

WHAT ARE OUR FUNDAMENTAL RIGHTS?



This resource explains our fundamental rights granted in the Indian Constitution through examples of violations of rights on a day-to-day basis.



**ACTION RESEARCH &
RESOURCE CENTRE**

Acknowledgement

This training material is the result of our collective on-field learning, care, and commitment to make legal knowledge accessible.

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Guide To Use Training Material

This training material is designed to understand our fundamental rights granted in the Indian Constitution & the violation of our fundamental rights.

How to use?

1. Read and explain the Articles and which rights each article grants;
2. Refer to the case study provided - this case study shows a violation of fundamental rights on a day-to-day basis;
3. Identify which rights have been violated in the following case;
4. Facilitate discussion

FUNDAMENTAL RIGHTS

Fundamental Rights are basic human freedoms that are protected and guaranteed by the constitution of our country. They are enshrined under Part III of the Indian Constitution. They may only be changed by amending the Constitution itself. Besides this, no organ of the government can act in a manner that violates the Fundamental Rights.

Right to equality

(Article 14 to article 18)

Article 14- Equality before law

Article 15- Prohibition of discrimination on the basis of religion, caste, class, sex or place of birth

Article 16- Equality of opportunity in the matter of public employment

Article 17- Abolition of untouchability

Article 18- Abolition of titles

Shambhavi and Shubham came back home from the school in excitement to inform their parents about the announcement of an outstation trip. Shubham was allowed to register his name for the trip, but Shambhavi was not allowed as her mother would need her assistance in household chores.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Sarita works as a child carer and domestic help in Dwarka, Delhi. After a few weeks of work on her first job, her employer got to know that she is a chamar from Rajasthan. On that very day, she was screamed upon and fired from the job.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Manas went for an interview as a bank clerk. The interviewer asked about his surname and commented that he should have applied for a job suitable to his status such as a peon or sweeper.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Right to freedom

(Article 19 to article 22)

Article 19- Protection of certain rights regarding freedom of speech, etc.

Article 20- Protection in respect of conviction for offenders

Article 21- Protection of life and personal liberty

Article 21-A- Right to Education

Article 22- Protection against arrest and detention in certain cases

Article 19: Protection of certain rights regarding freedom of speech, etc.

This article grants all citizens the following rights:

- Right to freedom of speech and expression;
- Right to assemble peaceably and without arms;
- Right to form associations or unions [co-operative societies];
- Right to move freely throughout the territory of India;
- Right to reside and settle in any part of the territory on India; and
- Right to practise any profession, or to carry on any occupation, trade or business.

Freedom of Speech and Expression

In an art exhibition, Mani made a cartoon depicting a brahmin standing over a copy of the Indian Constitution. Police arrested Mani on the next day of the art exhibition and charged him for threatening security and harmony of the nation.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Freedom to assemble peacefully and without arms & to form associations or unions

Ramesh works at Induja Coal Factory. The factory management refused to provide a bonus to the labourer this year. Disappointed with the management, Ramesh convinced all the workers to form a union and assemble peacefully outside the factory for ten days to demand their rightful bonus.



Which fundamental rights were violated in the above case?
And why do you think Ramesh was able to organize a protest?

Write your thoughts here

Reside, settle and move freely throughout the Indian territory

Anjali is from Arunachal Pradesh and had enrolled for B.Com. in Delhi University. She found it very difficult to find a home in Delhi. Most people refused to give her an accommodation and addressed her as “chinki” and “chinese”.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Freedom to practise any profession, or to carry on any occupation, trade or business

Sonia wanted to have a career in wildlife photography after clearing her senior secondary examination. Regardless, her parents did not let her pursue wildlife photography and forced her to enrol in an engineering college.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Article 21

Protection of Life and Personal Liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Kaku was arrested while he was going for work. Police tortured him and beat him up with an iron rod. They would neither let him know the reason behind his arrest nor would allow him to contact his family.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Article 21-A

