

# FUNDAMENTAL RIGHTS

## Art. 12 - 35

1. RIGHT TO EQUALITY (Art. 14-18)
2. RIGHT TO FREEDOM (Art. 19-22)
3. RIGHT AGAINST EXPLOITATIONS (Art. 23 & 24)
4. RIGHT TO FREEDOM OF RELIGION (Art. 25-28)
5. CULTURAL AND EDUCATIONAL RIGHTS (Art. 29 & 30)
6. RIGHT TO PROPERTY (Art.31)
7. RIGHT TO CONSTITUTIONAL REMEDIES (Art.32)

► Seven fundamental rights existed before 44th Amendment in 1978

# FUNDAMENTAL RIGHTS

## Art. 12 - 35

1. RIGHT TO EQUALITY(Art. 14-18)
2. RIGHT TO FREEDOM(Art. 19-22)
3. RIGHT AGAINST EXPLOITATIONS(Art. 23 & 24)
4. RIGHT TO FREEDOM OF RELIGION(Art. 25-28)
5. CULTURAL AND EDUCATIONAL RIGHTS(Art. 29 & 30)
6. RIGHT TO CONSTITUTIONAL REMEDIES(Art.32)

► Six fundamental rights exist after 44th Amendment in 1978

## Article 12 : Definition of State

In this Part, unless the context otherwise required, “the State” includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

# Article 13 : Laws inconsistent with or in derogation of the fundamental rights

“ The state shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall , to the extent of the contravention , be void.”

## RIGHT TO EQUALITY(Art. 14-18)

- ▶ Equality before the Law & Equal protection of the Laws (Art. 14)
- ▶ Absence of Social Discrimination(Art. 15)
- ▶ Equality in public service (Art. 16)
- ▶ Untouchability treats as offence (Art. 17)
- ▶ Abolition of Title (Art. 18)

# Equality before the Law & Equal protection of the Laws (Art. 14)

► Article 14 of the constitution provides -

“ The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

Prima facie, the expression ‘equality before the law ‘ and ‘equal protection of the laws ‘may seem to be identical, but , in fact ,they mean different things. While equality before the law is a somewhat negative concept implying the absence of any special privilege by reason of birth ,creed or the like, in favour of any individual and the equal subjection of all classes to the ordinary law - equal protection of the laws is a more positive concept , implying the right to equality of treatment in equal circumstances.

# 'Equality before the law

- ▶ Equality before the law, is the second corollary from Dicey's concept of the Rule of Law. It is declaration of equality of all persons within the territory of India, implying thereby the absence of any privilege in favour of any individual .It means that no man is above the law of the land and every person ,whatever be his rank or status , is subject to the ordinary law and amenable to the jurisdiction of the ordinary tribunals. Against , every citizen from the prime minister down to the humblest peasant , is under the same responsibility for every act done by him without lawful justification and in this respect , there is no distinction between officials and private citizens. It follows that the position will be the same in India.
- ▶ Exception: President and Governor enjoy some privileges during their term in the office.

# Equal protection of the laws

Equal protection of the laws, on the other hand, would mean “that among equals, the law should be equal and equally administered , that likes should be treated alike....” Equal protection requires affirmative action by the state towards unequals by providing facilities and opportunities .The “substantive equality” and “distributive justice” are at the heart of understanding of guarantee of “ equal protection before the law”. In other words , it means the right to equal treatment in similar circumstances both in the privileges conferred and in the liabilities imposed by the laws.



## Prohibition of Social Discrimination(Art. 15)

- ▶ Art. 15 ensures that “(1) The State shall not discriminate against any citizen on grounds only of religion ,race, caste , sex, place of birth or any of them.
- ▶ (2) No citizen shall on grounds only of religion ,race , caste , sex, place of birth or any of them be subject to any disability , liability, restriction or condition with regard to (a) access to shops , public restaurants ,hotels and places of public entertainment; or (b) the use of wells ,tanks , bathing Ghats ,roads and places of public resort maintained wholly and partly out of state funds or dedicated to the use of general public.

# Prohibition of Social Discrimination(Art. 15) Cont...

## ► Exceptions:

1. Article 15 permits the State make special provision for the benefit of women and children.
2. It allows the State to make any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled caste and the scheduled Tribes.

## Equality in public employment (Art. 16)

Article 16 guarantees equality of opportunity in matters of public employment. According to this article , the State is prohibited from showing any discrimination against any citizen on grounds of religion, caste , race , sex, descent, place of birth or residence.

# Equality in public employment (Art. 16) Cont.....

## Exceptions:

1. Residence qualifications may be made necessary in the case of appointments under the State for particular positions.
2. Reservation of positions in public employment for any backward class of citizens.
3. The third exception seeks to take out of the scope of the general principle the management of the affairs of any religious or denominational institution under any special law providing for the same.

# Untouchability practice as offence (Art. 17)

Article 17 abolishes “untouchability” and its practice in any form is made an offence punishable under the law. For this purpose the Untouchability Offence Act, 1955 has been passed in 1955. The Act has been renamed as The Protection of Civil Rights Act.

## Abolition of Title (Art. 18)

Article 18 abolishes all titles and the State is prohibited from conferring titles on any person. Under this article not only is the State in India prevented from conferring titles on any person, but Indian citizens are forbidden to accept any title from a foreign State without the consent of the President of India. The prohibition applies not only to the acceptance of titles but also to that of any present, emolument or office of any kind from any foreign state by any person holding an office of profit or trust under the State.

THANK YOU

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the frame, creating a modern, layered effect against the white background.