

4. Fundamental Rights – Part I

Education is
our right.



We must get the
assurance of a
minimum wage.
It is our right!



We have a right
over our forests
and its resources!



Let's find out.

- You must be aware of children's rights. Can you name two important rights of children?
- We are aware of terms like women's rights, rights of tribals, rights of farmers and so on. There emerge some questions regarding these rights:
 - * What are the uses of rights?
 - * Do they have to be given by somebody?
 - * Can rights be taken away?
 - * If rights are taken away, who should we contact for redressal?

You must have seen such placards in newspapers and elsewhere. In a rally or a march, sometimes a certain demand is made, asserting it to be their right.

We get rights at birth. Every newborn baby has a right to live. The entire society and government takes efforts to ensure that the baby is in the best of health. Only when all individuals get protection from injustice, exploitation, discrimination and deprivation, will they be able to develop their skills and qualities. Demanding one's rights is insisting on creating an atmosphere conducive to the development of the self as well as the entire society. The Indian Constitution has guaranteed equal rights to all citizens in order to create this conducive atmosphere. These rights are fundamental rights. As

they are included in the Constitution, they have the status of law. It is imperative for everybody to abide by these rights.

Use your imagination and write.

Do you have pet animals like dogs, cats, cows, buffaloes or goats? You surely take good care of them and love them.

If these animals could speak, what rights do you think they would ask from you?

Our Rights as mentioned in the Constitution :

Let us understand the rights of Indian citizens included in the Constitution.

• **Right to Equality :** According to the right to equality, the State cannot discriminate among citizens as superior-inferior or as men-women and cannot give different treatment or privileges to anybody. The same law applies equally to all. Many laws give us protection. For example, we have protection from arrest without warrant. Also the State cannot discriminate while extending such protection.



Let's discuss.

What are the advantages of equality before law and equal protection of the laws?

What other things are included in the right to equality?

The State cannot discriminate against any citizen on grounds of religion, caste, race, sex, descent or place of birth or residence for government employment. The inhuman practice of untouchability

that was prevalent in our country has been abolished by law. The practice of untouchability in any form is a cognizable offence. This practice has been abolished in order to establish equality in Indian society. The Constitution has also abolished titles that create an artificial hierarchy among people. For example, titles like Raja, Maharaja, Raobahadur, etc. have been abolished.



Do you know?

The Constitution prevents the State from conferring titles that nurture inequality and draw wedges in social unity. But the State does confer awards like Padmashree, Padmabhushan, Padmavibhushan, etc. for distinguished contribution in different fields. Bharat Ratna is the greatest civilian honour or award of our country.

Medals of honour like Paramveer Chakra, Ashok Chakra, Shaurya Chakra are awarded for remarkable service in the armed forces.

Such awards don't bestow any special rights or privileges upon those who receive them. It is only a recognition of their contribution.

• **Right to Liberty :** This is a very important right given by the Constitution. It gives a guarantee of all the freedoms necessary from the point of view of the individual. As Indian citizens, we have the right to –

- freedom of speech and expression
- freedom to assemble peaceably
- freedom to form associations or unions
- freedom to move freely throughout the territory of India.



- freedom to reside and settle in any part of the territory of India.

- freedom to practise any lawful profession, or to carry on any occupation, trade or business of one's choice.



Do this.

Following are the actions of A, B and C. Which kind of freedom do you connect them with?

'A' established 'Adivasi Cooperation Forum' to solve the problems of the tribal people.

'B' decided to move his father's bakery production from Goa to Maharashtra.

'C' found some lacunae in the new tax policy of the Government. He wrote an article about it and sent it to a newspaper for publication.



Do you know?

The Constitution has given us many rights. But we have to exercise these responsibly. We should take care that others do not get affected by our behaviour. We have the freedom of expression but we cannot speak or write anything that might incite anybody to violence.

The right to liberty in the Constitution has guaranteed us the freedom of speech and movement, and it has also provided us security to keep us safe. This legal protection has been given to everybody equally. It is not denied to anybody. For example, we all have a right to life. It appears to be simple, but it has a deep significance. It implies getting a guarantee to live; availability of a conducive environment for living. Nobody can take

away another's life. No person can be arrested and detained without any reason.



Think about it.

There are some rights supplementary to the right to life. For example, nobody can be punished twice for the same offence. Before being punished, the allegations against a person have to be proved. The courts have to perform this task. The police collect evidence against the accused and put up the case in the court. Even if a person accepts that he has committed a crime, he is not punished immediately. The allegations have to be proved legally. This judicial process takes time, but it is necessary so that an innocent person does not get punished.

The right to liberty now also includes the Right to Education. All children between 6 and 14 years of age are entitled to get education as a Fundamental Right. This ensures that no child will be deprived of education.

• **Right against Exploitation :** The right against exploitation implies the right to prevent exploitation.

While the Constitution has banned all types of oppression through the right against exploitation, it has made a special provision to prevent the exploitation of children. Accordingly, it is prohibited to employ children under 14 years of age in hazardous places. Children cannot be employed or made to work in factories and mines.

Exploitation includes bonded labour or forcing somebody to work against his/her wish, treating somebody like a slave,



denying them legitimate compensation, making them do excessive or strenuous work, starving them or ill-treating them. Generally women, children, the weaker sections of society and powerless people are exploited. This right enables us to stand up against any kind of exploitation.



Let's discuss.

- Children are not employed here.
- Workers are paid daily here.

You see such boards in shops and hotels. In what way are they related to the above rights in the Constitution?



Exercise

1. Answer the following questions in brief.

- (1) What do you understand by 'fundamental rights'?
- (2) Name the awards that are conferred by the Government upon people for their distinguished contribution in different fields.
3. Why is it prohibited to employ children under 14 years of age in hazardous places?
4. Why has the Constitution given equal rights to all Indian citizens?

2. Prepare a picture strip on the right to liberty.

3. Correct and rewrite the following sentences.

- (1) No one gets rights at birth.
- (2) Government can deprive you of a job by discriminating on the basis of religion, sex, place of birth.



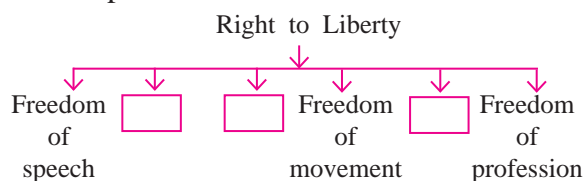
Let's discuss.

The Government has made many laws in order to prevent exploitation and to enable every individual to enjoy their freedom. Some laws have been mentioned below. Find out if there are more such laws and discuss them.

- Minimum Wages Act - Provisions relating to working hours, rest hours, etc. in factories.
- The Protection of Women from Domestic Violence Act :

In this chapter we studied the rights to liberty and equality and the right against exploitation. In the next chapter, we shall study some more fundamental rights in the Constitution.

4. Complete the following graphical description.



Activities

1. Collect news clippings about certain important rights like the right to information, right to education, etc.
2. If you find small children working on construction sites in your neighbourhood, talk to them and their parents about their problems and present the problems in your class.

