

Overview and Cases of Life Without Rights

This chapter introduces the third essential element for a democratic government: the enjoyment of rights. While periodic elections and institutions following rules are necessary, they are not sufficient. Citizens' democratic rights establish limits that even properly elected rulers must not cross.

The discussion begins by exploring real-life cases to illustrate what it means to live without rights.

5.1 Life Without Rights

Case 1: Prison in Guantanamo Bay

Approximately 600 individuals were secretly apprehended by US forces globally and detained in a prison at Guantanamo Bay, an area near Cuba controlled by the American Navy.

Anas's father, Jamil El-Banna, was among these prisoners. The US government claimed these individuals were enemies linked to the 9/11 attack on New York.

In most instances, the home governments of the prisoners were neither consulted nor informed about their imprisonment. Families, like El-Banna's, learned of their relatives' detention through media.

Families, media, and even UN representatives were denied access to the prisoners. The US army conducted arrests, interrogations, and determined detention without trials before a US magistrate, and prisoners could not access courts in their own countries.

Amnesty International, a human rights organization, reported that prisoners in Guantanamo Bay were subjected to torture, violating US laws.

Prisoners were denied treatment mandated for prisoners of war under international treaties.

Many prisoners protested these conditions through hunger strikes.

Even after being officially declared not guilty, some prisoners were not released. An independent UN inquiry corroborated these findings.

The UN Secretary General called for the closure of the Guantanamo Bay prison, but the US government rejected these appeals.

Case 2: Citizens' Rights in Saudi Arabia

This case highlights a situation where a country's government denies rights to its own citizens, unlike the Guantanamo Bay example involving foreign nationals.

Saudi Arabia is governed by a hereditary king, and citizens have no say in electing or changing

their rulers.

The king appoints the legislature, executive, and judges, and can overturn judicial decisions.

Citizens are prohibited from forming political parties or organizations, and media reporting is censored to align with the monarch's preferences.

There is no freedom of religion; all citizens must be Muslim. Non-Muslim residents can practice their faith privately but not publicly.

Women face numerous public restrictions, and the legal testimony of one man is equivalent to that of two women.

Case 3: Ethnic Massacre in Kosovo

This case demonstrates that rights can be denied even in countries with elected rulers.

Kosovo, a province of former Yugoslavia, had an overwhelming ethnic Albanian population, but Serbs were the majority in the entire country.

Slobodan Milosevic, a narrow-minded Serb nationalist, won elections, and his government was hostile towards Kosovo Albanians, aiming for Serb dominance.

Many Serb leaders believed ethnic minorities like Albanians should either leave the country or accept Serb dominance.

An account from April 1999 describes Serbian soldiers bursting into Batisha Hoxha's home, shooting her 77-year-old husband, Izet, and burning their house, forcing her out with only the clothes she wore.

This report was typical of the experiences of thousands of Albanians during that period.

This massacre was perpetrated by the country's own army, acting under the command of a leader who came to power through democratic elections.

It represents one of the worst instances of ethnically motivated killings in recent history.

International intervention eventually halted the massacre, leading to Milosevic's loss of power and trial by the International Court of Justice for crimes against humanity.

These cases highlight a universal desire for a system that guarantees security, dignity, and fair play for everyone. This includes assurances like not being arrested without proper reason, having a fair chance to defend oneself, and ensuring these assurances are enforced with consequences for violators. This is the fundamental spirit behind the concept of rights.

5.2 Rights in a Democracy

Rights are defined as claims that a person holds over other individuals, society, and the government.

Rights in a Democracy: Definition and Importance

The concept of rights stems from the human desire to live happily, without fear, and free from degraded treatment. This implies an expectation that others will not cause harm, and equally, one's own actions should not harm or hurt others. A right is defined as a claim that is equally possible for others to make. As the text explains, one cannot claim a right that harms or hurts others, such as playing a game in a way that breaks a neighbor's window. Claims must be reasonable and universally applicable to others in an equal measure. Consequently, a right inherently carries an obligation to respect the rights of others.

