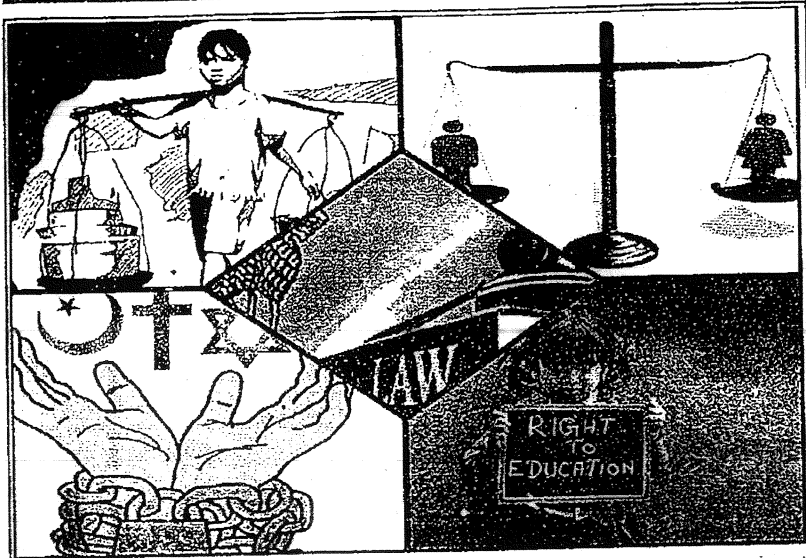


# Democratic Rights



*"The Fundamental Rights in Indian constitution acts as a guarantee that all Indian citizens can and will live their lives in peace as long as they live in Indian democracy. They include individual rights common to most liberal democracies."*

## 22.1 Introduction

A democratic government has to be periodically elected by the people in a free and fair manner. A democracy must be based on institutions that follow certain rules and procedures. These elements are necessary but not sufficient for a democracy. Elections and institutions need to be combined with a third element - enjoyment of rights - to make a government democratic. Even the most properly elected rulers working through the established institutional process must learn not to cross some limits. Citizens' democratic rights set those limits in a democracy.

## 22.2 Life without rights

### Prison in Guantanamo Bay

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.

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.

There was no trial before any magistrate in the US. Nor could these prisoners approach courts in their own country.

**Amnesty International**, an international human rights organisation, collected information on the condition of the prisoners in Guantanamo Bay and reported that the prisoners were being tortured in ways that violated the US laws. They were being denied the treatment that even prisoners of war must get as per international treaties. Many prisoners had tried protesting against these conditions by going on a hunger strike. Prisoners were not released even after they were officially declared not guilty. An independent inquiry by the UN supported these findings. The UN Secretary General said the prison in Guantanamo Bay should be closed down. The US government refused to accept these pleas.



Fig. 1



Fig.2 Women being denied Fundamental Rights



Originally, the right to property was also included in the Fundamental Rights, however, the Forty-Fourth Amendment, passed in 1978, revised the status of property rights by stating that "No person shall be deprived of his property save by authority of law."

### 22.3 Citizen's rights 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 organisations. Media cannot report anything that the monarch does not like.
- (iv) 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.
- (v) Women are subjected to many public restrictions. The testimony of one man is considered equal to that of two women. This is true not just of Saudi Arabia. There are many countries in the world where several of these conditions exist.

### 22.4 Ethnic massacre in Kosovo

- (i) Kosovo, 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. A narrow minded Serb nationalist Milosevic (pronounced Miloshevich) 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.
- (ii) This is what happened to an Albanian family in a town in Kosovo in April 1999: 74-year-old Batisha Hoxha was sitting in her kitchen with her 77-year-old husband Izet, staying warm by the stove. They had heard explosions but did not realise that Serbian troops had already entered the town. The next thing she knew, five or six soldiers had burst through the front door and were demanding.
- (iii) With her husband dying before her, the soldiers pulled the wedding ring off her finger and told her to get out.
- (iv) She was standing on the street in the rain with no house, no husband, no possessions but the clothes she was wearing.
- (v) 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. Finally several other countries intervened to stop this massacre. Milosevic lost power and was tried by the International Court of Justice for crimes against humanity.

