

# ROTHAS VIDHI MAHAVIDHYALA , SASARAM

TOPIC – CONSTITUTION

BY-

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CONSTITUTION  
OF  
INDIA



सत्यमेव जयते

# What is constitution ?

A **constitution** is an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity, organisation or other type of entity, and commonly determine how that entity is to be governed.



*Know Your Rights*

## Constitutional remedies

Article 32: Right to Constitutional Remedies Article 32 was called "the very soul of the constitution and the very heart of it" by Dr. B R Ambedkar

# What is constitutional remedy ?

What is a **Constitutional Remedy**! A **constitutional remedy** is the main **remedy** that will benefit the patient most. ... The meaning of such expression was never clear in the homeopathic sense and before one can talk about a **constitutional remedy** we should define what we — in homeopathy — really mean with this expression.

- This right comes under article 32 for Supreme court an article 226 for the high court. It is known as the right to **constitutional remedies**. In this right, the Supreme court, as well as high court, is given the power to instill the fundamental rights.

# FUNDAMENTAL RIGHTS

## of Indian Citizens



# Fundamental rights

Fundamental rights are those rights which are essential for intellectual, moral and spiritual development of individuals. As these rights are fundamental or essential for existence and all-round development of individuals, hence, it's called as 'Fundamental' rights according to Navdeep Choudhary. These are enshrined in Part III (Articles 12 to 35) of the [Constitution of India](#).

These include individual rights common to most, such as, equality before the law, freedom of speech and freedom of expression Religious and cultural freedom, Freedom of assembly (peaceful assembly) Freedom of religion (freedom to practice religion), right to constitutional remedies for the protection of [civil rights](#) by means of [writs](#) such as [Habeas Corpus](#), [Mandamus](#), [Prohibition](#), [Certiorari](#) and [Quo Warranto](#).

- Fundamental rights apply universally to all citizens, irrespective of [race](#), birthplace, religion, [caste](#) or [gender](#). The [Indian Penal Code](#) and other laws prescribe punishments for the violation of these rights, subject to the discretion of the [judiciary](#). Though the rights conferred by the constitution other than fundamental rights are also valid rights protected by the judiciary, in case of fundamental rights violations, the [Supreme Court of India](#) can be approached directly for ultimate justice as per Article 32. The Rights have their origins in many sources, including [England's Bill of Rights](#), the [United States Bill of Rights](#) and [France's Declaration of the Rights of Man](#). There are six fundamental rights recognised by the Indian constitution:

Right to [equality](#)(Articles. 14-18)

Right to [Freedom](#) (Articles. 19-22)

Right Against exploitation (Articles.  
23-24)

Right to [Freedom of  
Religion](#) (Articles. 25-28)

Cultural and Educational Rights  
(Articles. 29-30), and

Right to [Constitutional  
Remedies](#) (Articles. 32-35)

1. The **right to equality** includes equality before the law, the prohibition of discrimination on grounds of religion, race, caste, gender or place of birth, equality of opportunity in matters of employment, the abolition of untouchability and abolition of titles.
2. The **right to freedom** includes [freedom of speech and expression](#), assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation.
3. The **right against exploitation** prohibits all forms of [forced labour](#), child labour and trafficking of human beings.
4. The **right to freedom of religion** includes freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes.

5. The **Cultural and educational Rights** preserve the right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice.

6. The **right to [constitutional remedies](#)** is present for enforcement of fundamental rights.

The [right to privacy](#) is an intrinsic part of Article 21 (the Right to Freedom) that protects the life and liberty of the citizens.

The right to [privacy](#) is the newest right assured by the [Supreme Court of India](#). It assures the people's data and [personal security](#)

Fundamental rights for Indians have also been aimed at overturning the inequalities of pre-independence social practices. Specifically, they have also been used to abolish untouchability and thus prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth. They also forbid trafficking of human beings and forced labour (a crime). They also protect cultural and educational rights of religious and linguistic minorities by allowing them to preserve their languages and also establish and administer their own education institutions. They are covered in Part III (Articles 12 to 35) of the Constitution of India.

# Fundamental Duties

Respect

Cherish

Unity

Protect

Preserve

Harmony

# Fundamental duties

Fundamental Duties are sections of the [Constitution of India](#) that prescribe the fundamental obligations of the states to its citizens and the duties and the rights of the citizens to the State. [\[note 1\]](#) These sections comprise a constitutional [bill of rights](#) for government policy-making and the behaviour and conduct of citizens. These sections are considered vital elements of the constitution, which was developed between 1947 and 1949 by the Constituent Assembly of India.

*The Fundamental Duties' are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India. These duties set out in Part IV–A of the Constitution, concern individuals and the nation. Like the Directive Principles, they are not enforceable by courts unless otherwise made enforceable by parliamentary law.*

The fundamental duties noted in the constitution are as follows: [\[105\]](#)

It shall be the duty of every citizen of India —

- 1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;**
  - 2. To cherish and follow the noble ideals which inspired our national struggle for freedom;**
  - 3. To uphold and protect the sovereignty, unity and integrity of India;**
  - 4. To defend the country and render national service when called upon to do so;**
  - 5. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women; To value and preserve the rich heritage of our composite culture;**
  - 6. To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures;**
  - 7. To develop the scientific temper, humanism and the spirit of inquiry and reform;**
  - 8. To safeguard public property and to abjure violence;**
  - 9. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;**
- Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six to fourteen years**

**Thank you**