Right to Education

The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

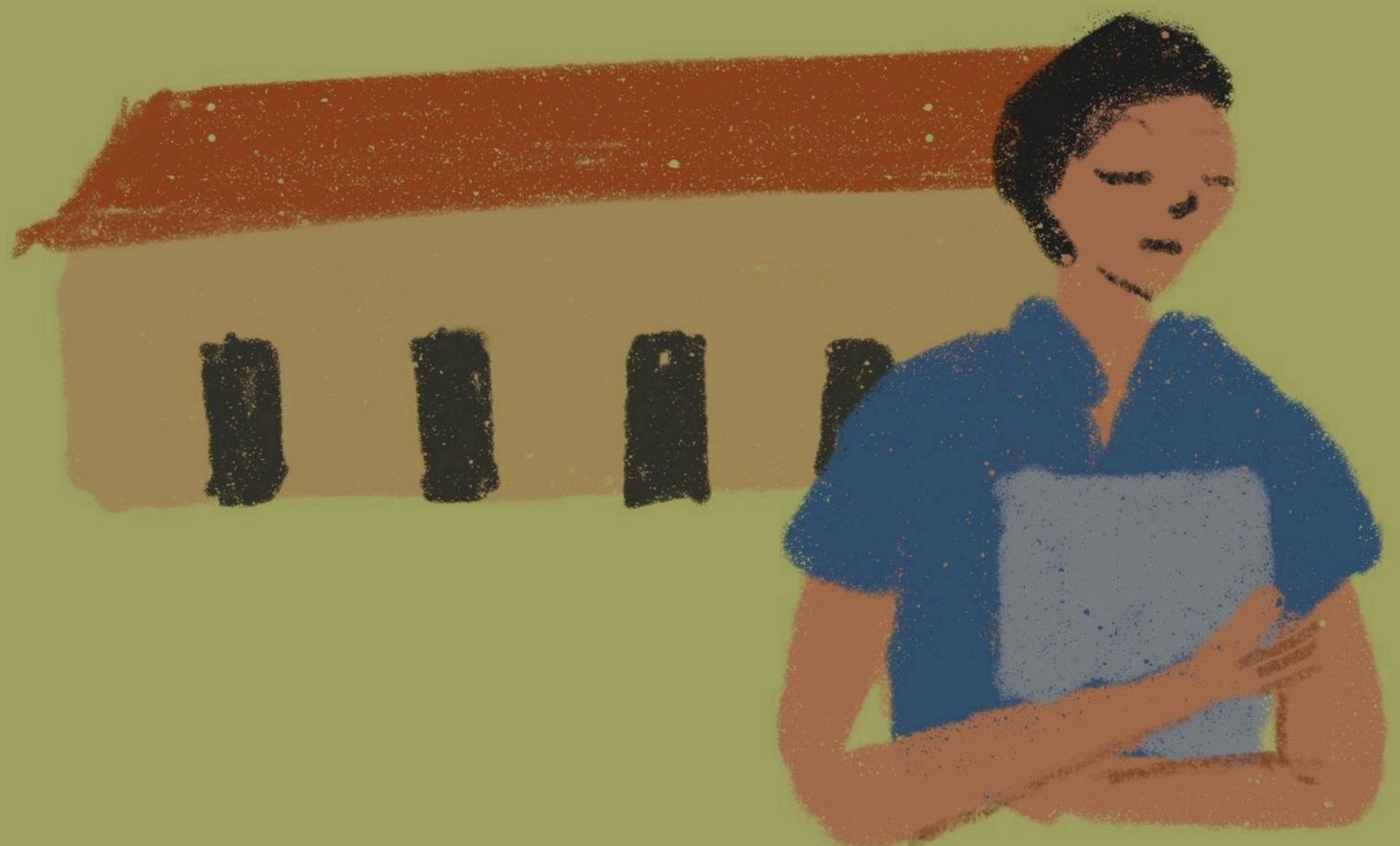
Pinki could not study after 10th class because her school has no further classes. She would need to travel to another village very far from her own village for studying in a higher secondary school.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Sartaj lives in village Daldali of Chattisgarh. He could not give final exams of 8th class because he could not pay the examination fee charged by the school headmaster.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Article 23

Prohibition of traffic in human beings and forced labour

Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Manisha is an uneducated girl from Araria district of Bihar. She along with few other village girls moved to Patna on the pretext of gaining employment as domestic help through an unknown mediator. Soon after reaching Patna, she was locked in a house and sexually exploited on an everyday basis.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Mariyam lived with her aunt since her parents died in an accident. She was not treated well since and was forced to do all the household chores with no say of her own.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Article 24

Prohibition of employment of children in factories, etc.

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Suraj is a 12 years old boy and works in a bangle making factory. He does not like the dim lights and foul smell of the factory. He wants to go to school but his father says that Suraj's income is a large contribution to their living expenses.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Iqbal is a ten year old boy who works in a coal mine in Orissa, for a monthly salary of Rs. 15. In his workplace some workers are below 12 years of age because older boys cannot reach the narrow lanes of deep mining patches.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Right to Freedom of Religion

(Articles 25 to 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 as to attendance at religious instructions or religious worship in certain educational institutions.