### 22.5 Rights in a democracy - what are rights?

- (i) Rights are claims of a person over other fellow beings, over the society and over the government. All of us want to live happily, without fear and without being subjected to degraded treatment.
- (ii) For this we expect others to behave in such a way that does not harm us or hurt us. Equally, our actions should not also harm or hurt others. So a right is possible when you make a claim that is equally possible for others.

- (iii) Just because we claim some thing it does not become our right: "It has to be recognised by the society we live in. Rights acquire meaning only in society. Every society makes certain rules to regulate our conduct. They tell us what is right and what is wrong, what is recognised by the society as rightful becomes the basis of rights. That is why the notion of rights changes from time to time and society to society. e.g. 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.

The prisoners in Guantanamo Bay had a moral claim not to be tortured or humiliated. But they could not go to anyone to enforce this claim. When law recognises some claims they become enforceable. We can then demand their application. When fellow citizens or the government do not respect these rights we call it violation or infringement of our rights.

Rights are reasonable claims of persons recognised by society and sanctioned by law.

## 22.6 Why do we need rights in a democracy ?

Rights also perform a very special role in a democracy.

- (i) Rights protect minorities from the oppression of majority. They ensure that the majority cannot do whatever it likes.
- (ii) Rights are guarantees which can be used when things go wrong. 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) Some rights need to be placed higher than the government, so that the government cannot violate them. In most democracies the basic rights of the citizen are written down in the constitution.

## 22.7 Rights in Indian constitution

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

It talks about securing for all its citizens equality, liberty and justice. Fundamental Rights put this promise into effect. They are an important basic feature of India's Constitution.

## 22.8 Fundamental Rights

The Fundamental Rights are those basic condition which are considered essential to be provided to a person for his all-round development. After the inclusion of the Bill of Rights in the U.N. Charter, it has become obligatory for all the member-states of the United Nations to ensure these basic conditions to their respective citizens. These conditions, which are recognised as the primary requirements for the balanced development of a person, are commonly called the 'Fundamental Rights'.

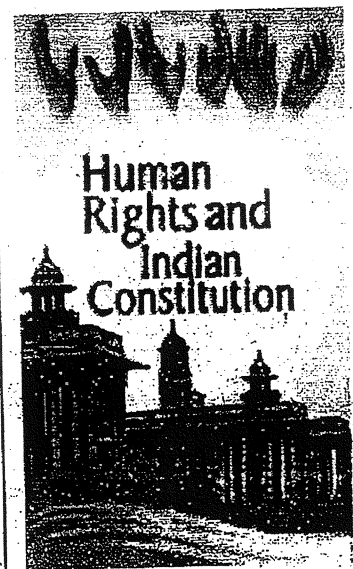
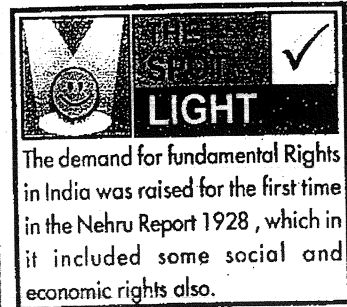
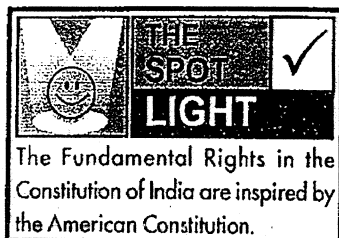