A claim does not become a right merely by being asserted; it must be recognized by the society in which one lives. Rights gain meaning only within a societal context, where rules regulate conduct, and what society deems rightful forms the basis of these rights. The notion of rights is dynamic, evolving across time and societies; for instance, the idea of women's suffrage was once considered strange but is now widely accepted, with its absence in places like Saudi Arabia appearing unusual today.

When socially recognized claims are codified into law, they acquire real force; otherwise, they remain merely natural or moral rights. For example, prisoners in Guantanamo Bay had a moral claim against torture, but it lacked enforceability until recognized by law. If rights are violated by fellow citizens or the government, individuals can approach courts for protection. Therefore, a claim can be called a right if it is a reasonable claim of a person, recognized by society, and sanctioned by law.

Importance of Rights in a Democracy

Rights are fundamental for the very sustenance of a democracy. In a democracy, every citizen must possess the right to vote and the right to be elected to government. For democratic elections to function effectively, citizens require the right to express their opinions, form political parties, and engage in political activities.

Rights play a crucial role in protecting minorities from the oppression of the majority, ensuring that the majority cannot act without restraint. They serve as guarantees against situations where some citizens, particularly those in the majority, might attempt to infringe upon the rights of others. While governments are expected to protect citizens' rights, elected governments may sometimes fail to do so or even actively attack them. This necessitates that certain rights be

placed above the government, often enshrined in a constitution, to prevent their violation. Most democracies document the basic rights of citizens within their constitutions.

Rights in the Indian Constitution: Right to Equality and Rule of Law

The Indian Constitution guarantees equality before the law and equal protection of the laws for every person in India. This means laws apply uniformly to all, irrespective of their status, a principle known as the rule of law. The rule of law is the cornerstone of any democracy, signifying that no individual is above the law. It eliminates distinctions between political leaders, government officials, and ordinary citizens. Every citizen, from the Prime Minister to a farmer, is subject to the same laws. No one can legally claim special treatment or privilege due to their importance, as illustrated by a former Prime Minister facing a court case like any other citizen.

The Constitution further clarifies the Right to Equality by prohibiting discrimination based on religion, race, caste, sex, or place of birth. All citizens have equal access to public places like shops, restaurants, hotels, cinema halls, and public utilities such as wells, tanks, roads, and playgrounds.

In India, like many democracies, these rights are enshrined in the Constitution. Rights considered fundamental to life are given a special status and are termed Fundamental Rights. These rights operationalize the Constitution's promise of securing equality, liberty, and justice for all citizens, forming an important basic feature of India's Constitution. The Indian Constitution provides for six Fundamental Rights, including the Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies.

Fundamental Rights in the Indian Constitution: Right to Equality

The Indian Constitution, like those of many other democracies, includes rights given special status, known as Fundamental Rights, which are fundamental to our lives. These rights are crucial for implementing the promise of equality, liberty, and justice for all citizens, making them a basic feature of India's Constitution. The Constitution outlines six Fundamental Rights, one of which is the Right to Equality.

The Right to Equality ensures that the government cannot deny any person in India equality before the law or the equal protection of the laws. This implies that laws are applied uniformly

to everyone, irrespective of their status, a principle known as the rule of law. The rule of law is a cornerstone of democracy, meaning no individual, including political leaders, government officials, or ordinary citizens, is above the law. Every citizen, from the Prime Minister to a farmer, is subject to the same legal framework. For instance, a former Prime Minister faced a court case for cheating, and like any other citizen, had to attend court, provide evidence, and file papers until he was declared not guilty.

The Constitution further clarifies the Right to Equality by prohibiting discrimination against any citizen based solely on religion, race, caste, sex, or place of birth. All citizens are guaranteed access to public places such as shops, restaurants, hotels, cinema halls, wells, tanks, bathing ghats, roads, playgrounds, and public resorts, whether maintained by the government or dedicated to public use. This provision was essential given India's traditional caste system, which historically restricted access to public places for certain communities.