Ajay, a boy studying in a law university, was born to Hindu parents and wishes to profess and practise Islam. His parents oppose his wishes to do the same because of fear of shunning from their own community.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Purab, a school - going boy, carries a Kirpan with him, as an essential part and practice of his religion. The school administration makes a rule banning all forms of religious expression.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Sharda, a Hindu woman getting married as per Hindu rites, does not wish to wear Mangalsutra, a necklace considered essential for a Hindu wedding. She is despised by her family and neighbours for the same.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Article 29

Protection of interests of minorities

Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

Considering the education, cultural and social interest of its students from Punjab, the Guru Nanak University, Chandigarh (Punjab) made provisions to promote studies in Punjabi language. [Case law for reference- D.A.V. College, Jalandhar v. State of Punjab, AIR 1971 SC 1737]



Article 29

Protection of interests of minorities

No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language, or any of them.

Mount Mary School, Patna issued a notice banning admission of students who cannot speak and write in English. The highest court declared the notice invalid and imposed a ban of Rs. one lakh on the school for violating Article 29(2) of the Constitution.

[Case law for reference- State of Bombay v. Bombay Educational Society, AIR 1954 SC 561]

বাংলা উর্দু
हिन्दी सिन्धी
ਪੰਜਾਬੀ ਪੰਜਾਬੀ
अभ्युक्ति अभ्युक्ति
मराठी गुजराती

Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here

Article 30

Right of minorities to register and administer educational institutions.

1. All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(1-A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

Article 30

Right of minorities to register and administer educational institutions.

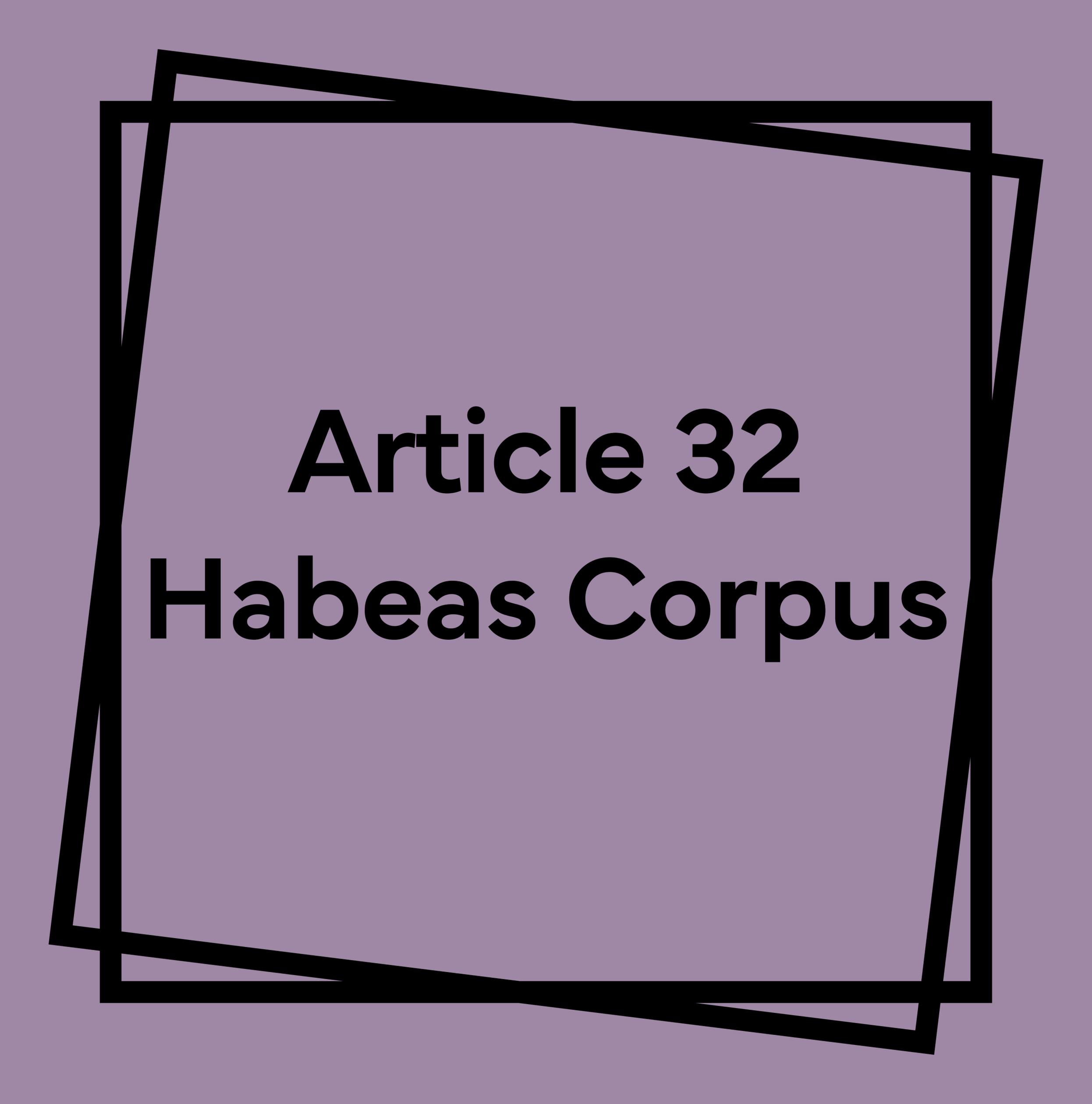
2. The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Aadarshini Panikar, a malayali professor from Karnataka, established a school dedicated to the preservation of the disappearing malayali language within the state. The state government in Karnataka refused to sanction a grant application for her school citing her malayali identity as the reason for cancellation of her school's application.