Fig. 3



## 22.8 Classification of fundamental rights or fundamental rights guaranteed to the citizens of India

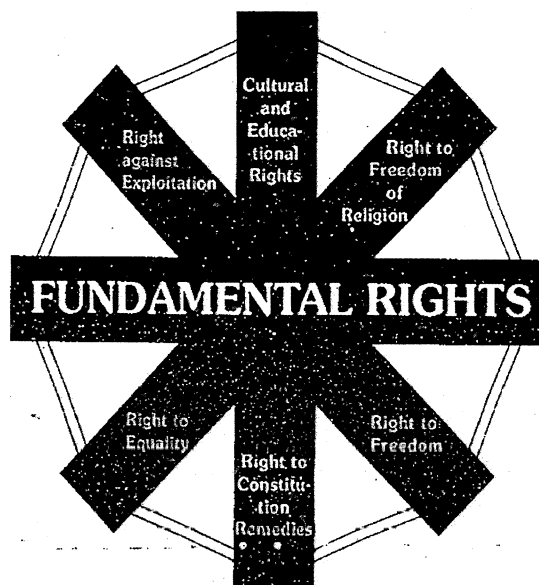


Fig. 4

Our Constitution in the beginning bestowed seven Fundamental Rights on us. They were :

- Right to Equality
- Right to Freedom
- Right Against Exploitation
- Right to Freedom of Religion
- Cultural and Educational Right
- Right to Constitutional Remedies

(a) **Right to Equality** : First through the feudal system and then by the British rule, a class of so-called high-ups was created in India. The age-old caste system had caused the cancer of untouchability in the Indian social life. Right to Equality seeks to undo these wrongs under the provisions of Articles 14 to 18 of the Constitution.

- (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.
- (ii) Every citizen, from the Prime Minister to a small farmer in a remote village, is subjected to the same laws. No person can legally claim any special treatment or privilege just because he or she happens to be an important person. For example, a few years ago a former Prime Minister of the country faced a court case on charges of cheating. The court finally declared that he was not guilty. But as long as the case continued, he had to go to the court, give evidence and file papers, just like any other citizen.

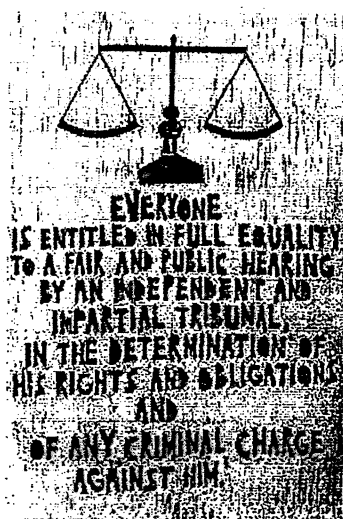


Fig. 5

- (iii) This basic position is further clarified in the Constitution by spelling out some implications of the Right in Equality. The government shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth. Every citizen shall have access to public places like shops, restaurants, hotels, and cinema halls. 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. This might appear very obvious, but it was necessary to incorporate these rights in the Constitution of our country where the traditional caste system did not allow people from some communities to access all public places.
- (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. You have read in Chapter Five that the Government of India has provided reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- (v) Various governments have different schemes for giving preference to women, poor or physically handicapped in some kinds of jobs. Are these reservations against the right to equality? They are not. For equality does not mean giving everyone the same treatment, no matter what they need.
- (vi) Equality means giving everyone an equal opportunity to achieve whatever one is capable of. 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. The principle of non-discrimination extends to social life as well. The Constitution mentions one extreme form of social discrimination, the practice of untouchability, and clearly directs the government to put an end to it.
- (vii) The practice of untouchability has been forbidden in any form. 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.

### CHECK YOUR LEARNING 22.1

1. Which part of the Indian Constitution contains Fundamental Rights?
2. Which articles contain Fundamental Rights?
3. Who is the guardian of fundamental Rights enumerated in Indian Constitution?



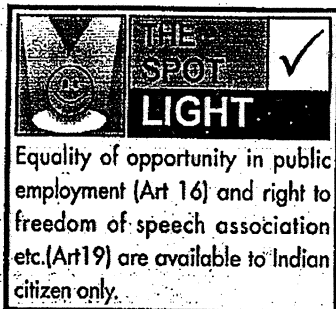
The American Constitution was the first written Constitution which granted fundamental rights called Bill of Rights to its citizens.



Fig. 6 B.R. Ambedkar who fought against untouchability



Fig.7 Right to freedom



## (b) Right to Freedom

Freedom means absence of constraints. In practical life it means absence of interference in our affairs by others - be it other individuals or the government. We want to live in society, but we want to be free. We want to do things in the way we want to do them. Others should not dictate us what we should do. So, under the Indian Constitution all citizens have the right to

- (i) Freedom of speech and expression
- (ii) 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.

