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CLASS NOTES

CUET & CLAT

GENERAL KNOWLEDGE

TOPIC:
FUNDAMENTAL RIGHTS

BY

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Fundamental Rights

Rights → part III of the Indian Constitution (A 12 - 35)

* part III of CoI is called as Magna Carta of India

Are conditions and protection that cannot be taken away by others not even by the govt.

↓

Rights are part of liberal democracy

↓

It is the duty of govt. or legal system to protect the rights of individual

↓

In India, rights for individuals are named as Fundamental rights.

↓

India borrowed FR's from US constitution

In US constitution, they are called as bill of rights.

↓

Motilal Nehru, father of JLN asked for bill of rights for the first time in Motilal Nehru Committee in 1928.

↓

FR's are guarantee by the constitution to every individual without any discrimination.

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COI (Constitution of India) consists of 7 fundamental Rights

→ But at present COI consists of 6 FR's

1. Right to Equality (A 14 - 18)
2. Right to freedom (A 19 - 22)
3. Right against exploitation (Art 23 - 24)
4. Right to freedom of Religion (A 25 - 28)
5. Cultural and Educational Rights (A - 29 - 30)
6. Right to Property (A 31)
7. Right to Constitutional Remedies (A 32)
   ↳ called as heart and soul of COI

** Article 31 Right to property was deleted from the list of FR's and it was done by 44th Amendment act of 1978 and it was made as legal right under Art 300A of COI in part XII of Indian Constitution.

Right to property.

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A) Right to Equality (A14-18)

A14 - equality before law, equal protection of law.

A15 - prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

A16 - Equality of Opportunities in the matter of public employment.

A16(4) - The Constitution of India explicitly clarifies that a policy of reservation will not be seen as a violation of Right to Equality.

A17 - Abolition of Untouchability and prohibition of its practise.

A18 - Abolition of titles except Military and academic titles.

B) Right to Freedom (A19-22)

A19 - protection of six rights regarding freedom of:

A19(1) - freedom of speech and expression

A19(2) - right to freedom of assembly

A19(3) - Associations.

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A19(4) - freedom of movement

A19(5) - right to residence

A19(6) - right to follow any profession

A20 - protection in respect of Conviction for offence

A21 - right to of protection of life and personal liberty

A21(A) - Right to elementary education

↓

State shall ensure/provide that basic education for 6 to 14 years of age is free and compulsory. This provision was added by 86th Constitutional Amendment Act 2002 which aimed at 'Education for All'.

A22 - protection against arrest and detention in certain case

A20 - Protection in respect of Conviction for offence.

↳ aka rights of accused

- grant protection against arbitary and excessive punishment to an accused person whether a citizen or foreigner or legal person like a company or Cooperation

(a) No ex-post facto law

No person shall convicted for any offence

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Protection in respect to conviction for offence.

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except for violation of a law not subjected to a penalty greater than that prescribed by the law in force at the time of the commission of the act.

(b) No double Jeopardy

No person shall be punished for the same offence more than once.

(c) No self-incrimination

No person accused of any offence shall be compelled to be a witness against himself.

A 22- Protection against person who is arrested or detained.

2 types of detention

Punitive	Preventive
Jab kisi ko arrest kia jata after that person has done a crime.	Jab kisi ko arrest kia jata iss apprehension mein ki vo kisi na kisi offence ya crime ya protests karna/ rukta hai ya kar rukta hai.
	Main purpose is not to punish a person for past offence but to prevent him in committing a future offence

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C) Right against Exploitation (A23-24)

A23- Prohibition of traffic in human beings and forced labor.

Forced labour in the form of begar, selling of man and women / children like goods, trafficking of women and children, slavery, prostitution, devadasis etc.

A24- Prohibition of Employment of Children in Factories etc.

Prohibits the employment of children of age 14 or below in any type of hazardous activity. Work in railway, construction in resorts, hotels, dhabas, pubs, clubs etc. etc.

* Child Labour Amendment Act 2016 amended the constitution, as it prohibits the employment of children / adolescents (14 to 18 yrs of age) in any hazardous activity / occupations. This amendment calls for severe punishment if such is practiced.

D) Right to Freedom of Religion (A25-28)

A25- Freedom of conscience and free profession, practise and propogation of religion.

A26- Freedom to manage religious affairs

A27- Freedom from Payment of taxes from promotion of any religion.

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A 28- Freedom from attending religious instruction or worship in certain educational institutions.

c) Cultural And Educational Rights (A29-30)

A29 - protection of language, script and culture of minorities

A30 - Right of minorities to establish and administer educational institutions.

