

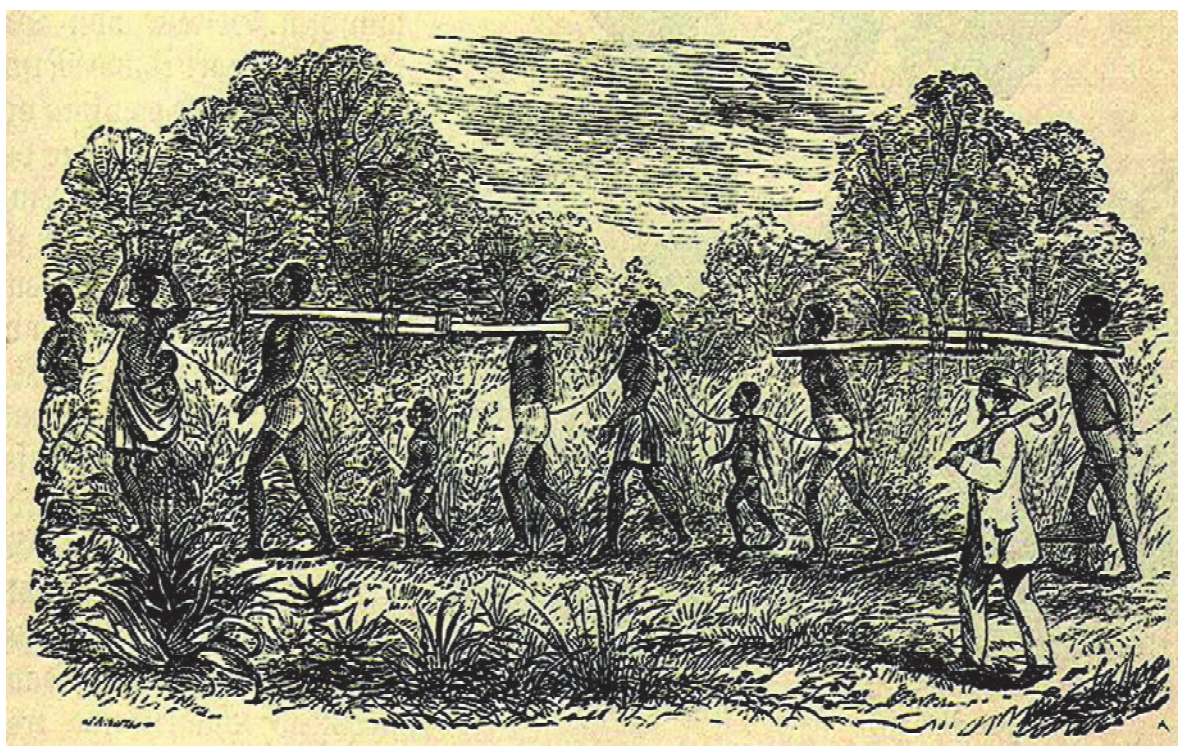
# 13

## Rights

In the previous chapter, we learnt about democracy and how the idea evolved and spread in different parts of the world. The concept of rights, too, evolved over the past several decades to change and strengthen the way democracy is practiced.

In this chapter, we begin by discussing some real-life incidents of the past that reflect how difficult it was for people to live their daily lives without fundamental rights. We shall then try to understand why we need these rights, what they mean to us and what role they play in the spread of democracy.

### 13.1 Slavery: when there were no rights



*Figure 13.1: Captured and bound slaves being conducted by an agent*

We learnt about the French Revolution of 1789 in the history chapters. Its biggest achievement was that it established the importance of human rights. But it was also during this period that the practice of slavery was widely prevalent, with France and other European countries enslaving the people of Africa in large numbers.

The slave trade flourished in African and Asian countries in the 17<sup>th</sup> century. Spain, Portugal, England,

France, etc were the main slave-trading countries. For example, French traders would set sail from the ports of Bordeaux and Nantes for the African coast, where they would buy slaves from local chiefs. They would brand and handcuff the slaves and cram them into their ships for the three-month-long journey across the Atlantic Ocean to the Caribbean countries. Here, they would sell them to plantation owners from America. The slaves had to face tremendous hardships during the arduous sea voyage. The traders treated them like cattle. They were not properly fed so many of them fell ill.