This principle of equality also extends to public employment, ensuring all citizens have equal opportunity in matters of employment or appointment to any government position. No citizen can be discriminated against or deemed ineligible for employment on the aforementioned grounds. However, the Government of India provides reservations for Scheduled Castes, Scheduled Tribes, and Other Backward Classes. Additionally, various governments implement schemes offering preference to women, the poor, or physically handicapped individuals in certain jobs. These reservations are not a violation of the Right to Equality because equality does not mean identical treatment for everyone, but rather equal opportunity to achieve one's potential. Special treatment is sometimes necessary to ensure equal opportunity. The Constitution explicitly states that such reservations do not violate the Right to Equality.

The principle of non-discrimination also applies to social life, with the Constitution specifically addressing and directing the government to end the extreme social discrimination of untouchability, forbidding it in any form. Untouchability is not merely the refusal to touch individuals from certain castes. It encompasses any belief or social practice that demeans people based on their birth into specific caste labels, thereby denying them social interaction or access to public places as equal citizens. Consequently, the Constitution has made untouchability a punishable offense.

Fundamental Rights in the Indian Constitution: Right Against Exploitation

The Right Against Exploitation is a crucial fundamental right enshrined in the Indian Constitution. Even with the granting of rights to liberty and equality, the Constitution makers deemed it essential to include specific provisions to prevent the exploitation of the weaker sections of society.

The Constitution explicitly identifies and declares three specific evils as illegal:

- 1. Traffic in Human Beings:** This term refers to the selling and buying of human beings, often women, for immoral purposes.
- 2. Forced Labour or Begar:** The Constitution prohibits forced labour in any form. 'Begar' is defined as a practice where a worker is compelled to provide service to a 'master' either without pay or for a very low remuneration. When this practice extends throughout a person's life, it is known as 'bonded labour'.
- 3. Child Labour:** The Constitution strictly prohibits the employment of children below the age of fourteen in any factory, mine, or other hazardous occupations, including work in railways and ports. Based on this constitutional provision, numerous laws have been enacted to prevent children from working in industries such as beedi making, firecrackers, matches, printing, and dyeing.

Examples of Violations:

- A petition filed in the Madras High Court highlighted instances of children, aged between seven and twelve, being taken from villages in Salem district and sold at auctions in Kerala's Thrissur district, demonstrating 'traffic in human beings' and 'child labour'.
- Children as young as five were found working in iron ore mines in Karnataka, engaged in dangerous tasks like digging, breaking stones, loading, and transporting, without safety equipment, fixed wages, or proper working hours. They were exposed to high levels of toxic waste and mine dust, leading to a high school dropout rate in the region, illustrating severe 'child labour' and 'forced labour'.
- A survey by the National Sample Survey Organisation revealed an increase in female child labourers in both rural and urban areas, indicating the persistent challenge of 'child labour'.

Fundamental Rights in the Indian Constitution: Right to Freedom of Religion and Cultural & Educational Rights

The Indian Constitution guarantees Cultural and Educational Rights, ensuring that admission to any educational institution maintained by the government or receiving government aid cannot be denied to any citizen on the ground of religion or language. Furthermore, all minorities possess the right to establish and administer educational institutions of their choice. The term 'minority' here is not restricted to religious minorities at the national level; it also encompasses linguistic minorities. For instance, while Telugu-speaking people are a majority in Andhra Pradesh, they constitute a minority in Karnataka. Similarly, Sikhs are a majority in Punjab but a minority in states like Rajasthan, Haryana, and Delhi.

Several news reports highlight debates surrounding these rights. For example, the Shiromani Gurdwara Parbandhak Committee (SGPC) rejected a proposal for a separate body to manage Sikh shrines in Haryana, asserting that the Sikh community would not tolerate interference in their religious affairs (June 2005). Another instance involved the Allahabad High Court quashing a central law that granted Aligarh Muslim University minority status, thereby deeming illegal the reservation of seats for Muslims in its postgraduate medical courses (January 2006). Additionally, the Rajasthan Government's decision to enact an anti-conversion law raised concerns among Christian leaders, who stated that it would aggravate a sense of insecurity among minorities (March 2005).