Which fundamental rights were violated in the above case?
And why do you think this kind of unfair treatment happened?

Write your thoughts here



Article 32

Habeas Corpus



DOSO, YOU LOOK UPSET.
WHAT'S WRONG?

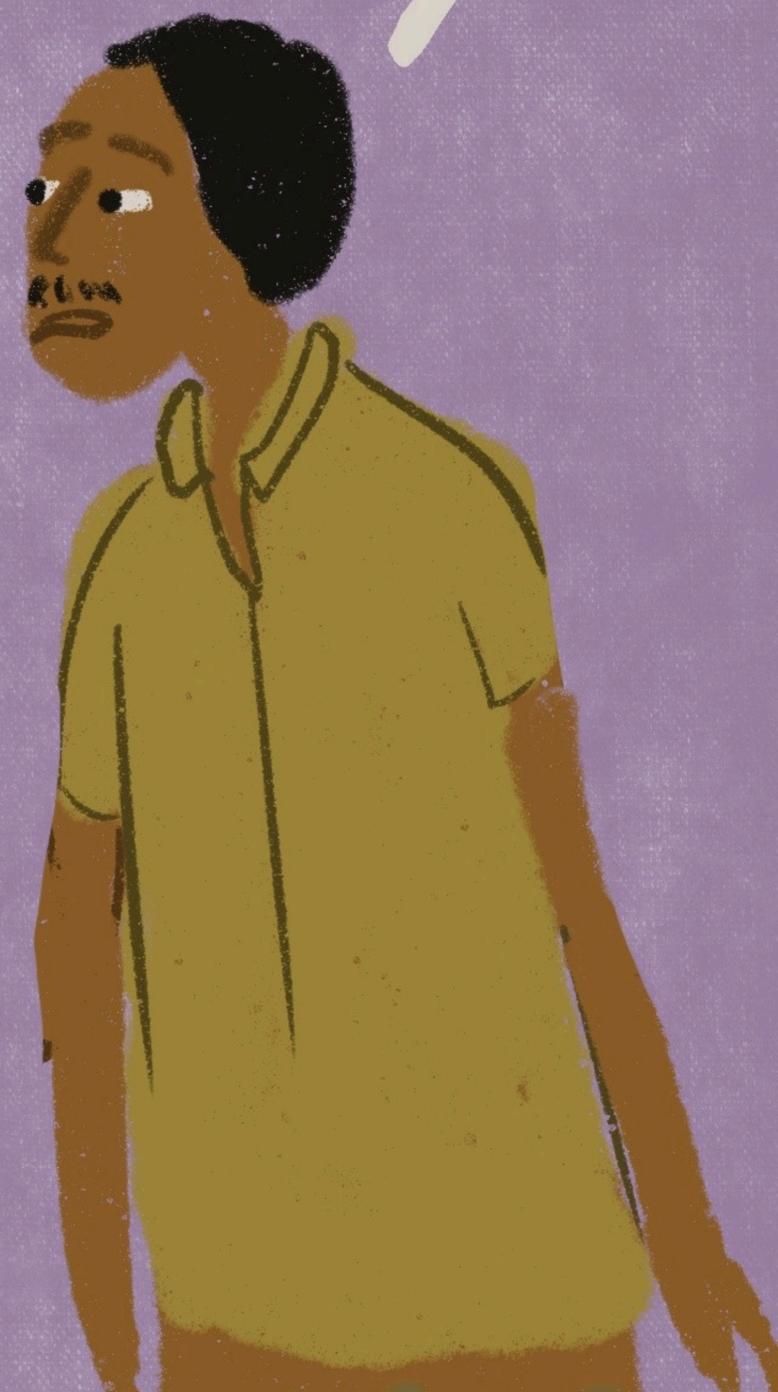
THE POLICE TOOK SUPAI
FOR A THEFT AT
SAHUKAR'S HOUSE. I AM
AFRAID HE IS BEING
FALSELY ACCUSED,

JILI.
WHAT DO WE DO?



DID YOU SPEAK TO THE SAHUKAR OR THE VILLAGE ELDERS?
SUPAI WOULD HAVE NEVER DONE SOMETHING LIKE THAT!

