Fundamental Rights:

1. Who prepared the Constitution of India?

The Constituent Assembly

1. Who was the President of Constituent Assembly?

Dr. Rajendra Prasad

1. Who was the Chairperson of the Drafting Committee?

Dr. B R Ambedkar

1. When was the constitution completed and when did it come into force?

The Indian Constitution was completed on 26th November, 1949 and it came into force on 26th January, 1950.

1. Indian Constitution is partly rigid and partly flexible- True or False?

True

1. In which year the 42nd amendment was passed?

1976

1. Which article declares India as a Union of States?

Article 1.

1. At present what is the total number of articles in Indian Constitution?

448

1. How many schedules are there in Indian Constitution?

12

1. Why are fundamental rights enshrined in the Constitution?

Fundamental rights are enshrined in the Constitution for several important reasons, reflecting the core principles and values of a democratic society:

1. Protection of Individual Liberties: Fundamental rights are designed to safeguard the fundamental freedoms and liberties of individuals from undue interference or infringement by the state or any other entity. They ensure that citizens have the autonomy to make choices about their lives, express their beliefs, and pursue their aspirations without unjustified interference.
2. Promotion of Equality and Justice: Fundamental rights play a crucial role in promoting equality and justice within society. They prohibit discrimination on various grounds such as religion, race, caste, sex, or place of birth, thereby ensuring that all individuals are treated equally before the law and have equal opportunities.
3. Limitation on State Power: By enumerating certain rights as fundamental and placing them beyond the reach of ordinary legislation, the Constitution serves as a check on the arbitrary exercise of state power. Fundamental rights impose restrictions on the actions of the government and its agencies, ensuring that they operate within the bounds of constitutional authority and respect the dignity and rights of individuals.
4. Democratic Governance: Fundamental rights are integral to the concept of democratic governance. They empower individuals to participate meaningfully in the democratic process, express their views freely, and hold the government accountable for its actions. By protecting freedom of speech, assembly, and association, fundamental rights facilitate the exchange of ideas and foster a vibrant democratic culture.
5. Human Dignity and Well-being: Fundamental rights are grounded in the principle of human dignity and the inherent worth of every individual. They recognize that certain rights are essential for the well-being and development of individuals and are necessary to lead a life of dignity and fulfillment.
6. International Obligations: Many countries, including India, are signatories to international human rights treaties and conventions that recognize the importance of fundamental rights. Enshrining these rights in the Constitution reflects a commitment to upholding international standards of human rights and fulfilling obligations under international law.

In summary, fundamental rights are enshrined in the Constitution to protect individual liberties, promote equality and justice, limit the power of the state, foster democratic governance, uphold human dignity, and fulfill international obligations. They serve as the cornerstone of a democratic society and are essential for the protection and advancement of human rights and freedoms.

1. Why was Right to Property removed from Fundamental Rights?

The Right to Property was initially included as a Fundamental Right in the Constitution of India under Article 31. However, it was later removed from the list of Fundamental Rights and moved to the category of legal rights by the 44th Amendment Act of 1978. There were several reasons behind this decision:

1. Land Reform: One of the primary reasons for the removal of the Right to Property as a Fundamental Right was to facilitate land reform measures aimed at redistributing land to landless farmers and tenants. The framers of the Constitution recognized the need for social justice and sought to address the unequal distribution of land inherited from the colonial era. By making the Right to Property a statutory right rather than a Fundamental Right, it became easier for the government to implement land reforms without facing legal challenges based on the Right to Property.
2. The Right to Property was initially included as a Fundamental Right in the Constitution of India under Article 31. However, it was later removed from the list of Fundamental Rights and moved to the category of legal rights by the 44th Amendment Act of 1978. There were several reasons behind this decision:
3. Land Reform: One of the primary reasons for the removal of the Right to Property as a Fundamental Right was to facilitate land reform measures aimed at redistributing land to landless farmers and tenants. The framers of the Constitution recognized the need for social justice and sought to address the unequal distribution of land inherited from the colonial era. By making the Right to Property a statutory right rather than a Fundamental Right, it became easier for the government to implement land reforms without facing legal challenges based on the Right to Property.
4. Balance between Individual Rights and Public Welfare: The reclassification of the Right to Property was also seen as a way to strike a balance between the protection of individual rights and the promotion of public welfare. While property rights are important, they cannot be absolute and must be subject to reasonable restrictions in the interest of public welfare, such as land reform, urban planning, and environmental conservation. Moving the Right to Property to the category of legal rights allowed for greater flexibility in regulating property rights to serve the broader interests of society.
5. What are the features of fundamental rights in India?