A29 provides that any section of the citizens residing in any part of India have a distinct script, language, culture of its own, shall have the right to conserve the same.
It provides protection to both religious minorities as well as linguistic minorities.

h A32 - Right to move to Supreme Court for the enforcement of fundamental rights & abridged.
Supreme Court under A32 } for issuing
High Court under A226 } writs.

i) Habeas Corpus : This writ means that the court orders that the arrested person should be presented before the court and the magistrate within 24 hrs. And then the court will decide, whether the arrest is satisfactory or not.

ii) Mandamus : A command issued by the court to a public official asking him to perform his official duties that he has failed to perform.

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iii) Prohibition : The writ is issued by a higher court to lower court to prevent the latter from exceeding its jurisdiction. (Stop)

iv) Quo Warranto : It is issued by the court to enquire into the legality of claim of a person to a public office. Hence, it prevents illegal/unsurpatible of public office by a person (Legal authority)

v) Certiorari : It is issued by higher Court to lower court to transfer the case pending with the latter to itself or to quash the order of the latter in a case. It is issued on the grounds of excess of jurisdiction or lack of jurisdiction or error (Stop and transfer)

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Sunday. ✱ A 370

Special powers given to J and K.

(removed on 6 Aug 2019.

↳ Seperate flag
Seperate anthem
Seperate constitution

State Assembly was of 6 yrs.

CM of Himachal Pradesh Sukwinder Singh Sukhu

* Recently formed UT's are J and K and Ladakh

State	Capital	CM
Punjab	Chandigarh	Bhagwant Mann (AAP)
Haryana	Chandigarh	Manohar lal Khattar (BJP)

thing ✱ Punjab and Haryana has one high court ie Chandigarh HC

Rajasthan	Jaipur	Ashok Gehlot (Congress)
Uttrakhand	Dehradun	Pushkar Singh (BJP)
Uttar Pradesh	Lucknow	Yogi Adityanath (BJP)
Gujarat	Gandhinagar	Bhupendrabhai Patel (BJP)

↳ Largest state in term of landmass

(UP seperated from Uttar pradesh from 2001)

↳ Longest coastline (in India)

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Madhy Pradesh	Bhopal	Shivraj Singh Chauhan (BJP)
Chattisgarh	Raipur	Bhupesh Baghel (Congress)

(Chattisgarh seperated out of Madhya Pradesh in 2001)

Bihar	Patna	Nitish Kumar (Janta Dal)
Jharkhand	Ranchi	Hemant Soren (Jharkand

(Jharkhand and Bihar seperated in 2001)

West Bengal	Kolkata	Mamta Banerjee (TMC)
Odisha	Bhubneswar	Naveen Patnaik (Biju Jan t
Maharashtra	Mumbai	EKnath Shinde (Shiv Sena)
Goa	Panaji	Pramod Sawant (BJP)

↳ (smallest state) of India, It was the last state to become Independent from the rule of portugese in 1961.

Karnataka	Bengaluru	Siddaramaiah (Congress)
Kerela	Thiruvanthapuram	Pinarayi Vijayan (CPI-M)
Tamil Nadu	Chennai	MK Stalin (DMK) (Dravida M Kazhaga m
Andhra Pradesh	(Amravati) (legislative capital) (Kurnool)	YS Jagan Mohan Reddy (Yuvajana Sramika Ryuthu Congress) (YSR Congr

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	(Judiciary capital) (Vishakhapatnam) (executive capital)	
		(Bharat Rashtra Samithi)
Telangana	Hyderabad	K. Chandrashekar Rao
↳ seperated from Andhra Pradesh in 2014.		
Sikkim	Gangtok	Pram Singh Tamang
↳ Sikkim was not a part of India and joined India 1975.		
Arunachal Pradesh	Itanagar	Pema Khandu (BJP)
Assam	Dispur	Dr Himanta Biswa Sarma (BJP)
Nagaland	Kohima.	NDPP (National Democratic Progressive party)
Manipur	Imphal	N. Biren Singh (BJP)
↳ famous for Loktak lake which is the only lake in the world known for floating islands)		
Mizoram	Aizawl	Zoramthanga (Mizo National Front)
Tripura	Agartala	Manik Saha (BJP)
Meghalaya	Shillong	CK Sangma (National people's party)

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→ UT's

J And K, Ladakh, Chandigarh, Delhi (NCT), ↓ National Capital Territory

Daman and Diu and Dadra and Nagar Haveli, Puducherry, Lakshwadeep, Andaman and Nicobar

Largest UT is Ladakh

UT's are looked after by President (on the name of president → Governor / Lieutenant Governor)

Delhi and Puducherry are only 2 UT's that have their own State / Assembly.

Lieutenant Governor of J And K is Manoj [redacted] Sinha

of Ladakh is BD Mishra

CM of Delhi Arvind Kejriwal

Lieutenant Governor of Delhi VK Saxena

CM of Puducherry is N. Rangasamy

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