I HAVE PLEADED WITH EVERYONE. THE SAHUKAR DOESN'T LISTEN TO ME AND THE POLICE HAVE TAKEN THE COMPLAINT AS THE BASIS FOR THE ARREST.





SUPAI AND I ARE ONLY FARMERS, WE WORK ON THE FIELDS. THE SAHUKAR AND THE POLICE ARE POWERFUL. WHAT CAN WE DO?

WE ARE NOT HELPLESS DOSO. EVEN THE POLICE CANNOT DETAIN SOMEONE IN THIS WAY. THERE ARE RIGHTS WHICH ARE FUNDAMENTAL TO EVERY CITIZEN.



???!

JILI HERE IS TALKING ABOUT
'HABEAS CORPUS'
WHICH LITERALLY MEANS TO PRODUCE THE
BODY IN LATIN

HABEAS CORPUS IS A WRIT AND AN
IMPORTANT REMEDY UNDER ARTICLE 32 OF
THE CONSTITUTION



WHEN TO USE IT?

IF A PERSON IS/WAS
DETAINED UNLAWFULLY
OR WITHOUT ANY LEGAL
JUSTIFICATION

DIRECTED TO WHOM?

ANY AUTHORITY HOLDING
CUSTODY OF THE PERSON
DETAINED

WHO CAN PETITION?

BY THE PRISONER HIMSELF
OR BY ANYONE ON HIS/HER
BEHALF



Writ of Certiorari

DAYARAM'S MANUFACTURING UNIT IN DIBRUGARH



WE HAVE TO
CONFISCATED ALL
THE GOODS

LET ME CALL
MY LAWYER

IT'S AN ORDER
FROM THE
COLLECTOR OF
CUSTOMS



WERE YOU GIVEN A PRIOR NOTICE BEFORE THE SAID CONFISCATION BY THE CUSTOMS DEPARTMENT

NO, IT ALL HAPPENED OUT OF NOWHERE. I MYSELF DID NOT UNDERSTAND IF THERE WAS A MISTAKE ON MY PART.

I HAVE WAITED FOR A WEEK TO RECEIVE MORE INFORMATION, BUT THERE HAS BEEN NOTHING SO FAR.





I UNDERSTAND, LET US FILE A COMPLAINT TO THE DEPARTMENT FIRST AND DO NOT WORRY. THERE IS A REMEDY FOR SUCH SITUATIONS.

WHAT KIND OF REMEDY? IT SEEMS THAT I HAVE LOST ALL MY GOODS AND IT WAS A HUGE INVESTMENT FROM MY END.

