

Chapter-2

Rights in the Indian Constitution

Revision Notes

1. The Constitution is a document that sets limits on the powers of the government and ensures a democratic system in which all persons enjoy certain rights.
2. Rights are the favourable conditions and guarantees to be provided by a state to its citizens to live up a dignified life.
3. A democracy must ensure that individuals have certain rights and that the government will always recognise these rights.
4. These rights can be categorised as Social Rights, Political Rights and Fundamental Rights to procure equality, liberty and social justice into society.
5. Fundamental Rights are specially protected to ensure that they are not violated even by the government. Because these are protected by the constitution of the country.
6. There are 6 Fundamental Rights guaranteed by Indian Constitution to its citizens:
 - a. Right to Equality
 - b. Right to Freedom
 - c. Right to Freedom of Religion
 - d. Right against Exploitation
 - e. Cultural and Educational Rights
 - f. Right to Constitutional Remedies
7. Right to equality tries to do away with such and other discriminations. It provides for equal access to public places like shops, hotels, places of entertainment, wells, bathing ghats and places of worship. There cannot be any discrimination.
8. Preventive detention looks like an effective tool in the hands of the government to deal with anti-social elements or subversives.
9. Fundamental Rights except the Right to Life and personal liberty may be suspended only during the emergencies like foreign attacks or internal disturbances.
10. South African Constitution grants most extensive range of rights to its citizens including even right to dignity, privacy, fair labour practices, healthy environment, adequate housing, information, etc.

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11. Indian Constitution contains Directive Principles of State Policy also to establish a welfare state alongwith the Fundamental Rights.
 12. The judiciary has the power to enforce the Fundamental Rights but the Directive Principles of State are not enforceable by law. Fundamental Rights mainly protect the rights of individuals while directive principles ensure the well-being of the entire society.
 13. In 1978, the 44th amendment to the constitution removed the right to property from the list of Fundamental rights and converted it into a simple legal right under article 300 A.
 14. By the 42nd amendment, in 1976, the Fundamental Duties have also been inserted which are ten in numbers to defend our country, promote harmony and protect the environment.
 15. The inclusion of fundamental duties has not changed the status of our fundamental rights.