To ensure these rights are effective, the Constitution includes the Right to Constitutional Remedies, which is itself a Fundamental Right. This right makes other fundamental rights enforceable, as it allows citizens to seek remedy through courts if their rights are violated by fellow citizens, private bodies, or the government. In cases of Fundamental Right violations, individuals can directly approach the Supreme Court or a High Court. Dr. Ambedkar famously referred to the Right to Constitutional Remedies as 'the heart and soul' of the Indian Constitution.

Fundamental Rights are guaranteed against the actions of the Legislatures, the Executive, and any other authorities instituted by the government. Any law or action that violates these rights is considered invalid and can be challenged. This includes laws of central and state governments, policies, and actions of governmental organizations like nationalized banks or electricity boards. Courts also enforce Fundamental Rights against private individuals and bodies, with the Supreme Court and High Courts having the power to issue directions, orders,

or writs for their enforcement, and to award compensation to victims and punishment to violators.

The judiciary in India is independent and powerful, capable of protecting citizens' rights. Beyond individual petitions, the concept of Public Interest Litigation (PIL) allows any citizen or group to approach the Supreme Court or a High Court for the protection of public interest against a law or government action that violates Fundamental Rights, even through a simple postcard. The court will take up the matter if it is deemed to be in public interest.

The National Human Rights Commission (NHRC), an independent commission established by law in 1993, also plays a crucial role in securing human rights. Like the judiciary, the NHRC is independent of the government and is appointed by the President, comprising retired judges, officers, and eminent citizens. It inquires into violations of human rights, abetment, or negligence by government officers, and takes steps to promote human rights. The NHRC has wide-ranging powers, including summoning witnesses, questioning officials, demanding official papers, and conducting on-the-spot inquiries. While it cannot punish the guilty (which is the responsibility of the courts), it conducts independent and credible inquiries. Any citizen can complain to the NHRC against human rights violations without any fee or formal procedure. State Human Rights Commissions also exist in all 28 states, mirroring the NHRC's functions.

Securing Fundamental Rights: Constitutional Remedies and Human Rights Institutions

The judiciary in India is independent of the government and parliament, possessing significant power to protect the rights of citizens.

Constitutional Remedies: Public Interest Litigation (PIL)

In cases of Fundamental Right violations, an aggrieved person can seek remedy in court. Beyond individual grievances, any person can approach the court against a Fundamental Right violation if it pertains to social or public interest. This mechanism is known as Public Interest Litigation (PIL).

Under PIL, any citizen or group of citizens can petition the Supreme Court or a High Court to protect public interest against a specific law or governmental action.

The process is accessible, allowing individuals to even write to judges on a postcard, with the court taking up the matter if deemed to be in public interest.

Human Rights Institutions: National Human Rights Commission (NHRC)

The National Human Rights Commission (NHRC) is an independent commission established by law in 1993.

Similar to the judiciary, the Commission operates independently of the government.

Its members are appointed by the President and include retired judges, officers, and eminent citizens.

The NHRC's primary focus is on assisting victims in securing their human rights, unburdened by the responsibility of deciding court cases.

For the NHRC, human rights encompass all rights granted by the Constitution to citizens, as well as rights outlined in UN-sponsored international treaties that India has ratified.

Functions and Powers of NHRC:

The NHRC inquires into cases of human rights violations, including abetment of such violations or negligence by government officers in controlling them.

It also undertakes general measures to promote human rights across the country.

The Commission presents its findings and recommendations to the government and can intervene in court on behalf of victims.

It possesses extensive powers for its inquiries, including the ability to summon witnesses, question government officials, demand official documents, inspect prisons, and dispatch teams for on-the-spot investigations.

Limitations of NHRC:

The NHRC itself cannot punish the guilty; this responsibility lies with the courts.

Its role is to conduct independent and credible inquiries.

Approaching the NHRC:

Any Indian citizen can lodge a complaint regarding human rights violations by writing a letter to the National Human Rights Commission, G.P.O. Complex, INA, New Delhi 110023. There is no fee or formal procedure required to approach the NHRC.

State Human Rights Commissions (SHRCs):

Similar to the NHRC, State Human Rights Commissions exist in all 28 states of India.