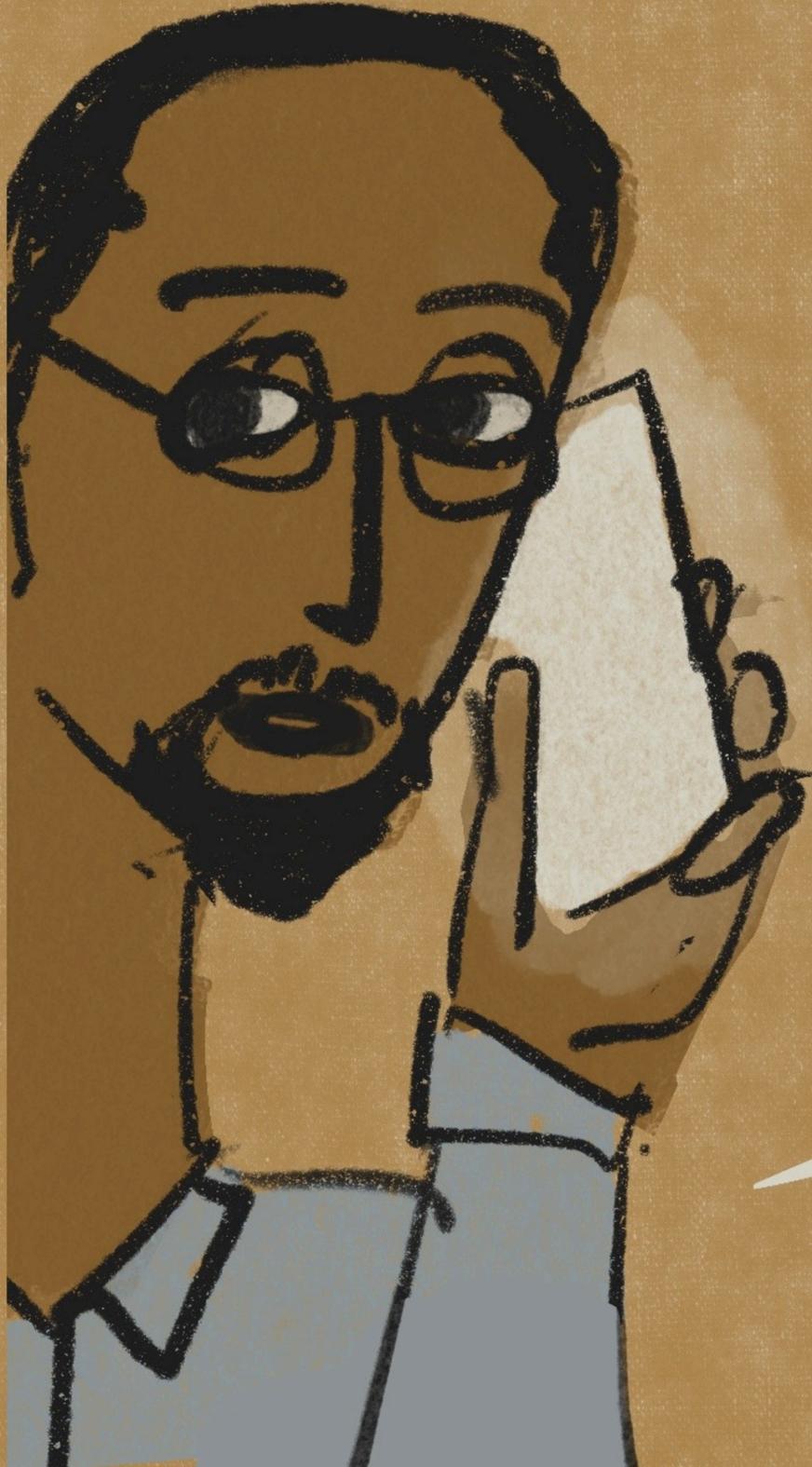




WELL, SINCE YOU HAVE NOT RECEIVED A PRIOR NOTIFICATION AND NO INVESTIGATION TOOK PLACE BEFORE AND AFTER THE SAID CONFISCATION IT IS POSSIBLE FOR US TO MOVE TO THE HIGH COURT TO ISSUE A WRIT CALLED 'CERTIORARI'.

I DON'T KNOW WHAT THAT MEANS AND HAVE NEVER HAD TO GO TO THE COURT BEFORE





CERTIORARI IS A WRIT THAT IS USED TO QUASH THE DECISIONS OF THE LOWER JUDICIARY.

IN YOUR CASE, THE COLLECTOR OF CUSTOMS ASSUMED THE POWER OF THE CIVIL COURT TO CONFISCATE YOUR GOODS.

SINCE THE ACTION IS QUESTIONABLE WITHOUT PROVIDING REASONS, WE CAN PLEAD FOR THE HIGH COURT TO INTERVENE SO AS TO REMOVE THE CONFISCATION

WHEN TO USE IT?

IT MAY BE USED TO QUASH ANY ORDER ISSUED BY THE LOWER JUDICIARY BY A HIGHER JUDICIARY ON THE PRINCIPLES OF NATURAL JUSTICE TO RECONSIDER A SPECIFIC ORDER

DIRECTED TO WHOM?

ANY LOWER CIVIL COURT/TRIBUNAL

WHO CAN PETITION?

THE PERSON WHO IS AGGRIEVED BY THE ORDER ISSUED BY THE AUTHORITY



**Writ of
Quo Warranto**



MADAM, I NEED TO TALK TO YOU
ABOUT OUR BIOLOGY LECTURER
SURYA.

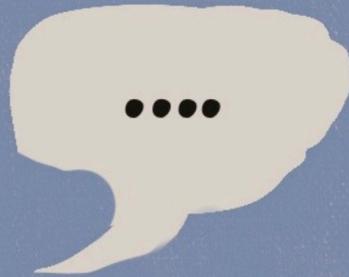


WHAT DO YOU
NEED RUPALI?
CAN'T YOU SEE I
AM BUSY?

THIS IS IMPORTANT. HE DOESN'T
MEET THE REQUIRED QUALIFICATIONS
AND I WANT THE ADMINISTRATION TO
ENQUIRE INTO THE MATTER.

THE MAN DOES NOT EVEN
HAVE A B.ED DEGREE !





GIVING LECTURES IS MY JOB,
NOT YOURS



SHE IS MAKING A MOCKERY OF THE ONES WHO SLAVE TO
GET THE RIGHT QUALIFICATIONS FOR THIS JOB!

WHAT CAN WE DO?

WE CAN HOLD THEM ACCOUNTABLE
- THIS IS OUR FUNDAMENTAL RIGHT
AS CITIZENS RUPALI



SHAGUFTA IS TALKING ABOUT THE WRIT OF
QUO WARRANTO WHICH TRANSLATES TO
“UNDER WHAT AUTHORITY?”

THIS IS REMEDY UNDER ARTICLE 32 OF THE
CONSTITUTION



WHEN TO USE IT?