**Right to Freedom of Speech and Expression :** This right allows the citizens to discuss freely all matters concerning public as well as national well-being orally or through the press. But this right cannot be used for slandering others, for jeopardising the safety and integrity of the State or for inciting violence.

**Right to Assemble Peacefully and without Arms:** This right is necessary for the exchange of views and propagation thereof. But the assembly should invariably be peaceful and should not pose a danger to law and order.

**Right to Form Associations or Unions :** To safeguard individual as well as collective interests of the citizens, this right has been guaranteed by the Constitution. Restrictions, however, can be imposed against such unions or associations if they tend to pose a danger to the safety of the State or indulge in immoral and illegal activities.

**Right to Free Movement:** Every citizen of India is entitled to free movement throughout the territory of India with the exception that this freedom does not apply to private buildings and estates. This right further implies that no person can be detained or imprisoned without the express sanction of law. Restrictions, however, can be imposed on this freedom by the State in public interest.

**Right to reside and settle in any part of the territory of India:** A citizen of the Indian Republic can choose to reside in any part of the country with the only limitation that it should not go against the interests of the weaker sections of the society. He can purchase, keep, transfer or dispose of property in any part of the country except in the State of Jammu and Kashmir, where it is prohibited for citizens other than those of the state itself. Further, the State can acquire the property of any citizen for public use.

**Right to practise any profession or to carry on any occupation :** The Constitution of India bestows on every citizen of India the right to practise any profession or carry on any occupation but such profession should not be detrimental to public interest or moral ethics of the society, i.e., traffic in women or children, smuggling, etc. cannot be allowed.

(c) **Right to life or personal liberty**

The Constitution says that no person can be deprived of his life or personal liberty except according to procedure established by law. It means that no person can be killed unless the court has ordered a death sentence. It also means that a government or police officer can arrest or detain any citizen unless he has proper legal justification.

Even when they do, they have to follow some procedures:

- (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 defence.

**CHECK YOUR ANSWERS 22.1**

- 1. Part III
- 2. Article 12 to Article 35
- 3. Supreme Court

(d) **Right against exploitation** : Once the right to liberty and equality is granted, it follows that every citizen has a right not to be exploited. Yet the Constitution makers thought it was necessary to write down certain clear provisions to prevent exploitation of the weaker sections of the society.

The Constitution mentions three specific evils and declares these illegal.

- (i) The Constitution prohibits 'traffic to human beings'. Traffic here means - selling and buying of human beings, usually women, for immoral purposes.
- (ii) 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) 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.

(e) **Right to Freedom of Religion** : India is a secular State. The constitution confer on the people of India the following freedoms :

- To follow any religion of their choice,
- To practise it according to their specific ways, and
- To preach it

Freedom to practice religion does not mean that a person can do whatever he wants in the name of religion. For example, one cannot sacrifice animals

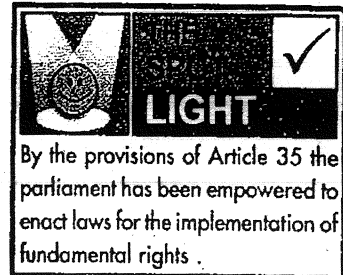


Fig.8 Right to Equality



Right to free and compulsory education to children from 6 to 14 year age is the fundamental right which has been added in the list under 86th Constitutional Amendment Act, 2002 inserting new Article 21A.



Fig.9 Right to Education

or human beings as offerings to supernatural forces or gods. Religious practices which treat women as inferior or those that infringe women's freedom are not allowed. For example, one cannot force a widowed woman to shave head or wear white clothes.

A secular state is one that does not confer any privilege or favour on any particular religion. Nor does it punish or discriminate against people on the basis of religion they follow. Thus the government cannot compel any person to pay any taxes for the promotion or maintenance of any particular religion or religious institution. 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.

