

DEMOCRATIC RIGHTS

1. What is Guantanamo known for?

- i) It is known for prison there and the violation of human rights. About 600 people were secretly picked up by the US forces from all over the world and put in a prison in Guantanamo Bay, an area near Cuba controlled by American Navy.
- ii) The American government said that they were enemies of the US and linked to the attack on New York on 11 September 2001. In most cases the governments of their countries were not asked or even informed about their imprisonment.
- iii) Families of prisoners, media or even UN representatives were not allowed to meet them. The US army arrested them, interrogated them and decided whether to keep them there or not.
- iv) There was no trial before any magistrate in the US. Nor could these prisoners approach courts in their own country.

2. What was the basic reason for the ethnic massacre in Kosovo?

- i) Kosovo was a province of Yugoslavia before its split. In this province the population was overwhelmingly ethnic Albanian. But in the entire country, Serbs were in majority.
- ii) A narrow minded Serb nationalist Milosevic had won the election. His government was very hostile to the Kosovo Albanians. He wanted the Serbs to dominate the country. Many Serb leaders thought that Ethnic minorities like Albanians should either leave the country or accept the dominance of the Serbs.
- iii) This massacre was being carried out by the army of their own country, working under the direction of a leader who came to power through democratic elections. This was one of the worst instances of killings based on ethnic prejudices in recent times.
- iv) Finally several other countries intervened to stop this massacre. Milosevic lost power and was tried by an International Court of Justice for crimes against humanity.

3. Write a note on the rights of citizens in Saudi Arabia. Or In what respects are rights of citizens denied in Saudi Arabia?

- i) The country is ruled by a hereditary king and the people have no role in Electing or changing their rulers.
- ii) The king selects the legislature as well as the executive. He appoints the Judges and can change any of their decisions.
- iii) Citizens cannot form political parties or any political organizations.
- iv) Media cannot report anything that the monarch does not like.
- v) There is no freedom of religion. Every citizen is required to be Muslim. Non-Muslim residents can follow their religion in private, but not in public.
- vi) Women are subjected to many public restrictions. The testimony of one man

Is considered equal to that of two women.

4. State the importance of rights in Democracy. Or What is the spirit behind thinking about rights.

i) Every one desires a system where security, dignity and fair play are assured to everyone. No one should be arrested without proper reason and information. And if someone is arrested, he or she should have a fair chance to defend themselves.

ii) Such assurance cannot apply to everything. One has to be reasonable in what one expects and demands of everyone else, for one has to grant the same to everyone.

iii) But the assurance does not remain on paper, that there is someone to enforce these assurances, that those who violate these are punished. In other words, people want a system where at least a minimum is guaranteed to everyone – powerful or weak, rich or poor, majority or minority. This is the spirit behind thinking about rights.

5. What are rights?

Rights are claims of a person over other fellow beings, over the society and over the government. Rights are reasonable claims of persons recognized by society and sanctioned by law.

6. What are the three qualities that a claim should have to become a right?

i) It should be reasonable claims of citizens that are equally possible for others.

ii) It should be recognized by society. Rights acquire meaning only in society.

iii) It should be sanctioned by law.

7. 'The notion of rights changes from time to time and society to society'. Discuss.

What all rights that we enjoy today were not granted to citizens in the early period. Two hundred years ago anyone who said that women should have right to vote would have sounded strange. Today not granting them vote in Saudi Arabia appears strange.

8. What is the role of rights in Democracy? Or Why do we need rights in a democracy?

i) Rights protect minorities from the oppression of majority. They ensure that the majority cannot do whatever it likes. Rights are guarantees which can be used when things go wrong.

ii) Things may go wrong when some citizens may wish to take away the rights of others. This usually happens when those in majority want to dominate those in minority.

iii) The government should protect the citizens' rights in such a situation. But sometimes elected governments may not protect or may even attack the rights of their own citizens. That is why some rights need to be placed higher than the government, so that the government cannot violate these. In most democracies the basic rights of the citizen are written down in the constitution.

9. Why are the rights placed higher than the Government? Or Why are the rights of citizens written down in the Constitution?