Slave labour made it possible for the American colonies to meet the growing demand in European markets for commodities like sugar, coffee and indigo. Ports like Bordeaux and Nantes became prosperous cities because of the slave trade.

During those days, the French National Assembly conducted long and exhaustive discussions on whether fundamental rights should, or should not, be extended to all residents of the colonies, not just French citizens. The fear of antagonising the powerful slave traders, however, prevented the assembly from passing any law against the practice of slavery. But the assembly did eventually pass a law in 1794 granting freedom to all slaves in the French colonies.

Ten years later, Napoleon restored the practice of slavery. The plantation owners were once again allowed to enslave the coloured people of Africa to protect their economic interests. The slave trade in the French colonies finally came to an end only in 1848. In America, the trade was abolished in 1865, but the liberated slaves were not granted equal citizens' rights until the 20<sup>th</sup> century.

**Which rights of the people did the practice of slavery deny?**

**Compare the lifestyle of a citizen of a democratic country with that of a slave brought from Africa.**

After America achieved independence, its constitution gave many rights to its citizens. However, women and coloured people had to wage a relentless struggle to claim these civic rights. Slavery was abolished in 1864 and the coloured (Afro-American and Native American) men were given the right to vote in 1870. All women were given voting rights in 1920. However, the coloured people continued to face various kinds of discrimination which prevented them from registering as voters as many states made laws to keep them away from voting or enjoying other civil rights. They were not permitted to sit with white Americans in public places like buses, trains, parks, restaurants and cinema houses. They could not interact as equals with them. They did not have equal access to public leisure and dining places.

In 1956, an incident of racial discrimination created a massive wave of anti-racism that swept across America. A coloured American citizen named Rosa Parks was not allowed to sit in a public bus. The coloured Americans, under the leadership of Martin Luther King Jr, launched a mass campaign for their 'Civil Rights Movement'.

**What is a public place? Give some examples.**

The coloured Americans staged a series of demonstrations in different places during the course of the civil rights movement. The pressure created by the protests led the American government to abolish all those laws that caused discrimination against non-whites in 1964. This also finally removed obstacles created by state laws to voting rights of the non-whites.

The leader of the movement, Martin Luther King Jr, asserted that coloured Americans should resort to direct action and long marches to attain their objectives. He gave a powerful and emotional speech to a mass rally of over 250,000 people assembled under the Lincoln Memorial in Washington DC on



August 28, 1963. This speech is considered to be one of the most memorable and influential speeches on human rights in world history. Some excerpts are given below:

**“I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.**

**“Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.**

**“But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination.**

**“One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languishing in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize a shameful condition.”**

**“I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.**

**“I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.**

**“I have a dream that my four little children will one day live in a nation where they will not be judged by the colour of their skin but by the content of their character.**

**“I have a dream today.**

**“I have a dream that one day, down in Alabama, ... little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.**

**“This is our hope.”**

**“This will be the day when all of God’s children will be able to sing with a new meaning ... ‘let freedom ring’.”**



*Figure 13.2 Martin Luther King Jr addressing a meeting.*

**What miseries of the coloured Americans does the speech highlight?**

**Describe the America Martin Luther King Jr dreams about in his speech.**

**What methods did the coloured Americans resort to during the civil rights movement to gain their electoral rights?**

### 13.2 The Importance of Rights in a Democracy

The concept of rights is not unique to the democratic system. Other systems also emphasise human rights - such as the right to work or the right to participate in local governance. However, rights are an integral part of a democracy because a democratic government cannot be formed and cannot function



Figure 13.3 Parliament House

without people's participation. The basic essence of a democracy is that the people choose their representatives; these representatives work for the people's interests and are accountable to them.