Expanding Scope of Rights

While Fundamental Rights serve as the foundation, the Indian Constitution and legal framework offer a broader spectrum of rights, and their scope has progressively expanded over time.

Expansion of Legal Rights:

Courts have periodically issued judgments that broaden the scope of existing rights.

Rights such as freedom of the press, right to information, and right to education are derived from the Fundamental Rights.

School education up to the age of 14 years has become a legal right for Indian citizens, with governments responsible for providing free and compulsory education.

The Right to Information Act, enacted under the Fundamental Right to freedom of thought and expression, grants citizens the right to seek information from government offices.

The Supreme Court has also expanded the interpretation of the right to life to include the right to food.

Constitutional Rights Beyond Fundamental Rights:

The Constitution provides numerous rights that are not classified as Fundamental Rights.

For instance, the right to property is a constitutional right, though not a Fundamental Right.

The right to vote in elections is another significant constitutional right.

Human Rights (Universal Moral Claims):

Human rights are universal moral claims that may or may not be legally recognized, differing from the earlier definition of rights.

With the global expansion of democracy, there is increasing pressure on governments to acknowledge these claims.

International covenants have also played a role in expanding the scope of rights.

Evolution of Rights:

The scope of rights is continuously expanding, with new rights evolving over time, often as a result of people's struggles.

These new rights emerge as societies develop or as new constitutions are drafted.

For example, the Constitution of South Africa guarantees several new rights, including the right to privacy (protecting against searches, phone tapping, and communication interception), the right to an environment not harmful to health or well-being, and the right to access adequate housing.

Expanding Scope of Rights

The chapter begins by highlighting the significance of rights and notes that while Fundamental Rights are crucial, they are not the only rights citizens possess. The Constitution and law offer a wider range of rights, and the scope of these rights has expanded over the years.

This expansion sometimes leads to an increase in legal rights that citizens can enjoy. Courts have played a role by issuing judgments that broaden the scope of rights. For instance, rights like freedom of the press, right to information, and right to education are derived from Fundamental Rights. School education, specifically, has become a right for Indian citizens, with governments responsible for providing free and compulsory education to all children up to 14 years of age.

Parliament has also enacted laws, such as the Right to Information Act, which was created under the Fundamental Right to freedom of thought and expression, allowing citizens to seek information from government offices.

More recently, the Supreme Court has expanded the meaning of the right to life to include the right to food.

Rights are not exclusively limited to Fundamental Rights enumerated in the Constitution. The Constitution provides many other rights that may not be fundamental, such as the right to property (a constitutional right, not a fundamental one) and the right to vote in elections, which is an important constitutional right.

The expansion of rights also occurs in what are termed human rights. These are universal moral claims that may or may not be legally recognized. With the global expansion of democracy, there is increasing pressure on governments to accept these claims. International covenants have also contributed to this expansion.

The scope of rights is continuously expanding, with new rights evolving over time as a result of people's struggles, societal development, or the creation of new constitutions.

The Constitution of South Africa serves as an example, guaranteeing several new kinds of rights to its citizens, including:

- Right to privacy (protection against searches, phone tapping, and communication interception).
- Right to an environment that is not harmful to health or well-being.
- Right to have access to adequate housing.

Additionally, the South African Constitution guarantees the right to have access to health care services, sufficient food and water, ensuring no one is refused emergency medical treatment.

Many people advocate for rights like the right to work, right to health, right to minimum livelihood, and right to privacy to be made fundamental rights in India.

Glossary Terms:

- **Amnesty International:** An international organization of volunteers campaigning for human rights, publishing independent reports on human rights violations worldwide.
- **Claim:** A demand for legal or moral entitlements made by a person on fellow citizens, society, or the government.
- **Covenant:** A promise made by individuals, groups, or countries to uphold a rule or principle, legally binding on its signatories.
- **Dalit:** A person belonging to castes historically considered low and untouchable, also known as Scheduled Castes or Depressed Classes.