- (f) **Cultural and Educational Rights :** All groups, sects, and linguistic minorities in the country have been granted the right to safeguard their culture, language and script. They can open their own educational institutions for this purpose and can teach their tuitions for this purpose and can teach their children accordingly. But it has been made obligatory on such institutions to give admission to any student desirous of joining them. Such students could not be forced to learn what does not fit in their own cultural framework.

That is why the Constitution specifies the cultural and educational rights of the 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. Here minority does not mean only religious minority at the national level.
- (iv) In some places people speaking a particular language are in majority; people speaking a different language are in a minority. For example, Telugu speaking people form a majority in Andhra Pradesh. But they are a minority in the neighbouring State of Karnataka. Sikhs constitute a majority in Punjab. But they are a minority in Rajasthan, Haryana and Delhi.

## 22.9 How can we secure these rights?

**Right to Constitutional Remedies :** This itself is a Fundamental Right. This right makes other rights effective. It is possible that sometimes our rights may be violated by fellow citizens, private bodies or by the government. When any of our rights are violated we can seek remedy through courts. If it is a Fundamental Right we can directly approach the Supreme Court or the High Court of a state. That is why Dr. Ambedkar



called the Right to Constitutional Remedies, "the heart and soul" of our Constitution.

The Constitution of India confers upon the citizens the Right to Constitutional Remedies which implies that every citizen is entitled to move the Supreme Court, any of the High Courts or any other court authorised by the Parliament for that purpose if his or her Fundamental Right/Rights are encroached upon, abridged or snatched away by the State, a **person or a body** of persons. The courts have been vested with the powers to issue orders, directions and **writs** in order to protect the rights of the complainants. They can also award compensation to the victims and punishment to the violators. The judiciary in our country is independent of the government and the parliament. Our judiciary is very powerful and can do whatever is needed to protect the rights of the citizens.

In case of any violation of a Fundamental Right the aggrieved person can go to a court for remedy. But 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.


## 2.10 National Human Rights Commission

The NHRC cannot by itself punish the guilty. That is the responsibility of courts. The NHRC is there to make independent and credible inquiry into any case of violation of human rights. It also inquires into any case of abetment of such violation or negligence in controlling it by any government officer and takes other general steps to promote human rights in the country. The Commission presents its findings and recommendations to the government or intervene in the court on behalf of the victims. It has wide ranging powers to carry out its inquiry. Like any court it can witness, question any government official, demand any official paper, visit any prison for inspection or send its own team for on-the-spot inquiry.


Any citizen of India can write a letter to this address to complain against the violation of human rights: National Human Rights Commission, Faridkot House, Copernicus Marg, New Delhi 110001. There is no fee or any formal procedure to approach the NHRC. Like NHRC, there are State Human Rights Commissions in 16 states of the country.



Fig.10 Logo of NHRC



**LIGHT**



This is an independent commission set up by law in 1993. Like judiciary, the Commission is independent of the government. The Commission is appointed by the President and includes retired judges, officers and eminent citizens. Yet it does not have the burden of deciding court cases. So it can focus on helping the victims secure their human rights. These include all the rights granted to the citizens by the Constitution. For NHRC human rights also include the rights mentioned in the UN sponsored international treaties that India has signed.



Know Your Rights

Fig.11



## 22.11 Expanding scope of rights

- (i) Fundamental Rights granted by the Constitution are the only rights citizen have. This is not true. While Fundamental Rights are the source of all rights, our Constitution and law offers a wider range of rights. Over the years the scope of rights has expanded.
- (ii) Sometimes it leads to expansion in the legal rights that the citizen can enjoy.
- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) The expansion takes place in what is called human rights. These are universal moral claims that may or may not have been recognised by law.



By the 25th Constitution Amendment Act-1971 Article 31C was inserted which provides that the laws enacted to give effect to the Directive Principles of state policy as contained in Art. 39 cannot be challenged on the ground of violation of rights given in Articles 14 and 19. Later by the 42nd Constitution Amendment 1976 the scope of this provision was broadened and this provision has become applicable to all Directive Principles of State Policy.

- (ix) With the expansion of democracy all over the world, there is greater pressure on governments to accept these claims.
- (x) Some International covenants have also contributed to the expansion of rights.

