

Fundamental Rights, Fundamental Duties and Directive Principles of State Policy

Structured Questions

Q1. 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

Ans. The Indian Constitution came into force on 26th January 1950. The core of the Constitution lays in Part III that relates to the Fundamental Rights. Equality is indeed the bedrock of Indian polity. Let us examine its contents.

- a) The Constitution prohibits the State to “discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. No citizen shall be denied access to shops, public restaurants, hotels and 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.
- b) The Constitution lays down that there shall be equal opportunity for citizens “in matters relating to employment or appointment to any office under the State.”
There are, however, three limitations: (i) the Parliament may make laws prescribing any requirement as to ‘residence’ for State employment.
(ii) The State may reserve posts for members of any backward class which is not adequately represented in the services in the State.
(iii) 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) The Constitution 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 any public places. Since 1976 this Act is known as Protection of Civil Rights Act.

Q2. Article 19 of the Constitution ensures to the Citizens Six Freedoms. Explain any four freedoms guaranteed under this Article.

Ans. The Constitution of India came into force on 26th January 1950. Article 19 of the Constitution ensures to the citizens six freedoms. Let us examine some of these.

- (i) Freedom of Speech and Expression- Freedom of speech and expression enables is to participate in public activities. Reasonable restrictions on this right can be imposed in the interests of public order, security of the State, decency or morality.
- (ii) Freedom to assemble peaceably and without Arms- The right of assembly is subject to two limitations. First, it is to be exercised peaceably, and secondly, without arms. Further, the State may impose reasonable restrictions in the interests of public order or the integrity of India.

- (iii) Freedoms 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 public order.
- (iv) Right to move freely- The citizens have the right to go wherever they like in the territory of India. However, reasonable restrictions may be imposed in the interests of the general public. Thus, restrictions may be imposed on movement and travelling, so as to control an epidemic, pandemic. For example, Corona virus.

Q3. 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?

Ans. The Preamble to the Constitution secures to all citizens liberty of belief, faith and worship.

India is a Secular country. This objective is achieved by the following provisions of the Constitution.

- a) Our Constitution guarantees to every person freedom of conscience and the right to profess, practice and propagate religion. The wearing of 'Kirpans' is included in the profession of the Sikh religion. But reasonable restrictions can be imposed for public order.
- b) Our 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.
- c) No public funds can be utilized for religious instruction. No religious instruction shall be provided in any educational institution wholly maintained by State funds. Religious instruction can be imparted with proper consent.

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

- a) What is meant by the term 'Writ'?
- b) Explain the scope of any two Writs issued by Courts for enforcement of this Right.

Ans. Fundamental Rights are basic rights guaranteed by the Constitution. But mere declaration of the Fundamental Rights is useless, unless there are the means to make them effective. Right to Constitutional Remedies takes care of this need.

- a) A Writ is a legal document ordering the performance of some action. Writs act as a check on arbitrary actions of the State.
- b) Writ of Habeas Corpus- 'Habeas Corpus' is a Latin term which means "you may have the body." It provides a remedy for a person wrongly detained or restrained.
Mandamus- The Latin term 'mandamus' means "we command." The purpose of the writ is to compel an inferior court or an individual to perform their duty.

Q5. 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

Ans. A duty means “an obligation imposed by law or custom on a person.” If the Constitution guarantees Fundamental Rights to the citizens, the citizens in turn have to perform certain Fundamental Duties. These are found in Part IV- A of the Constitution.

- a) Every citizen owes some duties to himself. Every citizen should develop the scientific temper, humanism and the spirit of inquiry. All citizens should strive towards excellence.
- b) All the citizens have certain duties towards the State-
 - (i) Duty to abide by the Constitution.
 - (ii) Duty to uphold and protect the unity and integrity of the country.
 - (iii) Duty to defend the country and render service when called upon.
- (v) Duty to safeguard public property.

- c) All citizens have certain duties towards the Nation:
 - (i) To cherish and follow the noble ideals of the nation.
 - (ii) To value and preserve the rich heritage and culture.
 - (iii) To promote harmony and spirit of brotherhood.

Q6. The Directive Principles lay down the foundations 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).

Ans. The modern State is a Social Service State or a Welfare State. This term is used to refer to a state which assumes broad responsibilities in taking care of its citizens. India is one such State. The Directive Principles lay down the foundations for a Welfare State.

- a) The term ‘Welfare State’ is used to refer to a state which assumes broad responsibilities in the fields of health, education, housing and social security. Assistance in cases of unemployment, old age, sickness and disabilities; etc is given to the citizens. The Directive Principles make India a Welfare State.
- b) The following are two Directive Principles of the Constitution in pursuance of the ideals of a Welfare State; (i) Principles which promote Economic Equality- The framers of the Constitution suggested many socialistic measures like- providing adequate means of livelihood, fair distribution of wealth, protecting women and children.
(ii) Principle which protects environment- The Forty second Amendment Act, 1976, speaks about the State’s duty “to protect and improve the environment and to safeguard the forests and wildlife of the country.”
- c) The Father of the Nation, Mahatma Gandhi (1869- 1948) was a great believer in Socialism. The National Rural Employment Guarantee Act (2005), now 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 districts of the country.