International Covenant on Economic, Social and Cultural Rights: This international covenant recognizes many rights not directly part of the Fundamental Rights in the Indian Constitution. While not yet an international treaty, human rights activists view it as a standard for human rights. These rights include:

- Right to work: Opportunity for everyone to earn a livelihood.
- Right to safe and healthy working conditions: Including fair wages for a decent standard of living for workers and their families.
- Right to adequate standard of living: Including adequate food, clothing, and housing.
- Right to social security and insurance:
- Right to health: Medical care during illness, special care for women during childbirth, and prevention of epidemics.
- Right to education: Free and compulsory primary education, with equal access to higher education.

Ethnic group: A human population whose members identify with each other based on common ancestry, united by cultural practices, religious beliefs, and historical memories.

Traffic: Selling and buying of men, women, or children for immoral purposes.

Summon: An order issued by a court requiring a person to appear before it.

Writ: A formal document containing a court order to the government, issued only by a High Court or the Supreme Court.

Glossary and Exercises

This section presents a series of exercises designed to test understanding of fundamental rights and democratic principles.

Exercises

1. Fundamental Right Instance Identification

The first exercise asks to identify which of the given options is NOT an instance of the exercise of a fundamental right.

- a. Workers from Bihar going to Punjab for farm work.
- b. Christian missions establishing missionary schools.
- c. Men and women government employees receiving the same salary.
- d. Parents' property being inherited by their children.

2. Freedoms Not Available to Indian Citizens

This question requires identifying which of the listed freedoms is NOT available to an Indian citizen.

- a. Freedom to criticise the government.
- b. Freedom to participate in armed revolution.
- c. Freedom to start a movement to change the government.
- d. Freedom to oppose the central values of the Constitution.

3. Rights Available Under the Indian Constitution

The third exercise asks to select which of the following rights is available under the Indian Constitution.

- a. Right to work.
- b. Right to adequate livelihood.
- c. Right to protect one's culture.
- d. Right to privacy.

4. Categorising Rights under Fundamental Rights

This exercise requires naming the Fundamental Right under which each of the following specific rights falls:

- a. Freedom to propagate one's religion.
- b. Right to life.

c. Abolition of untouchability.

d. Ban on bonded labour.

5. Democracy and Rights Relationship

This question asks to evaluate statements about the relationship between democracy and rights and provide reasons for the preference.

a. Every country that is a democracy gives rights to its citizens.

b. Every country that gives rights to its citizens is a democracy.

c. Giving rights is good, but it is not necessary for a democracy.

6. Justification of Restrictions on Freedom

This exercise requires assessing whether certain restrictions on the right to freedom are justified and providing reasons.

a. Indian citizens needing permission to visit some border areas for security reasons.

b. Outsiders not being allowed to buy property in some areas to protect local population interests.

c. The government banning a book that could go against the ruling party in upcoming elections.

7. Violation of Manoj's Fundamental Rights

This scenario describes Manoj being denied admission to an MBA course due to his community background. The task is to identify which of Manoj's fundamental rights are being violated and to draft a letter from Manoj to the district collector spelling these out.

8. Madhurima's Name Change Dispute

Madhurima is told at a property registration office that she must change her surname to her husband's after marriage, which she disputes. The exercise asks for an opinion on who is right and why.

9. Tribal Displacement Protest

Thousands of tribals and forest dwellers protest against their proposed displacement from wildlife sanctuaries, arguing it attacks their livelihood and beliefs, while the government claims it's for development and wildlife protection. The task is to write a petition on behalf of the forest dwellers to the NHRC, a response from the government, and a report of the NHRC on the matter.

10. Interconnecting Rights Web

This exercise instructs to draw a web interconnecting different rights discussed in the chapter, using circles for each right and arrows to show connections. An example is provided: freedom

of movement connected to freedom of occupation, enabling a person to go to a place of work. Another example connects freedom of movement to pilgrimage and freedom to follow one's religion. For each arrow, an example showing the linkage is required.

Newspaper Writing Exercise

This section suggests an exercise in writing for a newspaper, using examples from the chapter or local instances. The tasks include writing:

- A letter to the editor highlighting a human rights violation.
- A press release by a human rights organisation.
- A headline and news item concerning a Supreme Court order related to Fundamental Rights.
- An editorial on growing incidents of custodial violence.

