

## CHAPTER - 3

# FUNDAMENTAL RIGHTS AND DUTIES

Two students were arguing in the class. Lata was saying that she used to sit at a place always so she will sit there as she used to sit at that place daily but Tushar was arguing that he would sit there because he had the right. At that time teacher entered the class and asked both of them the reason for the argument. On listening to both the students teacher told them that every student had equal right in the School. Nobody has special place to sit, so anyone can sit anywhere and can study. Therefore, Lata can sit at the place of Tushar and Tushar can sit at the place of Lata. Because Tushar had come to class earlier so he had the first right to sit anywhere as he wished.

Make list of those public places where we use our equal rights :

S. No.	Public places	Use of equal rights
1.	To stand in railway reservation counter in a queue (line).	A simple rule will be enforced as those who will stand first will get ticket first.
2.		
3.		
4.		
5.		

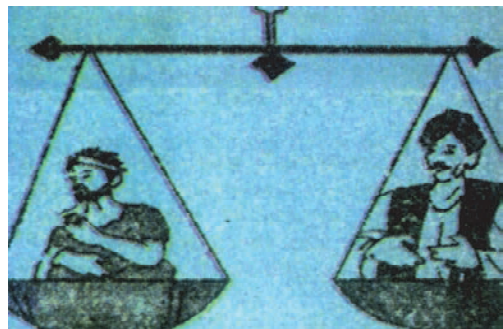
In last chapter we studied about constitution. In this chapter we shall learn about fundamental rights and duties provided to us by the constitution. In our constitution citizens are given certain rights known as fundamental rights. These are :-

**(1) Right to equality:** - The meaning of this fundamental right is that every person is equal before law. e.g. Sometime ago an officer was charged for some offence so a case was filed against him in the court. Till the matter was in the court, he had to go to court daily. An officer or politician can not show his power or influence in the court.

## Fundamental Rights



Equality has been amended for every citizen. For example no body can throw out any person from any kind of job whether it is Government or private on the basis of caste, religion or province.



Untouchability is a crime according to constitution. Any citizen has the right to use public places like - Hospital, School, College, Temple, Tourist places, Building or Touring any places, entering them and using them.

What is discussed about equality? In the goals of constitution what was disclosed about the equality?

Discuss on the given sentences on 'right to equality'. Also discuss why these are regarded as such.



- In some houses some utensils were kept aloof for the use of some other community people.
- In public places while fetching drinking water, some people object if their utensil touch other people utensils.

**(2) Right to Freedom:** - There is always a difference between two people, their behaviour, character and point of view. So their activities will also be different. All people do not have same interest in profession and ideas. They don't get the case opportunity which they need. In the constitution they have their own freedom of speech & expression.

In our constitution people were given right to live with their own dignity. They cannot be arrested or restricted in any manner. According to the law and order a criminal can be prisoned. Any person can go to any place and live at any place at his/her own will. As people of Chhattisgarh go to other state in search of employment in this way the people of other states can stay in Chhattisgarh too.

*Are all the children of 6 to 14 years going to School? Find out about it near your area and discuss it with the teacher.*

**(3) Right against exploitations:** - Exploitation means taking advantage of one's problem and not giving actual wages for his work. In our society we can see different types of exploitation like working for the whole day women are paid less wages compared to men.



In big railway station or nearby bus stop little children at the age of learning and playing are bound to collect things from garbage, which leads to different types of fatal diseases. This is also a type of exploitation.

In constitution, it has been said that the children below 14 years of age should not be employed in factories or mines, they should not be engaged in any hazardous employment. Making bidis, making cracker, carpet making and also lifting luggage and such works were strictly prohibited for children.

For example, if a labourer of a village has borrowed money from the money-lender and if he is not able to return it, money lender may have to work in his land in exchange for the money he borrowed by the labour. This type of wages is called bonded labour.

*Find out and make a list of children of your age, and find out what type of work is done by them?*

**(4) Right to freedom of religion:** - People of many religions live in India. They all have their right to believe the religion of their choice and also they have freedom of practising their own customs and traditions. Any person can preach their religion. Every religion is equal for Government and it cannot encourage any religion. Religious activities should not be made compulsory in school, college and technical institutions. Religious freedom is marked within some limitations, so that people cannot act in an inhuman and fundamentalist way in the name of religion.

