

In modern times, members of a democratic state are known as citizens. The link which establishes a relationship between the state and its citizens are rights and duties.

In the long history of mankind and culture, the acceptance of human rights is a magnificent step. Such rights enable the citizens to lead a respectable and honourable life. Mankind has sacrificed a lot to get these rights. Even the United Nations has declared and promulgated the International Human Rights.

Meaning and Concept of Rights : The very fact that a man is born as man entitles him to certain rights which are known as human rights. The desired socio-political conditions to lead a respectful life for human being are known as rights. In other words a desirable situation and condition which helps in development of individuals are known as rights. Not merely that, human rights are necessary for the society which are made of group of individuals. Prof. Herold Laski has rightly defined rights as those conditions of social life without which no man can develop himself, in general to be himself at his best.

All societies and civilizations have developed the principles for human rights as per their convenience and in appropriate manner as per the prevailing socio-economic conditions of the society. Human rights is the recognition of basic individual dignity and work and these are as old as human civilization. On 10th December, 1948, the General Assembly of the United Nations gave its consent to Universal Declaration of Human Rights which includes almost all those rights which are today accepted as fundamental rights. Worldwide this day of declaration is celebrated as Human Rights day. Rights are those claims on the society and state which are accepted by both and their protection is guaranteed. Any such demand or desire by individual which is not accepted by society or state and there is no guarantee for protection of such rights are not considered as rights in the terms of political science.

Importance of Rights

Universal Declaration of Human Rights on 10th December, 1948, was a pioneer declaration of Rights at global level. However this Universal Declaration of Human Rights is not a binding document. To provide legal protection to this human rights declaration in meeting which was held on 16th December, 1966 at the United Nations. It accepted two international charters which were signed by all member states. These declarations made member states morally bind to protection of human rights. In these declarations certain rights like status of displaced people, bonded system, discrimination against women and protection of citizen's rights are included. India has signed these charters from the beginning. India has incorporated all these rights in our Constitution which are known as Fundamental Rights and the Judiciary is empowered to protect such rights. In many states at state level, Human Right Commissions are constituted. Many non-government organizations are also working toward this mission.

Group Rights :

Generally rights are given to individuals. Apart from that many special groups are given certain rights. The United Nations has also provided such rights to people belonging to special groups by passing resolutions. In India, such rights are given by the Constitution, law and various judicial judgments for women, children, prisoners and refugees etc. Such rights are known as group rights. These rights are as follow :

- A pregnant woman cannot be hanged to death. But this can be converted into life time imprisonment.
- A child cannot work as labourer.
- All the children between the age 6 to 14 have the right to education.
- Minorities by religion, language or by caste have the right to protect their cultural and religious life.
- An accused has a right to know the reasons for arrest in the language known to him.
- Prisoners have the right to meet his family member and writing and reading of news papers.
- For rehabilitation of refugees, The United Nations has constituted a special body called United Nation High Commission for Refugees.

Meaning and Concept of Citizen : In modern times there has been a great change in the idea and concept of citizen and his role. Today every member of democratic state is considered to be a citizen. Besides, there is also an additional meaning in relation to the citizen as follows :

- (1) Citizen participates in the administration of the state
- (2) Citizen obeys the laws of the state
- (3) Citizen is politically obedient to state
- (4) Citizen has certain rights and observes some duties

Since democracy is a government of the people, by the people and for the people, its success or failure depends on its citizens.

Definition of Citizen : "Citizens are members of a political community. The state is made up of citizens and they depend on the state for the protection of their individual and collective rights and observe their duties."

In modern times a citizen is a good citizen who enjoys freedom and helps in making laws himself or through his representative and obeys them. He considers obedience to be his duty and yet, as he is aware of the dangers associated with it, he protests against those decrease which are not worthy of being obeyed by using his rights.

Citizenship : It is also necessary to think about citizenship from legal point of view.

Citizenship is a legal status given to the citizens by various provisions made under the constitution or given various rights and duties by law. Citizenship generally goes with birth. We are citizens of the state in which we are born.