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10. Explain the term Right to Equality.

i) The Constitution says that the government shall not deny to any person in India equality before the law or the equal protection of the laws. It means that the laws apply in the same manner to all, regardless of a person's status. This is called the rule of law. Rule of law is the foundation of any democracy. It means that no person is above the law. There cannot be any distinction between a political leader, government official and an ordinary citizen. No person can legally claim any special treatment or privilege just because he or she happens to be an important person.

ii) This basic position is further clarified in the Constitution by spelling out some implications of the Right to Equality. The government shall not discriminate against any citizen on grounds of religion, caste, ethnicity, sex or place of birth. Every citizen shall have access to public places like shops, restaurants, hotels, and cinema halls.

iii) Similarly, there shall be no restriction with regard to the use of wells, tanks, bathing ghats, roads, playgrounds and places of public resorts maintained by government or dedicated to the use of general public.

iv) The same principle applies to public jobs. All citizens have equality of opportunity in matters relating to employment or appointment to any position in the government. No citizen shall be discriminated against or made ineligible for employment on the grounds mentioned above.

11. What are the implications of right to equality?

Answer 2 to 4 above

12. What is the broad meaning of the term Untouchability?

Untouchability here does not only mean refusal to touch people belonging to certain castes. It refers to any belief or social practice which looks down upon people on account of their birth with certain caste labels. Such practice denies them interaction with others or access to public places as equal citizens. So the Constitution made untouchability a punishable offence.

13. Why are the reservation of jobs for the Scheduled Castes and Scheduled Tribes not against the right to equality?

- i) Scheduled Castes and Scheduled Tribes are the communities that were suppressed for centuries. They were discriminated and their representations in the job opportunities were very less.
- ii) Equality does not mean giving everyone the same treatment, no matter what they need. Equality means giving everyone an equal opportunity to achieve whatever one is capable of.
- iii) Sometimes it is necessary to give special treatment to someone in order to ensure equal opportunity. This is what job reservations do. Just to clarify this, the Constitution says that reservations of this kind are not a violation of the Right to Equality.

14. What is Amnesty International?

Amnesty International is an international human rights organization.

15. Explain the meaning of 'freedom of speech and expression'.

- i) You are free to criticize the government or the activities of the association in your conversations with parents, friends and relatives.
- ii) You may publicize your views through a pamphlet, magazine or newspaper. You can do it through paintings, poetry or songs.
- iii) However, you cannot use this freedom to instigate violence against others. You cannot use it to incite people to rebel against government.

16. Why do we consider Right to freedom a cluster of several rights?

There are many freedoms included under Right to Freedom. Under the Indian Constitution all citizens have the right to:

- i) Freedom of speech and expression
- ii) Citizens have the freedom to hold meetings processions rallies and demonstrations on any issue. (Assembly in a peaceful manner)
- iii) Form associations and unions
- iv) Move freely throughout the country
- v) Reside in any part of the country, and
- vi) Practice any profession, or to carry on any occupation, trade or business.

17. What restrictions have been placed upon an individual's right to freedom?

Every citizen has the right to freedom. We cannot exercise our freedom in such a manner that violates others' right to freedom. Your freedoms should not cause public nuisance or disorder. We are free to do everything which injures no one else. Freedom is not an unlimited license to do what one wants.

18. What are the procedures to follow while arresting a person?

- i) A person who is arrested and detained in custody will have to be informed of the reasons for such arrest and detention.
- ii) A person who is arrested and detained shall be produced before the nearest magistrate within a period of 24 hours of arrest.
- iii) Such a person has the right to consult a lawyer or engage a lawyer for his defense.

19. What are the provisions in the Constitution regarding the Right against exploitation?

The Constitution mentions three specific evils and declares these illegal.

- i) First, the Constitution prohibits 'traffic in human beings'. Traffic here means selling and buying of human beings, usually women, for immoral purposes.
- ii) Second, our Constitution also prohibits forced labour or begar in any form. 'Begar' is a practice where the worker is forced to render service to the 'master' free of charge or at a nominal remuneration. When this practice takes place on a life-long basis, it is called the practice of bonded labour.
- iii) Finally, the Constitution also prohibits child labour. No one can employ a child below the age of fourteen to work in any factory or mine or in any other hazardous work, such as railways and ports. Using this as a basis many laws have been made to prohibit children from working in industries such as beedi making, firecrackers and matches, printing and dyeing.