These pieces are then to be put together to create a newspaper for a school notice board.

Fundamental Rights in the Indian Constitution: Right to Freedom

I. Understanding Freedom

Freedom, in its essence, signifies the absence of constraints and interference in an individual's affairs, whether from other individuals or the government. It embodies the desire to live within society while retaining autonomy, allowing individuals to act according to their will without external dictation.

II. Six Fundamental Freedoms (Article 19)

The Indian Constitution guarantees all citizens six fundamental rights to freedom:

1. **Freedom of Speech and Expression:** The right to articulate one's thoughts and opinions.
2. **Freedom of Assembly:** The right to gather peacefully without arms.
3. **Freedom to Form Associations and Unions:** The right to create groups for various purposes.
4. **Freedom of Movement:** The right to travel freely throughout the territory of India.
5. **Freedom of Residence:** The right to reside and settle in any part of the country.
6. **Freedom of Profession, Occupation, Trade, or Business:** The right to choose and practice any livelihood.

III. Limitations and Reasonable Restrictions

It is crucial to understand that these freedoms are not absolute and come with inherent limitations. Citizens cannot exercise their freedom in a manner that:

- Violates the right to freedom of others.
- Causes public nuisance or disorder.
- Is an unlimited license to do whatever one desires.

The government is empowered to impose certain **reasonable restrictions** on these freedoms in the larger interests of society.

IV. Detailed Explanation of Key Freedoms

A. Freedom of Speech and Expression

- **Importance:** This is a cornerstone of any democracy, vital for the development of ideas and personality through free communication.
- **Scope:** Individuals have the freedom to think differently, express diverse views, and even disagree with government policies or activities of associations. This can be done through conversations (with parents, friends, relatives), public dissemination via pamphlets, magazines, newspapers, or artistic expressions like paintings, poetry, and songs.
- **Restrictions:** This freedom cannot be used to:
 - Instigate violence against others.
 - Incite people to rebel against the government.
 - Defame others by spreading false and malicious information that damages their reputation.

B. Freedom of Assembly

- **Purpose:** Citizens can hold meetings, processions, rallies, and demonstrations to discuss problems, exchange ideas, mobilize public support for a cause, or seek votes during elections.
- **Conditions:** Such gatherings must be:
 - **Peaceful.**
 - They should not lead to public disorder or a breach of peace in society.
 - Participants are **not allowed to carry weapons.**

C. Freedom to Form Associations and Unions

- **Scope:** This right allows citizens to form various groups.

- **Examples:** Workers in a factory can form a union to promote their interests. People in a town can form an association to campaign against issues like corruption or pollution.

D. Freedom of Movement and Residence

- **Scope:** Citizens have the right to travel to any part of the country and to reside and settle in any part of India's territory.
- **Implications:** This right facilitates internal migration, allowing people to move from villages to towns, or from less prosperous regions to more prosperous ones and big cities. For instance, a person from Assam can establish a business in Hyderabad, regardless of prior connection to the city.

E. Freedom of Profession, Occupation, Trade, or Business

- **Scope:** This freedom ensures that no one can be compelled to do or not do a particular job.
- **Implications:** It prevents discrimination based on gender (e.g., women being told certain occupations are not for them) or caste (e.g., people from deprived castes being confined to traditional occupations).

V. Right to Life and Personal Liberty (Article 21)

This fundamental right states that no person can be deprived of their life or personal liberty except according to the procedure established by law. This implies:

- **Protection of Life:** No person can be killed unless a court has ordered a death sentence.
- **Protection from Arbitrary Arrest and Detention:** Government or police officers cannot arrest or detain any citizen without proper legal justification.
- **Procedures for Arrest and Detention:** Even with legal justification, specific procedures must be followed:
 - The arrested and detained person must be informed of the reasons for their arrest and detention.
 - The arrested and detained person must be produced before the nearest magistrate within 24 hours of arrest.
 - The arrested person has the right to consult a lawyer or engage one for their defence.