## 22.12 International Covenant on economic, social and cultural rights

This international covenant recognises many rights that are not directly a part of the Fundamental Rights in the Indian Constitution. This has not yet become an international treaty. But human right activists all over the world see this as a standard of human rights. These include:

- (i) Right to work : opportunity to everyone to earn livelihood by working
- (ii) Right to safe and healthy working conditions, fair wages that can provide decent standard of living for the workers and their families
- (iii) Right to adequate standard of living including adequate food, clothing and housing
- (iv) Right to social security and insurance
- (v) Right to health : medical care during illness, special care for women during childbirth and prevention of epidemics
- (vi) Right to education: free and compulsory primary education, equal access to higher education.

Thus the scope of rights has been expanding and new rights are evolving over time. They are result of struggle of the people. New rights emerge as societies develop or as new constitutions are made. The Constitution of South Africa guarantees its citizens several kinds of new rights:

- (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 well being:
- (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.

Many people think that the right to work, right to health, right to minimum livelihood and right to privacy should be made fundamental rights in India as well.



Fig.12 Right to Freedom of Religion

## EXERCISE # 1

## FORMATIVE ASSESSMENT

### Multiple choice questions

1. Which body exposed to the world that prisoners at Guantanamo bay were being tortured in ways that violated the US laws?  
(1) United Nations  
(2) International Court of Justice  
(3) Amnesty International  
(4) Supreme Court of USA
2. What is the position of women in Saudi Arabia?  
(1) women are given all the rights  
(2) women are given equal status with men  
(3) women are subjected to many public restrictions  
(4) they are offered high positions
3. In \_\_\_\_\_ about 600 people were put in jail by the US forces from all over the world.  
(1) Saudi Arabia      (2) Guantanamo Bay  
(3) Kosovo      (4) India
4. It has enacted a law giving the right to information to the citizens.  
(1) President      (2) Supreme Court  
(3) Both (1) and (2)      (4) Parliament
5. Which country is ruled by a hereditary king and the people have no role in electing their rulers?  
(1) Kosovo      (2) Saudi Arabia  
(3) USA      (4) none of these
6. Kosovo was a province of \_\_\_\_\_ before it splits.  
(1) Vietnam      (2) Zimbabwe  
(3) Sri Lanka      (4) Yugoslavia
7. Why do we need rights in a democracy?  
(1) for sustenance of a democracy  
(2) to protect minorities  
(3) both (1) and (2)  
(4) none of these
8. What does right to freedom mean?  
(1) freedom of speech and expression  
(2) equality before the law  
(3) freedom of religion  
(4) right against exploitation
9. Who called the right to constitutional remedies the heart and soul of our constitution.  
(1) Rajendra Prasad  
(2) B R Ambedkar  
(3) J L Nehru  
(4) Indira Gandhi

10. What does PIL stand for?  
(1) people's interest litigation  
(2) public interest law  
(3) public international litigation  
(4) public interest litigation
11. Who appoints NHRC?  
(1) President  
(2) Judge of Supreme Court  
(3) Vice President  
(4) Prime Minister
12. Which one is not a fundamental right?  
(1) right to equality  
(2) right to freedom  
(3) right to use influence in personal work  
(4) right to freedom of religion
13. A person who is arrested and detained shall be presented before magistrate within \_\_\_\_\_ hours.  
(1) 12      (2) 24      (3) 35      (4) 48
14. The government is responsible for providing free and compulsory education to all the children upto the age of  
(1) 16 years      (2) 12 years  
(3) 18 years      (4) 14 years
15. The right to seek the enforcement of all fundamental rights is called  
(1) right against exploitation  
(2) right to freedom  
(3) right to constitutional remedies  
(4) cultural and educational rights
16. If our fundamental rights are violated, where can we seek the remedy?  
(1) Supreme Court      (2) Parliament  
(3) Election Commission      (4) Council of Ministers
17. When was NHRC set up?  
(1) 1998      (2) 1996      (3) 1993      (4) 2001
18. How many fundamental rights does the Indian constitution provide?  
(1) 7      (2) 6      (3) 5      (4) 8
19. What is meant by the term writ?  
(1) written laws  
(2) a document containing an order of the court  
(3) basic features of the constitution  
(4) none of these
20. One of the forms of exploitation as mentioned in the constitution is traffic. What does it mean?  
(1) transport system  
(2) buying and selling of human beings  
(3) buying and selling of goods  
(4) none of the above

