

## **Sabrang Factsheet INDIAN LAW**

### **Rights of Minorities**

Attacks on Minority Life and Property, that have increased in the past five years have *directly impacted* on the rights of religious and other minorities in India. These rights are guaranteed under the **Indian Constitution, Indian criminal law** and **International Covenants like the Convention for the Elimination of Racial Discrimination, Covenant for the Protection of Cultural and Educational Rights and International Covenant for the Protection of Civil and Political Rights.**

They relate to

The *right to life, security and equal protection by the law;*

The *right to freedom of faith, belief and worship;*

The *protection against hate speech and hate action* as ensured by Indian criminal law;

The *protection against places of worship being demolished and targeted* as guaranteed by Indian criminal law.

### **FUNDAMENTAL RIGHTS**

#### **RIGHT TO EQUALITY**

ARTICLES

**14** Equality before law

**15** Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

**16** Equality of opportunity in matters of public employment

**17** Abolition of Untouchability

**18** Abolition of titles

#### **RIGHTS OF FREEDOM**

ARTICLES

**19** Protection of certain rights regarding freedom of speech, etc.

**20** Protection in respect of conviction for offences

**21** Protection of life and personal liberty

**22** Protection against arrest and detention in certain cases

#### **RIGHTS AGAINST EXPLOITATION**

ARTICLES

**23** Prohibition of traffic in human beings and forced labour

**24** Prohibition of employment of children in factories, etc.

#### **RIGHT TO FREEDOM OF RELIGION**

ARTICLES

**25** Freedom of conscience and free profession, and practice and propagation of religion

**26** Freedom to manage religious affairs

**27** Freedom as to payment of taxes for promotion of any particular religion

**28** Freedom as to attendance at religious instruction or religious worship in certain educational institutions

## **CULTURAL AND EDUCATIONAL RIGHTS**

### ARTICLES

**29** Protection of interests of minorities

**30** Rights of minorities to establish and administer educational institutions

## **DIRECTIVE PRINCIPLES OF STATE POLICY**

**39A** Equal justice and free legal aid.

**40** Organisation of village panchayats.

**41** Right to work, to education and to public assistance in certain cases.

**42** Provision for just and humane conditions of work and maternity relief.

**43** Living wage, etc., for workers

**43A** Participation of workers in management of industries.

**44** Uniform civil code for the citizens.

**45** Provision for free and compulsory education for children.

**46** Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

**47** Duty of the State to raise the level of nutrition and the standard of living to improve public health.

**48** Organisation of agriculture and animal husbandry.

**48A** Protection of monuments and places and objects of national importance.

**50** Separation of judiciary from executive.

**51** Promotion of international peace and security.

## **LAWS INCONSISTENT WITH OR IN DEROGATION OF THE FUNDAMENTAL RIGHTS**

### ARTICLES

#### **13**

**(1)** All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

**(2)** The State shall not make any law made in contravention of this clause shall, to the extent of the contravention, be void.

**(3)** In this article, unless the context otherwise requires, -

**(a)** "law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;

**(b)** "laws in force" includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law ( many part thereof may not be then in operation either at all or in particular areas.