights provided to the Indian citizens.
2. Children below the age of **fourteen** cannot be employed for any **dangerous** work or in **factories** and **mines**.
3. Fundamental Rights are universal, which means that they are granted to all the **citizens** of India.
4. Some Fundamental Rights can be suspended during an **Emergency**.
5. It is the Fundamental Duty of every citizen to respect the **Constitution**, its **ideals** and the **symbols** of India.

B. Match the following:

| A | B |
|-----------------------|--------------------------------------|
| 1. Fundamental Rights | (a) cannot be enforced. |
| 2. Right to Freedom | (b) are universal |
| 3. Fundamental Duties | (c) Freedom of speech and expression |

Answer:

| A | B |
|-----------------------|--------------------------------------|
| 1. Fundamental Rights | (b) are universal |
| 2. Right to Freedom | (c) Freedom of speech and expression |
| 3. Fundamental Duties | (a) cannot be enforced. |

C. Choose the correct answer:

1. All democratic nations guarantee certain basic rights/ special privileges/powers.
Ans. All democratic nations guarantee certain basic rights.
2. Under the Right to Equality, the practice of conferring titles such as Raja or Rai Bahadur has been approved/ abolish ed/legalized.
Ans. Under the Right to Equality, the practice of conferring titles such as Raja or Rai Bahadur has been abolished.
3. There are five/six/seven fundamental freedoms guaranteed to all Indian citizens.
Ans. There are six fundamental freedoms guaranteed to all Indian citizens.
4. The Right to Education/Right against Exploitation/ Right to Equality makes education a Fundamental Right of every Indian child between the ages of 6 and

14 years.

Ans. The Right to Education makes education a Fundamental Right of every Indian child between the ages of 6 and 14 years.

5. The Fundamental Rights can be enforced by the police/ army/courts.

Ans. The Fundamental Rights can be enforced by the courts.

D. State whether the following are true or false:

1. Rights enable everyone to maintain a dignified existence in society.
True.
2. We can use our freedoms to do anything we want, even if it harms other people.
False.
3. The Fundamental Rights are absolute.
False.
4. The Fundamental Rights cannot be suspended during an emergency.
False.
5. The Indian Constitution does not provide safeguards against the violation of Fundamental Duties.
True.

E. Answer the following questions in one or two words/ sentences:

1. Mention one reason why Fundamental Rights are essential in a democratic country.

Ans. These rights are essential for the smooth functioning of a democratic republic and for the social, economic, political and cultural development of the nation.

2. State one provisions of the Constitution which proves that all citizens are equal in the eyes of law.

Ans. Following are some provisions that shows that all citizens are equal in the eyes of law:

1. Public places which are maintained by the government are open to all like – roads, parks, markets, wells and places of public entertainment.

2. In the field of education and employment every citizen is given equal opportunity.

3. What right is guaranteed by the abolition of untouchability?

Ans. Rights to equality.

4. Mention any one Fundamental Right which shows that India is a secular country.

Ans. India is a secular country. All citizens have the right to profess, practise and propagate any religion of their choice. There shall be no discrimination on the grounds of religion.

5. Which Fundamental Right helps to protect our cultural diversity?

Ans. Our country is a mixture of various cultures, languages, religions and communities. According to the Constitution, every community has the right to preserve, protect and develop its own culture, language, script and art and also to run its own institutions.

6. Mention one Fundamental Duty that Indian citizens have towards women.

Ans. Everyone should respect the dignity of women.

F. Answer the following questions briefly:

Question 1.

What are Rights? Why are certain basic rights guaranteed to all citizens in a democratic country?

Answer:

Rights are claim to do or have certain things, which are essential for every person to be able to maintain a dignified existence in society. India is a democracy. One of the fundamental principles of a democracy is that the government of the state is formed and carried out with the cooperation and consent of the people. All democratic nations in the world guarantee certain basic or fundamental rights to all their citizens. These rights are essential for the smooth functioning of a democratic republic and for the social, economic, political and cultural development of the nation. These rights act as a safeguard against any abuse or misuse of power by the government, an individual or a group.

Question 2.

Discuss the provisions of the following rights to prove that India is a secular country: (a) Right to Freedom of Religion (b) Cultural and Educational Rights.

Answer:

(a)

India is a secular country. All citizens have the right to profess, practice and propagate any religion of their choice. There shall be no discrimination on the grounds of religion.

(b)

The Cultural and Educational Rights are included in the Constitution, to make sure that every community gets the right to preserve, protect and develop its own culture, language, script and art and can also attend any educational institution run by the government.

Question 3.

How do the Fundamental Rights protect Indian citizens from exploitation?

Answer:

Rights against exploitation ensures that no citizen is forced to work against his wish. Sometimes women and children of weaker sections are exploited by making them work on low wages. The right against exploitation aims at protecting individuals against exploitation by their employers and it also ensures that children below the age of fourteen should not be employed in any dangerous work or in factories or mines.

Question 4.

Explain the significance and scope of the right to Constitutional Remedies.

Answer:

Fundamental Rights are meaningless unless they are enforced and protected by a court of law. Hence, our Constitution provides the right to move the court to safeguard our Fundamental Rights. If the government, a group or an individual violates one or more of the Fundamental Rights, any citizen can file a case against the offender in the state High Court or in the Supreme Court.

Scope of the Fundamental Rights:

1. The Fundamental Rights are universal, e., they are guaranteed to every citizen of India, irrespective of caste, colour, religion, gender or social status.
2. The Fundamental Rights cannot be easily altered or removed from the Constitution.
3. The Fundamental Rights are not absolute. They have certain restrictions imposed on them in the larger interests of the society.
4. Some of the Fundamental Rights can be suspended during an emergency, such as a war or an economic or political crisis.

Question 5.

Mention the Fundamental Duties laid down in the Constitution with reference to:

- (a) India's struggle for freedom
- (b) The Indian Nation
- (c) Public property

Answer:

- (a) Struggle for freedom:** Fundamental Duties tell us to follow the noble ideals which inspired our struggle for freedom.
- (b) The Indian Nation:** Every citizen of the country must protect the sovereignty, unity and integrity of the nation and should render national service when called upon to do so.
- (c) Public property:** Every citizen should safeguard public property.

G Picture Study:

This picture is a symbolic representation of a Fundamental Right.



Question 1.

Name the Fundamental Right.

Answer:

Right To Equality, Right To Freedom, Right To Freedom Of Religion, Right Against Exploitation, Cultural And Educational Rights, Right To Constitutional Remedies.

Question 2.

How many Fundamental Rights are guaranteed to the people of India? Name them.

Answer:

There are six Fundamental Rights provided to the Indian people.

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

Question 3.

Identify the Fundamental Right enjoyed by an Indian citizen under the following circumstances or conditions:

1. We can reside and settle in any part of India.

Ans. Right To Freedom

2. Indians can follow any religion of their choice.

Ans. India is a secular country. All citizens have the right to profess, practice and propagate any religion of their choice. There shall be no discrimination on the grounds of religion.

3. Indian children have a right to go to school.

Ans. The Right to Education Act of 2009 (Article 21A of the Constitution) makes education a Fundamental Right of every Indian child between the ages of 6 and 14 years.