



**Karnataka State Legal Services Authority,
Bengaluru**

I. Fundamental rights:

Our constitution guarantees fundamental rights under Articles 14 to 32 to all its citizens.

(1) Right to equality (article 14):-

The State cannot refuse to any person equality before the law or equal protection of laws within the territory of India. That is to say all persons are equal before the law and will have right to equal protection of law.

(2) Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth (article 15):-

No citizen shall be restricted or considered disabled or put any condition, regarding

- a) Entering into any shop, public restaurant, hotel, and place of public entertainment.
- b) Using any public well, tank, bathing ghat or any place meant for public use merely on anyone of the grounds such as religion, race, caste, sex or place of birth.

However, the State can make special laws for the advancement of Women, Children, Scheduled Caste and Scheduled Tribe and backward classes.

(3) Right to Equal opportunity in public service (Article 16) :-

All citizens of India shall have equal opportunity in matters of employment or appointment to any office under the State and such equal

opportunity shall not be denied to any citizen on grounds only of religion, race, caste, sex, descent place of birth or residence.

However the parliament has the power to provide reservation in respect of appointment to any office for citizens belonging to Scheduled Caste, Scheduled Tribe or backward classes.

(4) Right against the practice of untouchability (Article 17) :-

Untouchability is abolished. Its practice in any form against any citizen is forbidden. Practice of untouchability is an offence punishable under law.

(5) Abolition of titles (Article 18) :

The State shall not confer any title other than for military or academic distinction.

(a) A Citizen of India shall not accept any title from any Foreign State.

(b) Person who is not a Citizen of India while he is holding any office of profit or trust under the State shall not accept any title from any foreign state without the consent of the president.

(6) Protection of rights regarding Freedom of Speech and Expression (Article 19):

The article 19 of our constitution offers all the citizens the following rights of Freedom.

- (a) Freedom of Speech and Expression (This also includes freedom of press)
- (b) Right to assemble peacefully and without arms (This also includes the right to take out procession)
- (c) Right to form associations and unions.

- (d) Right to travel freely throughout the territory of India.
- (e) Right to reside and settle in any part of the territory of India.
- (f) Right to practice any profession or to carry out any occupation, trade or business.

All these rights of freedom are not unaffected and uncontrolled. The Legislature has the power to bring out statutes to control the exercise of these rights in view of protecting the Sovereignty and Integrity of the Nation public order, decency or morality or the welfare of the Scheduled Caste and Scheduled Tribe. But the power to decide whether the control imposed by the Legislature is appropriate or not vests in the High Courts and the Supreme Court.

(7) Protection regards conviction for offence (Article 20) :

- (i) Conviction only for Violation of Law :
A person shall be convicted only when he commits an offence of violating a law which is in force.
- (ii) A person shall not be punished more than prescribed in the law:
No person shall be subjected to a penalty more than imposed in the law.
- (iii) No person shall be prosecuted and punished for the same offence more than once.
- (iv) No person accused of any offence shall be compelled to be a witness against himself.

(8) Right to protection of life and personal liberty (Article 21) :

The life or personal liberty of any person shall not be deprived except according to procedure established by law.

(9) Right to Protection against arrest and detention (Article 22) :

(a) Right to know the reason for his arrest :-

The officer who arrests a person shall inform the person arrested immediately after arrest the grounds on which and the alleged offences he is committed in which regard his arrest was made.

(b) Right to contact the advocate of his choice :-

The person arrested has a right to contact an advocate of his choice and to make arrangement for his defence.

(c) Right to be presented before a magistrate :-

The arrested person shall be presented before a nearby magistrate within 24 hours (Excluding the period taken to go to the magistrate from the place of arrest) from the time of arrest.

(10) Right against Exploitation (Article 23, 24) :-

Traffic in human beings and '*Beggar*' and other similar forced labours are prohibited and violation of it is a punishable offence under law. Further employing to work in any factory or mine or engaged in any other hazardous employment children below 14 years of age is prohibited.

'Beggar' means employing forcefully in a work and not paying any remuneration for his work.

(11) Right to freedom of religion (Article 25):

All persons have equal, right to freedom of profession, practice and propagation of religion subject to public order, morality, health and other provisions of the constitution regarding fundamental rights.

(12) Right to freedom of establishing, maintaining Religious Institutions

(Article 26) :

Any religious denomination shall subject to public order, morality and health have the rights to

- (a) to establish and maintain institution for religious and charitable purposes.
- (b) to manage its own affairs in matters of religion.
- (c) to own movable and immovable properties; and
- (d) to administer the said property per law.

(13) No tax shall be levied for promotion of religion:- (Article 27)

No person shall be forced to pay taxes meant for promotion or maintenance of any particular religion.

14) Right to not to participate in any religions education or prayer

(Article 28)

No education institution running entirely from the state funds shall give any religions education. Further no person shall be forced to participate in any religions programme or prayer in such education institution.

15) Cultural and educational rights (Article 29) :

(1) Protection of the rights of the minorities

Any section of citizens having their own distinct language, script or culture while residing in Indian territory shall have a right to protect and conserve them.

(2) Right against refusal to admit into an educational Institution:

Any educational institution run by the state or getting and aid from the state funds shall not refuse admission to any citizen on the grounds of his religion, race, caste or language.

16) Right of minorities to establish education institution and to manage the same (Article 30):-

- a) The religions and linguistic minority shall have the right to establish educational institution of their choice and to manage them.
- b) The state while granting aid to educational institution shall not discriminate against any educational institution merely on the ground that, it is managed by religions and linguistic minority.

17) Right to move the Supreme Court for enforcement of fundamental rights (Article 32):

Whenever the fundamental right of a person is violated, he has the right to directly apply to the Supreme Court for the enforcement of the fundamental right guaranteed to him. A petition seeking enforcement of a fundamental right can be submitted in the respective State High Court.

When can the fundamental rights be suspended?

The fundamental rights guaranteed by the constitution can be suspended by the order of the president during the period of proclamation of emergency or for a shorter period.

However the state cannot suspend the rights of protection against punishment for offences and the right to protection of life and personal liberty guaranteed under Article 20 and 21 and the right to move the court for enforcement of the same shall not be suspended.