Ans: Fundamental rights in India are enshrined in Part III of the Constitution of India. These rights are considered fundamental because they are basic human rights that are essential for the development and well-being of individuals. The features of fundamental rights in India include:

Enforceability: Fundamental rights are justiciable, which means they can be enforced by the courts. Citizens can approach the courts if their fundamental rights are violated by the state or any other entity.

Equality: Fundamental rights ensure equality before the law and prohibit discrimination on grounds of religion, race, caste, sex, or place of birth. They guarantee equal protection of the laws to all citizens.

Universal: Fundamental rights are applicable to all citizens of India, irrespective of their religion, caste, creed, gender, or place of birth.

Negative Obligations: Fundamental rights primarily impose negative obligations on the state, meaning the state is required to refrain from interfering with the exercise of these rights by individuals. For example, the right to freedom of speech implies that the state should not censor or restrict individuals' expression without valid reasons.

Positive Obligations: Some fundamental rights also impose positive obligations on the state to take certain actions to ensure the effective enjoyment of these rights by citizens. For instance, the right to education (Article 21A) imposes an obligation on the state to provide free and compulsory education to children.

Justifiable: Fundamental rights can be enforced by individuals through the judiciary. Citizens can approach the courts if their fundamental rights are violated by the state or any other entity.

Part of Basic Structure: The Supreme Court of India has held that certain fundamental rights are part of the "basic structure" of the Constitution, which cannot be amended by the Parliament.

Limitations: Fundamental rights are subject to reasonable restrictions in the interest of sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency, morality, contempt of court, defamation, or incitement to an offense.

These features collectively ensure that fundamental rights play a crucial role in safeguarding the rights and freedoms of Indian citizens.

1. **Why are they called Fundamental Rights?**

These rights are called fundamental rights because of two reasons:

1. They are enshrined in the Constitution which guarantees them.
2. They are justiciable (enforceable by courts). In case of a violation, a person can approach a court of law.
3. Discuss elaborately the fundamental rights enshrined in Indian Constitution

Ans: The Fundamental Rights in the Constitution of India are provided under Part III, from Article 12 to 35. These rights are considered the cornerstone of Indian democracy, ensuring that every citizen enjoys certain basic freedoms and liberties. Let's discuss each of these fundamental rights elaborately:

Right to Equality (Articles 14-18):

Article 14: Equality before law and equal protection of laws for all citizens.

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.

Article 16: Equality of opportunity in matters of public employment.

Article 17: Abolition of untouchability.

Article 18: Abolition of titles except military and academic distinctions.

Right to Freedom (Articles 19-22):

Article 19: Protection of certain rights regarding freedom of speech, assembly, association, movement, residence, and profession.

Article 20: Protection in respect of conviction for offenses.

Article 21: Protection of life and personal liberty.

Article 21A: Right to education.

Article 22: Protection against arrest and detention in certain cases.

Right against Exploitation (Articles 23-24):

Article 23: Prohibition of traffic in human beings and forced labor.

Article 24: Prohibition of employment of children in factories, etc.

Right to Freedom of Religion (Articles 25-28):

Article 25: Freedom of conscience and free profession, practice, and propagation of religion.

Article 26: Freedom to manage religious affairs.

Article 27: Freedom as to payment of taxes for promotion of any particular religion.

Article 28: Freedom from attending religious instruction or worship in certain educational institutions.

Cultural and Educational Rights (Articles 29-30):

Article 29: Protection of interests of minorities.

Article 30: Right of minorities to establish and administer educational institutions.

Right to Constitutional Remedies (Article 32):

Article 32: Right to move the Supreme Court for enforcement of Fundamental Rights, also known as the 'heart and soul' of the Indian Constitution.

Right to Property (Article 300A):

Originally a fundamental right (Article 31), the Right to Property was removed as a fundamental right by the 44th Amendment Act of 1978 and was made a legal right under Article 300A.