### True or false

1. Kosovo was a province of Yugoslavia before its split.
2. Freedom of speech and expression means right to freedom.
3. Pt. Jawahar Lal Nehru called the right to constitutional remedies the heart and soul of our constitution.
4. PIL stands for public interest law.
5. The president appoints the NHRC.
6. A person who is arrested shall be produced before the nearest magistrate within a period of 24 hours of arrest.

### Fill in the blanks

1. 600 people were put in jail by the US forces in \_\_\_\_\_ bay.
2. Right to \_\_\_\_\_ ensures equality before the law.
3. The \_\_\_\_\_ is an independent commission set up in 1993.
4. \_\_\_\_\_ is an order issued by a court asking a person to appear before it.

5. \_\_\_\_\_ is ruled by a hereditary king and the people have no role in electing their rulers.
6. A \_\_\_\_\_ state is one that does not establish any one religion as official religion.

### Match the column

Column-I	Column-II
(1) USA	(a) claims of persons recognized by society and sanctioned by law
(2) Human trafficking	(b) buying or selling of men and women for immoral purposes
(3) Summons	(c) A person belonging to a low caste
(4) rights	(d) Guantanamo Bay
(5) dalit	(e) an order issued by court to appear before it.

## EXERCISE # 1 ANSWER KEY FORMATIVE ASSESSMENT

### Multiple choice questions

Qno.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Ans.	3	3	2	4	2	4	3	1	2	4	1	3	2	2	3	1	3	2	2	2

### True or false

1. True
2. True
3. False
4. False
5. True
6. True

### Fill in the blanks

1. guantanamo
2. equality
3. NHRC
4. summon
5. Saudi Arabia
6. secular

### Match the column

1. (1) → d ; (2) → b ; (3) → e ; (4) → a ; (5) → c

---

**EXERCISE # 2****SUMMATIVE ASSESSMENT**

---

**Short answer type questions**

1. What is meant by public interest litigation?
2. What is the meaning of fundamental rights?
3. Who is a beggar?
4. What is the need to mention rights in the country's constitution?
5. Explain the right to equality enjoyed by the citizen of india?
6. India is a secular state. Explain

**Long answer type questions**

1. Mention any two exceptions to the right to equality?
  2. What are the major functions of national human rights commission?
  3. What are the chief characteristics of the fundamental rights?
  4. Mention the fundamental rights given in the constitution?
  5. How have prisoners been treated in Guantnamo bay?
  6. What safeguards are provided against arbitrary arrest and detention?
-

## NCERT QUESTIONS WITH ANSWERS

1. Which of the following is not an instance of the exercise of a fundamental right?

- (1) Workers from Bihar go to Punjab to work on the farms.
- (2) Christian missions set up a chain of missionary schools.
- (3) Men and women government employees get the same salary.
- (4) Parents' property is inherited by their children.

Ans. (4) Parents' property is inherited by their children.

2. Which of the following freedoms is available to an Indian citizen?

- (1) Freedom to criticise the government
- (2) Freedom to participate in armed revolution
- (3) Freedom to start a movement to change the government
- (4) Freedom to oppose the central values of the constitution

Ans. (4) Freedom to oppose the central values of the constitution

3. Which of the following rights is available under the Indian Constitution?

- (1) Right to work
- (2) Right to adequate livelihood
- (3) Right to protect one's culture
- (4) Right to privacy

Ans. (3) Right to protect one's culture

4. Name the Fundamental Right under which each of the following rights falls:

- (1) Freedom to propagate one's religion
- (2) Right to life
- (3) Abolition of untouchability
- (4) Ban on bonded labour

Ans. (1) Right of Freedom of Religion

(2) Right to Freedom

(3) Right to Equality

(4) Right Against Exploitation

5. Which of these statements about the relationship between democracy and rights is more valid? Give reasons for your preference.

