



SOS POLITICAL SCIENCE & PUBLIC
ADMINISTRATION
M.A POLITICAL SCIENCE IVSEM
HUMAN RIGHTS(402)
UNIT-III

TOPIC NAME-FUNDAMENTAL RIGHTS

INTRODUCTION

- As a liberal democracy and proponent of people's empowerment, India guarantees a set of rights considered essential to "preserve human dignity".
- The Fundamental Rights, as embedded in the Indian Constitution, ensure equal and fair treatment of the citizens before the law. However, these rights are not absolute and are subject to restrictions under peculiar circumstances.
- Rights are claims that are essential for the existence and development of individuals. In that sense there will be a long list of rights. Whereas all these are recognized by the society, some of the most important rights are recognized by the State and enshrined in the Constitution. Such rights are called fundamental rights.
- These rights are fundamental because of two reasons. First, these are mentioned in the Constitution which guarantees them and the second, these are justiciable, i.e. enforceable through courts. Being justiciable means that in case of their violation, the individual can approach courts for their protection. If a government enacts a law that restricts any of these rights, it will be declared invalid by courts.

WHAT ARE FUNDAMENTAL RIGHTS EXPLAIN?

- The **Fundamental Rights** are defined as the basic human **rights** of all citizens. These **rights**, defined in Part III of the Constitution, applied irrespective of race, place of birth, religion, caste, creed, or gender. They are enforceable by the courts, subject to specific restrictions

WHAT ARE THE IMPORTANCE OF RIGHTS?

- Human **rights** are **important** in the relationships that exist between individuals and the government that has power over them. The government exercises power over its people. However, **humanrights** mean that this power is limited. States have to look after the basic needs of the people and protect some of their freedoms.

WHAT IS THE SIGNIFICANCE OF THE FUNDAMENTAL RIGHT?

- **Fundamental** Rights protect the liberties and freedom of the citizens against any invasion by the state, prevent the establishment of the authoritarian and dictatorial rule in the country. They are very essential for the all-round development of the individuals and the country.

WHAT ARE THE FEATURES OF FUNDAMENTAL RIGHTS?

- Objectives of Fundamental Rights
- Fundamental rights are justiciable
- Characteristics of Fundamental Rights
- They are the integral part of the Constitution
- They are Universal
- They have Constitutional superiority
- They are comprehensive and detailed:
 - They are qualified i.e. they are not absolute

WHAT IS THE THEORY OF RIGHTS?

- **Rights theories** maintain that there are things we cannot do against individuals because they are holders of moral **rights**. A **right** defends an interest that should not be frustrated. If an interest is defended by a **right**, it should not be thwarted even if doing so might be good for other reasons.

WHY DO WE NEED RIGHTS?

- **Rights** protect minorities from the oppression of majority. They ensure the majority cannot **do whatever** it likes.
- But sometimes elected government may not protect or may even attack the **rights** of their own citizens. So, some **rights need** to be placed higher than the government so that it cannot violate them.

WHAT ARE THE THREE QUALITIES OF RIGHTS?

- The **three qualities of rights** are following:
 - Rights are reasonable:** Reasonable **rights** mean it is not harmful to others. It should be reasonable.
 - Recognized by society:** We live in society.
 - Sanctioned by the Law:** At last but most important thing is all **rights** are sanctioned by Law.

TYPES OF FUNDAMENTAL RIGHTS

- **Right to Equality**

- Article 14:- Equality before law and equal protection of law
- Article 15:- Prohibition of discrimination on grounds only of religion, race, caste, sex or place of birth.
- Article 16:- Equality of opportunity in matters of public employment
- Article 17:- End of untouchability
- Article 18:- Abolition of titles, Military and academic distinctions are, however, exempted.

TYPES OF FUNDAMENTAL RIGHTS

- **Right to Freedom**
- Article 19:- It guarantees the citizens of India the following six fundamental freedoms:-
 - Freedom of Speech and Expression
 - Freedom of Assembly
 - Freedom of form Associations
 - Freedom of Movement
 - Freedom of Residence and Settlement
 - Freedom of Profession, Occupation, Trade and Bussiness
- Article 20 :- Protection in respect of conviction for offences
- Article 21 :- Protection of life and personal liberty
- Article 22 :- Protection against arrest and detention in certain cases

TYPES OF FUNDAMENTAL RIGHTS

- **Right Against Exploitation**

- Article 23 :- Traffic in human beings prohibited
- Article 24 :- No child below the age of 14 can be employed

- **Right to Freedom of Religion**

- Article 25:- Freedom of conscience and free profession, practice and propagation of religion
- Article 26:- Freedom to manage religious affairs
- Article 27:- Prohibits taxes on religious grounds
- Article 28:- Freedom as to attendance at religious ceremonies in certain educational institutions

TYPES OF FUNDAMENTAL RIGHTS

- **Cultural and Educational Rights**
- Article 29:- Protection of interests of minorities
- Article 30:- Right of minorities to establish and administer educational institutions
- Article 31:- Omitted by the 44th Amendment Act
- **Right to Constitutional Remedies**
- Article 32:- The right to move the Supreme Court in case of their violation (called the Soul and heart of the Constitution by BR Ambedkar)

RECENT DEVELOPMENTS

- Right to property
- Secrecy of vote-negative voting
- Right to sleep
- Right to adopt
- Right to information
- Right to Reputation
- Freedom of choice in marriage
- Costodial violence/death or illegal detention



THANK YOU