IF A PERSON HOLDING
A PUBLIC OFFICE HAS
BEEN APPOINTED
WITHOUT FOLLOWING
PROPER PROCEDURE

DIRECTED TO WHOM?

ANY AUTHORITY HOLDING
THE PUBLIC OFFICE IN
QUESTION

WHO CAN PETITION?

ANY CITIZEN IN THE COUNTRY
CAN CALL INTO QUESTION THE
AUTHORITY OF ANYONE WHO
HOLDS A PUBLIC OFFICE



Writ of Prohibition

MAHESH YOU HAVE BEEN ON YOUR PHONE DURING THE CLASS, WHAT IS HAPPENING? IS SOMETHING BOTHERING YOU?

AAKANKSHA, I AM TRYING TO UNDERSTAND HOW LAND CAN BE ACQUIRED TO BUILD A MALL AND WHO GRANTS SUCH PERMISSION

WHY?





I LIVE IN THE BHURIA COLONY AAKANKSHA.
2 YEARS AGO WE WERE EVICTED FROM
YAMUNA BANK AND SINCE THEN WE HAVE
ONLY NOW MANAGED TO GATHER
OURSELVES.

NOW I HEAR, THEY MIGHT EVICT US FROM
HERE TOO, BECAUSE THEY WANT TO
BUILD A MALL. MY FAMILY AND I CAN'T GO
THROUGH THIS AGAIN, AAKANKSHA.

BUT NO FORMAL INTIMATION
HAS YET BEEN GIVEN ABOUT
THIS



IT SEEMS A PETITION HAS BEEN FILED WITH GREATER NOIDA MUNICIPAL TRIBUNAL BY THE OWNER OF THE PROPOSED MALL AND A DATE FOR THE HEARING HAS BEEN ANNOUNCED

OH NO! I WAS HOPING IT WAS A RUMOUR. HOW CAN I STOP THIS!



THROUGH A WRIT OF PROHIBITION.
IT IS A PETITION WHICH CAN BE
FILED AT THE HIGHER COURT, IN
THIS CASE THE DELHI HIGH COURT
TO PROHIBIT THE HEARING OF
THE TRIBUNAL

BUT WHY WOULD THE
HIGH COURT HEAR
SUCH A PETITION WHEN
THE TRIBUNAL IS STILL
CONSIDERING THE
MATTER?



THIS WRIT CAN BE USED TO
PREVENT ANY DECISION FROM
HAPPENING FOR THE TIME BEING,
UNLESS REASONABLE GROUNDS
HAVE BEEN OTHERWISE
PROVIDED



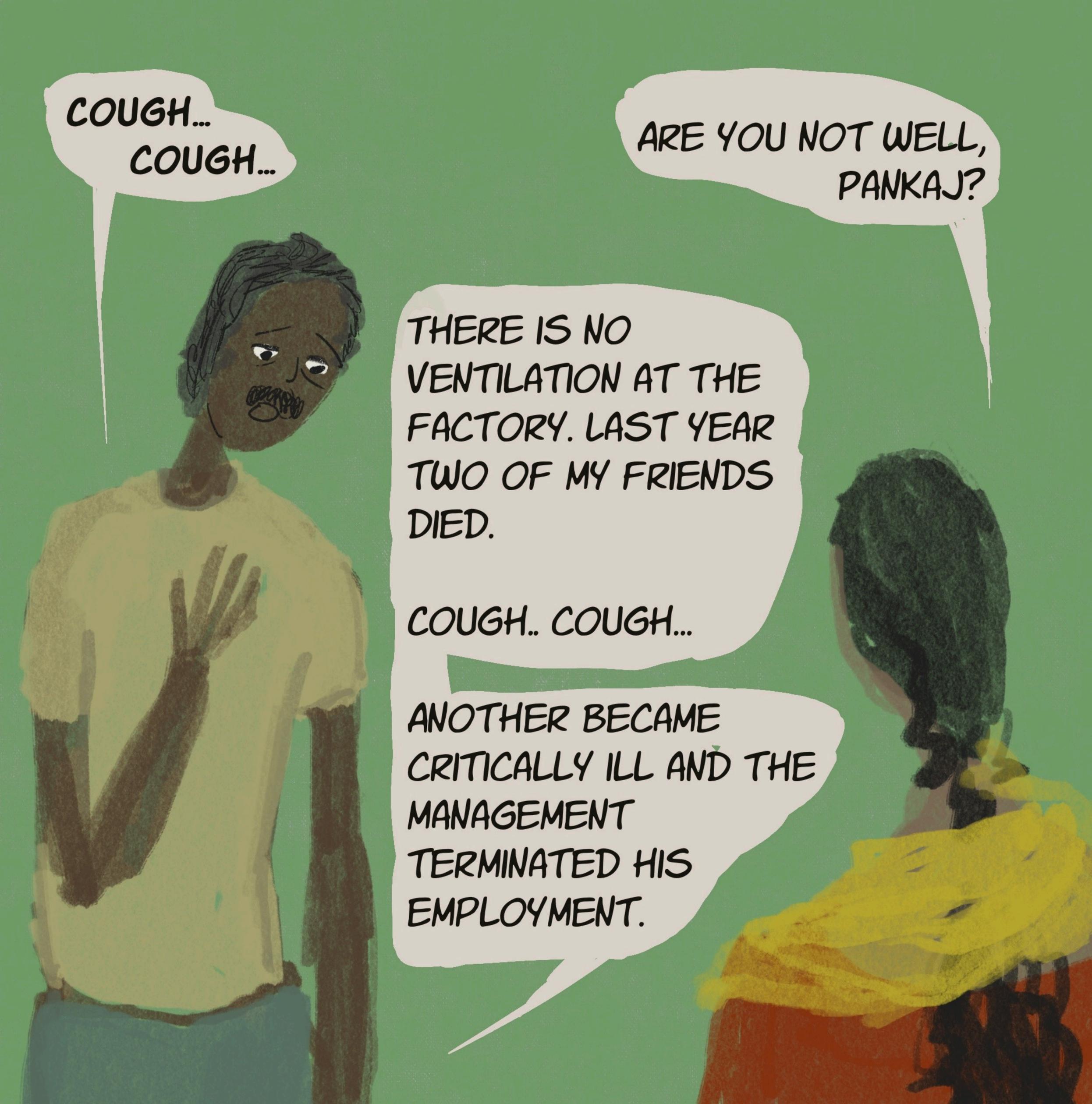
'PROHIBITION HAS TO DO WITH PREVENTION
RATHER THAN CURE'