All citizens are bound to remain loyal to the state and follow the rules and regulation of the state. In return they get the protection of the state for their freedom and property within and outside the

state. If a citizen returns from any country, the state is bound to accept him as its citizen. Generally, no citizen can have dual citizenship. In special case some prominent personalities are given honorary citizenship of other countries. But in real sense such citizenship is only for namesake and is accepted by both the countries. Contrary to this, the refugees due to war or from place which is occupied by enemy remain without any citizenship. The Constitution of India has clearly defines who can be a citizen of India.

How can Citizenship be Acquired

Citizen can be acquired as follows :

- (1) Citizenship generally goes with the birth. We are citizens of the state in which we are born.
- (2) In order to acquire the citizenship of some other states, one has to apply for it after having stayed in that state for some time.
- (3) If the citizen of a state marries to a citizen of other state, he becomes the citizen of that state. Some states provide for such arrangement.
- (4) If an application is made to the government of other state and if it is accepted then such an individual becomes a citizen of that state.

Loss of Citizenship

- (1) An individual loses his citizenship if he has committed a treasonable act.
- (2) If an individual accepts the citizenship of another state, he loses the citizenship of his own state.
- (3) If an individual gets married to an individual, of another state, he loses the citizenship of his own state.

Dual Citizenship : In some federal States, citizens are given dual citizenship-one of the component unit and another of the Federal State. Such citizenship is known as dual citizenship. For example, in the U.S.A., the citizens are given dual citizenship. While in India there is provision for only single citizenship except for the state of Jammu and Kashmir. In August 2005, the Govenment of India ammended the citizenship Act of 1955 and a new law for citizenship, Overseas Citizenship of India was enacted. This law came into force from 9th January 2006. Since then, 9th January is celebrated as Non Residencial India Day.

Under this act any Indian having citizenship of another country can enjoy certain rights in India also. Such person can do business in India in professions like Doctors, Dentist, Nurses, Pharmacist, Advocates, Architects etc.

But such citizens will not get political rights and also will not enjoy right of equality guaranteed under section-16 of the Constitution of India. They cannot buy land for the purpose of agricultural activities.

This law will not be applicable to the citizens having citizenship of Pakistan and Bangladesh.

EXERCISE

1. Answer the following questions in detail :

- (1) Meaning and concept of Right.
- (2) Importance of Rights.
- (3) Define the term Citizen and explain the term citizenship
- (4) Procedure for getting citizenship

2. Write short notes on the following :

- (1) What is Right ?
- (2) Meaning of Citizen.
- (3) What is Citizenship.
- (4) How citizen losses their citizenship.

3. Write short notes on the following :

- (1) Group Rights (2) Dual Citizenship

4. Answer the following questions in one-two sentences :

- (1) Definition of Right by Prof. Laski.
- (2) Which organization declared International Human Rights.
- (3) In which part the concept of Human Right are included by constitutional authors.
- (4) When the law on OCI (overseas citizenship of India) came into force.
- (5) What type of business can be done by OCI citizens.

5. Write the correct option in the given box :

- (1) On which date United Nation declared the Human Right

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|-------------------------------------|-------------------------------------|--------------------------|
| (a) 10 th December, 1948 | (b) 10 th December, 1950 | <input type="checkbox"/> |
| (c) 10 th December, 1955 | (d) 10 th December, 1915 | |

- (2) When the Human Right days is celebrated

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|-------------------------------|------------------------------|--------------------------|
| (a) 14 th February | (b) 15 th August | <input type="checkbox"/> |
| (c) 10 th December | (d) 26 th January | |

- (3) Which of the following are included in Fundamental Rights and Directive principles of state policy

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|--------------------------|--------------------|--------------------------|
| (a) Human Rights | (b) Traffic Rules | <input type="checkbox"/> |
| (c) Law relate to manage | (d) Income Tax Law | |

- (4) If we are born in a state then what we are called

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|------------------------|--------------|--------------------------|
| (a) Surpanch | (b) Chairman | <input type="checkbox"/> |
| (c) Legislative member | (d) Citizen | |

Activity

- A lecture of any Lawyer can be arranged for students.