- (1) Every country that is a democracy gives rights to its citizens.
- (2) Every country that gives rights to its citizens is a democracy.
- (3) Giving rights is good, but is not necessary for a democracy.

Ans. (2) Unless the people are given the right to choose and vote freely their representative in the government, the country cannot have a democracy.

6. Are these restrictions on the Right to Freedom justified? Give reasons for your answer.

- (1) Indian citizens need permission to visit some border areas of the country for reasons of security.
- (2) Outsiders are not allowed to buy property in some areas to protect the interest of the local population.
- (3) The government bans the publication of a book that can go against the ruling party in the next elections.

Ans. (a) It is justified. The security of a country is the first duty of a government, and it can stop people from visiting the border areas.

(b) This action is also justified. The local population may not be financially strong to protect its interests. Outsiders can take away their rights in their own area, so the government's step is right.

(c) No, this is not justified. The publication of a book can only be banned if it disturbs peace or hurts the sentiments of a section of people, and not on grounds of protecting the ruling party's prospects in the next elections.

7. Manoj went to a college to apply for admission into an MBA course. The clerk refused to take his application and said, "You, the son of a sweeper, want to be a manager! Has anyone done this job in your community? Go to the municipality office and apply for a sweeper's position." Which of Manoj's fundamental rights are being violated in this instance?

Ans. The following rights are being violated.

1. **Right to Equality:** Everyone is equal in the eyes of the law. No one can be denied admissions on grounds of birth. The person is practicing "untouchability" in an indirect way, and this is an offence in the eyes of law. His right to opportunity is also being violated.

2. **Right to Freedom:** Manoj has a right to apply for any job anywhere as long as he is qualified for it.

8. When Madhurima went to the property registration office, the Registrar told her, "You can't write your name as Madhurima Banerjee d/o A.K. Banerjee. You are married, so you must give your husband's name. Your husband's surname is Rao. so your name should be changed to madhurima Rao." She did not agree. She said, "If my husband's name has not changed after marriage, why should mine?" In your opinion who is right in this dispute? And why?

Ans. There is no law which states that a woman can own property in her married name only. The constitution gives equal right to both men and women. So if Madhurima wants to give her maiden name, though married, she has the right to do so. The Registrar is being traditional.

9. Thousands of tribals and other forest dwellers gathered at Piparia in Hoshnagabad district in Madhya Pradesh to protest against their proposed displacement from the Satpura national Park, Bori Wildlife Sanctuary and Panchmarhi Wildlife Sanctuary. They argue that such a displacement is an attack on their livelihood and beliefs.

Government claims that their displacement is essential for the development of the area and for protection of wildlife. Write a petition on behalf of the forest dwellers to the NHRC, a response from the government and a report of the NHRC on this matter.

Ans. (a) **Letter from Tribals to NHRC**

- Government's proposal is a violation of human rights.
- It is taking away their right to live, right to follow their beliefs.
- For centuries the forests have been their means of livelihood.
- They have practised their rituals here.
- No alternative has been suggested to them.
- Nothing has happened to the wildlife, so why this sudden interest?
- Displacement would cause untold misery to them, their families, children and their future.

(b) **Response from the Government**

- The government had given a warning to the people two years ago.
- There has been an alarming rise in poaching, cutting of trees and killing of wildlife.
- Environmental pollution has also increased.
- It is the government's duty to protect the endangered species.
- The government has offered compensation and promised rehabilitation in alternative places.

**NHRC's Report**

- Both sides have a point.
- The Tribals have tradition, practice and decades of residence behind them. It is their world and life.
- Sudden uprooting will leave them emotionally disturbed, turn them into vagabonds and force them into jobs or occupations which they have never followed.
- The Government is right in its concern for wildlife. It is its duty to save certain species from becoming extinct. Poachers are having a field day, and every day the environment is threatened.
- Suggestions: Transfer should be slow, not sudden. First, shelter and occupation should be provided to all the people. Education should be the primary concern. Only through education can the younger generation take to the new environment and occupation. Not one family should be rendered homeless and without means of occupation.