IT IS A REMEDY AVAILABLE UNDER ARTICLE 32

THE WRIT OF PROHIBITION IS A QUICK AND
EFFECTIVE REMEDY FOR PREVENTING A LOWER
COURT FROM ACTING IN A WAY THAT IS CONTRARY
TO JURISDICTION OR NATURAL JUSTICE. IT IS
ALSO KNOWN AS
A 'STAY ORDER'



**Writ of
Mandamus**



COUGH...
COUGH...

ARE YOU NOT WELL,
PANKAJ?

THERE IS NO
VENTILATION AT THE
FACTORY. LAST YEAR
TWO OF MY FRIENDS
DIED.

COUGH.. COUGH...

ANOTHER BECAME
CRITICALLY ILL AND THE
MANAGEMENT
TERMINATED HIS
EMPLOYMENT.



HAVE YOU COMPLAINED TO THE
CHIEF INSPECTOR OF
FACTORIES?



SO MANY TIMES! HE SAYS
HE WILL TAKE ACTION AND
ASKS ME TO BE PATIENT.
I DON'T KNOW WHAT
ELSE TO DO.

BUT THEY ARE SUPPOSED TO INSPECT.
THE POINT OF HAVING THE LAW IS THAT
IT HAS TO BE IMPLEMENTED.

TELL THAT TO THEM!

WE'LL MAKE
THE COURT
SAY IT!

?!



**BARKHA IS TALKING ABOUT
THE WRIT OF MANDAMUS**

**THIS IS AN IMPORTANT REMEDY UNDER
ARTICLE 32 OF THE CONSTITUTION**



WHEN TO USE IT?

WHEN AN AUTHORITY DOES NOT PERFORM ITS FUNCTIONS. THE WRIT IS USED TO COMPEL THE AUTHORITY TO PERFORM ITS PUBLIC DUTY

DIRECTED TO WHOM?

ANY PUBLIC AUTHORITY, I.E., THE STATE

WHO CAN PETITION?

THE PERSON WHO IS AGGRIEVED BY THE NON-PERFORMANCE OF THE DUTY BY THAT AUTHORITY

WHEN THIS AFFECTS A LARGE SECTION OF THE CITIZENRY, IT BECOMES A PETITION IN PUBLIC INTEREST, AND ANYONE CAN FILE IT:



ACTION RESEARCH &
RESOURCE CENTRE

Part III Action Research & Resource Centre strives to uphold fundamental rights. We currently focus on identity-based discrimination & violence. Part III believes that the Constitution can be a site for transformative justice when change is led by the individuals/communities most impacted.

We believe that all instances of individual violence and discrimination are rooted in structural and functional realities of society. We adopt an intersectional approach with collaborative insights from the grassroots, where action informs research & research informs action.

We work closely with survivors of systemic and identity-based violence, along with community-based organisations in their pursuit to seek justice, dignity, and systemic accountability, through legal intervention, training, research, and advocacy.

Part III has offices in New Delhi and Patna. For more information about our work, please visit

our website – www.part-three.org.