These fundamental rights collectively ensure the protection of individual liberties, promote equality, prevent exploitation, and foster a secular and democratic society. They are enforceable by the courts, and any law or action inconsistent with these rights can be declared void. Additionally, the Constitution provides for limitations on these rights in the interest of public order, morality, and security, ensuring a balance between individual freedoms and societal interests.

1. What are the differences between fundamental rights and legal rights?

Ans: Fundamental rights and legal rights are both important aspects of the legal framework in any country, including India. However, there are some key differences between the two:

Source of Rights:

Fundamental Rights: These rights are enshrined in the constitution of a country. In India, fundamental rights are guaranteed by Part III of the Constitution and are considered sacrosanct. They are seen as inherent to the dignity and well-being of individuals and are protected against any infringement by the state or any other entity.

Legal Rights: Legal rights, on the other hand, are those rights that are provided by laws enacted by the legislature. They may vary from one jurisdiction to another and can be altered or repealed by the legislative body. Legal rights can include contractual rights, property rights, tort rights, etc.

Enforceability:

Fundamental Rights: Fundamental rights are justiciable, meaning they can be enforced by individuals through the courts. If there is a violation of fundamental rights, individuals can approach the judiciary for remedy or relief.

Legal Rights: Legal rights are also enforceable but may vary in terms of the mechanism for enforcement. For example, contractual rights can be enforced through civil litigation, while criminal rights may involve prosecution by the state.

Scope of Protection:

Fundamental Rights: Fundamental rights typically encompass broader principles related to individual liberty, equality, and justice. They often include rights such as freedom of speech, right to equality, right to life and personal liberty, etc.

Legal Rights: Legal rights can be more specific and varied, depending on the laws in force. They may include rights related to property, employment, contracts, etc.

Constitutional Status:

Fundamental Rights: Fundamental rights are considered fundamental to the constitutional framework of a country. They are often regarded as part of the basic structure of the constitution and are therefore safeguarded against arbitrary changes by the legislature.

Legal Rights: Legal rights are derived from statutes and can be amended or repealed by the legislative body through the regular legislative process.

Universal Applicability:

Fundamental Rights: Fundamental rights are typically applicable to all citizens or residents of a country, irrespective of their race, religion, caste, gender, etc.

Legal Rights: Legal rights may vary depending on the specific laws applicable in a jurisdiction and may not always be universally applicable to all individuals.

In summary, while both fundamental rights and legal rights are important for the protection of individual interests and liberties, fundamental rights hold a special status within the constitutional framework and are typically broader in scope and more enforceable through judicial intervention.

1. The concept of Fundamental Rights in India is taken from the Constitution of which nation?

Answer: USA

2. Fundamental Rights are defined in which part of the Indian Constitution?

Answer: Part 3 in Article 12 to 35

3. How many Fundamental Rights are there in the Indian Constitution?

Answer: 6

4. Right to property is a …………. Right?

Answer: Legal

5. The Right to property has been eliminated from the list of Fundamental Rights by which Amendment Act?

Answer: 44th Amendment Act in 1978

**6.** Which authority can impose reasonable restrictions on the rights of the Indian Citizen?

**Answer:** The Supreme Court of India

**7.** Which article of the constitution abolishes untouchability?

**Answer:** Article 17

**8.** Which article of the Constitution provides equality of opportunities in matters of public employment?

**Answer:** Article 16

**9.** By which Constitutional Amendment Act, a new Article 21A was inserted in the Constitution?

**Answer:** 86th Amendment Act

**10.** Which Fundamental Rights is guaranteed only to the citizens and not to the foreigners?

Answer: Equality before the law and equal protection of the law

11. Cultural and Educational Rights are mentioned in ………..?

Answer: Article 29 & 30

12. With what objective Cultural and Educational Rights is incorporated in the Fundamental Rights?

Answer: To help minorities conserve their culture

13. Without which basic fundamental right, Fundamental Rights have no value?

Answer: Right to Constitutional Remedies

14. Dr B. R. Ambedkar has called ……………. as the heart of the Indian Constitution.

Answer: Article 32

**15.** What is Article 22 of the Indian Constitution all about?

**Answer:** Prevention against Arrest and Detention