

5. Fundamental Rights – Part II

In the last chapter we studied some fundamental rights guaranteed by the Indian Constitution. We studied the rights of liberty, equality and the right against exploitation. In this chapter, we shall also learn about the right to freedom of religion, cultural and educational rights and we shall get acquainted with the judicial protection available for the fundamental rights.

• Right to Freedom of Religion :

India, we know, is an important secular country in the world. We have studied it in the previous classes. But you must be curious to know what the Indian Constitution says about it, isn't it? It is included in our right to freedom of religion. According to it, each Indian citizen is free to practise any religion and to establish institutions for religious reasons.

In order to broaden the scope of the right to freedom of religion, two things are not permitted:

(1) State cannot impose religious taxes that might be used to encourage a particular religion. That is, our Constitution forbids religious taxes.

(2) Religious education cannot be made compulsory in educational institutions that receive aid from the State.

• Cultural and Educational Rights :

We can see that there is a great diversity of festivals, food and ways of life in our country. You may have noticed the differences in the different wedding ceremonies that you attended. All these things are part of the cultures of the different communities. Our Constitution has given the different communities the right to preserve their cultural uniqueness.

According to this right, people are not only free to preserve their own language, script and literature, but also make efforts towards their promotion. They can establish institutions for the development of their language.

Find out and discuss.

- How many official languages are listed in the Constitution?
- Which institutions have been established by the Maharashtra State Government for the further development of the Marathi language?



Let's discuss.

Do you think that all the work of the government and the courts should be done in Marathi in Maharashtra? What should be done to do so?

• Right to Constitutional Remedies :

In case of encroachment of fundamental rights, the Indian citizens' right to get judicial remedies is also a fundamental right. This is called the Right to Constitutional Remedies. This means the Constitution itself has provided for legal remedies in case people's rights get violated. So, it becomes a constitutional duty of the courts to protect the rights of the people.

Sometimes the rights that are guaranteed to us by the Constitution may get encroached upon and we are not able to exercise our rights. This is called an infringement of our rights. The court considers our complaint, investigates it and in case it is convinced that rights



have indeed been infringed upon and injustice has been done to the aggrieved individual, the court gives an appropriate verdict.

Some instances of infringement of rights:

- Arresting an individual without reason.
- Preventing a person from leaving a village or a town without giving a valid reason.
- Refusing food, water or medicines to jail inmates.

Writs as Constitutional Remedies :

Courts have powers to issue various kinds of writs to protect the rights of the citizens.

(1) **Habeas Corpus** : Protection from unlawful arrest and detention.

(2) **Mandamus** : The order of the Courts (the Supreme Court or the High Court) commanding the government to

perform an action that is its duty to perform in public interest.

(3) **Prohibition** : To prevent a subordinate court from exceeding its jurisdiction.

(4) **Quo Warranto** : To restrain a person from acting in an office to which he is not entitled.

(5) **Certiorari** : To order the removal of a law suit from a subordinate court to a superior court.

Is the reaction of this Government official right or wrong?

An officer tells a woman who presents all the documents for getting the benefits of a scheme for destitutes, “You don’t look like a destitute” and refuses her the benefits of the scheme.

In this instance, do you think the woman’s right has been infringed? Where should she go to get redressal?



Inside a court

Because the fundamental rights are thus protected by the courts, citizens are able to exercise their rights. They can fulfil their roles as alert, responsible and

active citizens. While considering fundamental rights, we also need to remember our duties. In the next chapter, we shall study our fundamental duties.



Exercise

1. Write about the following.

- (1) The Constitution prevents the imposition of religious taxes.
- (2) What is meant by Right to Constitutional Remedies?

2. Find one appropriate word –

- (1) Protection from illegal arrest and detention –
- (2) To restrain a person from acting in an office to which he is not entitled –
- (3) The order of the Supreme Court or the High Court commanding the government to perform an action that is its duty to perform –
- (4) The order preventing a subordinate court from exceeding its jurisdiction –

3. State the reason why we are free to practise the following.

- (1) All Indian citizens can celebrate all festivals joyfully, because
- (2) We can make efforts towards the preservation and propagation of our language, its script and literature, because

4. Fill in the blanks with appropriate words.

- (1) We can approach the in case of infringement of our rights.
- (2) education cannot be made compulsory in educational institutions that get aid from the State.

Activity

Organise an interview in your school of a judge, a lawyer or a police officer.

