

Fundamental Rights and Education

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Introduction:

Fundamental Rights are the sacrosanct rights obtained to Indian citizen through the Constitution of India. But it's a misfortune of the Indian people who don't know their Rights which they obtained by the Constitution of the India. It is said that "Law helps them those who help themselves." It has many reason why the people of India unknown about their Fundamental Rights. Due to the illiteracy among the people, inadequate efforts of the Government to provide the knowledge of the Fundamental Rights to the people or Government has feared if all the people will aware the Fundamental Rights then it is impossible to impose any might on them.

Fundamental Rights contained in our constitution Part III, Article 12 to 35. They are limitation upon the state action. State cannot violate the fundamental rights of the person. If the state invaded the fundamental rights of the person he/she can approached to the Supreme Court against the state. Supreme Court observes that "The whole object of Part III of the Constitution is to provide protection for the freedoms and rights mentioned against arbitrary encroachment of the state.

The Constitution of Indian gives guarantee of equality before law and equal protection of law. So that no one can discriminate to any one on the basis of caste, creed, religion, race, gender and poverty. Every ordinary person obtained the guarantee of equality. This is the importance of the Fundamental Rights which has brought the all Indian people in equal bases. The Fundamental rights included in our Constitution are grouped under six categories. They are.

1. Right to Equality (Art. 14 - 18):

According to the Constitution of India Right to Equality included in Art. 14 -18. Article 14 stated

that all persons are equal before law and equal protection of laws within the territory of India. This article asserts the supremacy of law or rule of law. Everyone is equal before law whether he is president or ordinary person. Both have same law and same court.

Article 15 asserted that the State cannot discriminate against any citizen on the grounds only of religion, race, caste, sex or place of birth. Nor will any citizen be subject to any disability on any one of the above grounds in regard to access to shops, hotels, places of public entertainment or the use of wells, tanks, ghats, roads and other public places wholly or partly maintained out of state funds.

Article 16 guarantees equality of opportunity in matters relating to employment or appointment to public services to all citizens irrespective of religion, race, sex, descent, place of birth or residence.

Article 17 declared that untouchability in any form has been abolished by the constitution. No one can practice untouchability in India. If someone trying introduce or practice it. He may be punished by the law.

Article 18 lays down that "No titles not being military or academic distinction shall be conferred by the state."

2. Right to Freedom (19 - 22):

Our Constitution guarantees the six freedoms which included in Article 19 - 22. These are:

- a. Freedom of speech and expression
- b. Freedom to assemble peacefully and without arms.
- c. Freedom to form associations or unions.
- d. Freedom to move freely throughout the territory of India.
- e. Freedom to reside and settle in any part of India.
- f. Freedom to practice any profession, or to carry on any occupation, trade or business.

However, the enjoyment of these freedoms is subject to certain conditions. Limitations may be imposed in the interest of security of state, friendly relation with foreign states, public order, decency or morality or to prevent contempt of court, defamation, incitement to an offence.

Article 20 “No person shall be convicted of any offence except for violation of law in force at the time of the commission of the act charged as an offence, nor be subject to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.”

Article 21 asserted that “No person shall be deprived of his life or personal liberty except according to the procedure established by law.”

3. Right against Exploitation (Article 23 - 24):

Article 23 prohibits traffic in human beings including traffic in women for immoral purposes, beggar and other similar forms of force labour.

Article 24 Stated that. “No child below the age of fourteen years shall be employed to work in the factory or mine or engaged in any other hazardous employment.”

You will see that many factories, hotels and other work places. People using child as labour in low wages. They imposing hard work on them and give little compensation. It is against the law. And hence it is enforceable by law.

4. Right to freedom of Religion (Article 25 - 28):

Article 25 provide the freedom of conscience and freedom to profess, practice and propagate nay religion subject to public order, morality and health.

Article 26 allows everyone the right to establish and maintain institutions for religious and charitable purposes to manage its own affairs in matter of religion.

Article 27 said that, “No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.”

Article 28 “No religious instruction shall be imparted in any educational institution wholly maintained out of state funds.

5. Educational and Cultural rights (Article 29 - 30):

Article 29 provides that, “No citizen shall be denied admission into any educational institution maintained by the State receiving aid out of State

funds on grounds only of religion, race, caste, language or any of them.

Article 30 “ guarantees to all minorities whether based on religion or language the right to establish and administer educational institutions of their choice and declares that in granting aid to educational institutions, the State shall not discriminate against any educational institution.”

6. Right to constitutional remedies (Article 32):

Fundamental rights are useless unless there is an effective and easy remedy or machinery provided in the Constitution itself for enforcing these rights. Article 32 provides the right to every person to move the Supreme Court by appropriate proceedings for the enforcement of his fundamental rights. The appropriate remedies are applications for the issue of directions or orders or writs including writs in the nature of Habeas Corpus, Mandamus, Prohibitions, Quo-Warranto and Certiorari.

Dr. B. R. Ambedkar said the provision relating to constitutional remedies is “Heart and soul of the Constitution.”

All the above Fundamental rights are peculiar and paramount which obtained by people of India through Constitution. Its duty of every intellectual to profess the Fundamental rights to the ordinary people. Then ordinary people will get the benefit of the fundamental rights. They will approach the court while someone violate their fundamental rights. And implementation of the fundamental rights will bring true democracy in India.

References:

1. Indian Constitutional Law- M. P. Jain.
2. Constitution of India - V. N. Shukla.
3. Constitutional Law of India - J. N. Pandey
4. www.google.co.in