20. Explain the right to freedom of religion.

- a. India is a secular state. A secular state is one that does not establish any one religion as official religion. Indian secularism practices an attitude of an equal distance from all religions. The state has to be neutral and impartial in dealing with all religions.
- b. Every person has a **right to profess, practice and propagate any religion** that he or she believes in.
- c. There shall be no religious instruction in the government educational institutions. In educational institutions managed by private bodies no person shall be compelled to take part in any religious instruction or to attend any religious worship.

21. What are the cultural and educational rights granted to minorities?

- i) Any section of citizens with a distinct language or culture have a right to conserve it.
- ii) Admission to any educational institution maintained by government or receiving government aid cannot be denied to any citizen on the ground of religion or language.
- iii) All minorities have the right to establish and administer educational institutions of their choice.

22. Why does the Constitution specify cultural and educational rights to minorities?

The working of democracy gives power to the majority. It is the language, culture and religion of minorities that needs special protection. Otherwise, they may get neglected or undermined under the impact of the language, religion and culture of the majority. That is why the Constitution specifies the cultural and educational rights of the minorities.

23. Explain the term Right to Constitutional remedy.

a. Fundamental Rights are guaranteed against the actions of the Legislatures, the Executive, and any other authorities instituted by the government. There can be no law or action that violates the Fundamental Rights.

b. If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights it will be invalid. We can challenge such laws of the central and state governments, the policies and actions of the government or the governmental organizations like the nationalized banks or electricity boards.

c. Courts also enforce the Fundamental Rights against private individuals and private bodies. The Supreme Court and High Courts have the power to issue directions, orders or **writs** for the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators.

24. How can judiciary protect fundamental rights of citizens?

i) In case of any violation of a Fundamental Right the aggrieved person can go to a court for remedy. The Supreme Court and High Courts have the power to issue directions, orders or **writs** for the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators

ii) Now, any person can go to court against the violation of the Fundamental Right, if it is of social or public interest. It is called **Public Interest Litigation (PIL)**. Under the PIL any citizen or group of citizens can approach the Supreme Court or a High Court for the protection of public interest against a particular law or action of the government. One can write to the judges even on a postcard. The court will take up the matter if the judges find it in public interest. (What is meant by PIL?)

25. Explain the expanding scope of rights.

- i) From time to time, the courts gave judgments to expand the scope of rights. Certain rights like right to freedom of press, right to information, and right to education are derived from the Fundamental Rights.
- ii) Now school education has become a right for Indian citizens. The governments are responsible for providing free and compulsory education to all children up to the age of 14 years.
- iii) Parliament has enacted a law giving the right to information to the citizens. This Act was made under the Fundamental Right to freedom of thought and expression. We have a right to seek information from government offices.
- iv) Recently the Supreme Court has expanded the meaning of the right to life to include the right to food. Also, rights are not limited only to Fundamental Rights as enumerated in the Constitution.
- v) Constitution provides many more rights, which may not be Fundamental Rights. For example the right to property is not a Fundamental Right but it is a constitutional right. Right to vote in elections is an important constitutional right. Sometimes the expansion takes place in what is called **human rights**. These are universal moral claims that may or may not have been recognized by law. In that sense these claims are not rights. With the expansion of democracy all over the world, there is greater pressure on governments to accept these claims.

26. What are Constitutional Rights? (Write the last point of the previous answer)

27. What are fundamental rights?

These are the basic rights granted to citizens of India by the Constitution. In India, like most other democracies in the world, rights are mentioned in the Constitution. Some rights which are fundamental to our life are given a special status. They are called Fundamental Rights.

28. Explain the fundamental rights granted to its citizens by the Government of India. Or Give any four salient features of the fundamental rights given in the Constitution of India.

- i) Right to equality
- ii) Right to freedom
- iii) Right to freedom of religion
- iv) Right against exploitation
- v) Cultural and educational rights
- vi) Right to Constitutional Remedy (Explain all points)

29. What are the new rights granted to the Government of South Africa to its people?

- i) Right to privacy, so that citizens or their home cannot be searched, their phones cannot be tapped, their communication cannot be opened.
- ii) Right to an environment that is not harmful to their health or wellbeing;
- iii) Right to have access to adequate housing.
- iv) Right to have access to health care services, sufficient food and water; no one may be refused emergency medical treatment.