For example in some of the communities the custom is to kill the girl child at the time of her birth. Suppose some may say it is a religious practice, so they killed the girl child, it should not be supported. Crime like child-mortality cannot be done in the name of religion. In this manner Sati-Pratha cannot be practiced in the name of religion.



**(5) Educational and cultural rights:** - People of different languages, religions live in India. They have their own culture. Our constitution has given them right to secure their culture, language and written script. In constitution it has been said that minority groups can establish school, college and university of their own religion and language. And also they have freedom for running these institutions. These institutions are given grant by the government, after they fulfill the norms of the government.

Minority groups are identified mostly by their language and religion. Any one is minority or not, that depends upon where they live. For example in Maharashtra people speaking marathi are not a minority, but in West Bengal they are considered as minority.

**(6) Right to constitutional Remediation:** - Fundamental rights are an important right for the citizen. Because this right helps to perfect other given rights. If the citizens fundamental rights are violated then they have right to go to High Court or Supreme Court.



If a person of any group feels that fundamental rights are violated and that effected person can appeal, but it is not necessary to go to court individually. Any person of any institution or group member can appeal against the Government. This type of appeal is known as written petition or public interest litigation.

*An example of written petition : If the government wants to build a dam on a river. If the dam is build then about 50,000 people will lose their land and house. They lose their employment and land. Their life style will have a serious effect. This is a right to independence of life of those people, who wants to live in any part of the country and also has independence of doing any occupation of their interest. In this condition these people can appeal to the Supreme Court for their Fundamental Rights. For fifty thousand people only one case can be registered in the judiciary.*

One session judge was hearing a case of person named Dukalu. He felt that the person has mental disorder, so he was sent to mental hospital for treatment. After six months the superintendent sent information to the court that Dukalu was completely well. But Judge did not take any action or take any necessary



steps. So Dukalu had to live in that mental hospital for six years. One organization took Dukalu's case and filed a petition in the Supreme Court. After sometimes it was proved that Dukalu was physically exploited. Supreme Court directed the State Government to give him his reasonable compensation. And also Supreme Court accepted that this compensation cannot return his valuable life which he has spent in the hospital in miseries.



### **Basic duties of the citizen: -**

As these are our fundamental right and also these are our duties we have some responsibilities towards those who are living nearby. To get our rights, we have to obey our duties. In constitution following duties are mentioned:-

- 1) To obey the constitution and its rules and also respect our national flag and national anthem.
- 2) To serve for the nation and also to protect it, is our prime duty that will conserve our independence and nation's development.
- 3) To maintain independence, unity and integrity of nation is our duty. It leads to friendship and co-operation.
- 4) We should respect all the religions, languages and cultures.
- 5) To protect the nation's culture and heritage.
- 6) To protect our environment is our compulsory duty. Without a clean environment, the thought of healthy human life is not possible.
- 7) Scientific thought and development of humanity is the duty of all the Indians.
- 8) To protect and save the public property like school, hospital, rail, bus, post-office etc. is our duty.
- 9) To respect all citizens and not to dishonour them is our duty.
- 10) It is a compulsory duty of all parents or gaurdians to avail the opportunity to educate the child below 14 years.

*Discuss about the behaviour of the people of your town or village and mention about the duties which are followed by them & which duties are violated by them.*

## Exercise

### I. Write true / false :-

1. Only those get employment who belong to a particular caste or religion.
2. A person can live in any corner of the country.
3. Public places can be used equally by the people.
4. Public interest litigation can be lodged if there is a violation of right of any group.

### II. Read the following example and tell which of the fundamental rights of the person were violated: -

- If a child of 12 years is employed in a factory.
- Without any reasons a person is arrested and take in hand cuffs.
- For the same type of work a female worker is paid less than the male worker.
- To stop from taking out procession in a peaceful manner.

### III. Answer the following questions :

1. What do you understand by fundamental rights? Name the fundamental rights?
2. Name the fundamental rights given to us and describe any one of the rights?
3. What do you understand by educational and cultural rights?
4. Explain with example about 'right to freedom'?
5. What a person should do if his fundamental rights are violated?
6. As a student what duties would you perform ?
7. Under which fundamental right, employment of children below 14 years of age prohibited?
8. Write the difference between the fundamental rights and fundamental duties.

### IV Extended skill development :

1. Discuss what are the duties and rights you have in your school.
2. Raju was worried of cities crowded pollution, so he decided to return to his village. But some people forcibly did not allow him to do so. Tell about which fundamental right of Raju was violated?