If the common people are denied their rights, then a limited number of people form the government. We saw this earlier in the example of the United States of America. If rights are not given to all the people, the government's policies and laws become one-sided and partisan. People cannot express their opinions about these laws and policies nor do they have the opportunity to change them. Also, if citizens' rights are not protected, the government can easily oppress, exploit and manipulate the people.

Rights are important for all human beings. Hence, there should be no discrimination on the basis of colour, race, caste, religion, region or country in awarding these rights. Denying rights to some people means denying them the right to progress in their life.

Rights empower and free individuals. They give them the opportunity to be creative, innovative and original - in music, dance, writing, etc. The right to education helps us to progress in life. Rights equip us to negotiate life with dignity and honour. They can be seen as freedoms and facilities given to individuals by the state to enable them to grow and develop physically, emotionally and mentally.

**What problems would individuals face in life if they have no rights?**

**How do rights help develop an individual's personality?**

**How do we ensure that all individuals get their rights and are able to exercise them?**

### 13.3 Rights in the Constitution

We may justify the need for rights both socially and morally. But rights are meaningful only if they have legal backing. This underlines the importance of legal recognition and sanction. The form in which rights are recognized today was not conceived by any one individual or country. Nor was it developed in one day. The form and scope of rights have evolved with our evolving understanding of human needs.



A right is considered a right only when it is given legal status. If there is no legal sanction, the people cannot demand the right nor is the state bound to implement it. For example, the Indian parliament accorded legal sanction to the right to education in 2002 under the 86<sup>th</sup> amendment to the constitution. Only then did this right become a fundamental right of the citizens.

**The Magna Carta:** Legal recognition of rights has a history that goes back about 800 years. The first example is in 1215 when the King of England recognized a charter of rights called the Magna Carta. The king of England gave his subject barons (aristocratic landlords) some rights through this charter. Prominent among them was freedom from arbitrary imprisonment, levying of feudal dues by the king only after it is approved by a council of barons.

### Discuss the following:

**How do rights get their legal status?**

**How was our life affected without the right to education?**

**Can the following be considered as rights:**

1. The king's order
2. Rules decided upon by a community
3. Rules made by the parliament.
4. A facility extended to the people under rules made by the parliament

**American Bill of Rights:** In 1776, 13 colonies calling themselves the United States of America declared their independence from England and adopted a new constitution. The constitution contained a Bill of Rights that legally awarded several fundamental rights to the citizens. Prominent among them were the right to freedom, right to equality and right to property.

**French Declaration of Rights:** The people of France also issued a Declaration of Rights after the French revolution in 1789 that gave legal sanction to several rights. They included the rights to freedom, equality, property, protection against exploitation, etc.

Most of the democratic countries in the world followed France's historical step, legally granting many rights to their citizens. The source for sanctioning such legal rights was, generally, their constitution. These countries included provisions for granting rights in some form or the other in their constitution. For example, fundamental rights are statutory and legally binding in the Indian constitution. If the central government or any state government fails to extend these rights, then the citizens can register a case of non-compliance against the government in the High Court or the Supreme Court.

The fundamental rights listed in the Indian constitution are the source of all other legal rights and also the basis of their legality. This means all other legal rights given in the constitution are linked to the fundamental rights. The constitution lists six fundamental rights. Do you know what these rights are? We learnt about these fundamental rights in the Civics section of the class 8 Social Studies textbook. We shall now discuss them one by one.

Read the following texts. Which right do you associate them with?

1. **Whether it is the prime minister or a farm worker in a remote village, the same law governs everybody. No individual is allowed any special privilege under the law on the basis of birth or status. A few years ago, corruption charges were filed against a former prime minister. After deliberating the case, the**



court declared him innocent. But he had to attend the court proceedings like any other citizen during the pendency of the suit. He had to give evidence and submit documents to defend himself in the court.

Which right is involved in this example?

2. a. Which right permits rural people to migrate to urban areas, or people from impoverished regions to migrate to more prosperous regions, in search of work or to settle down?
- b. Which right permits people to express their views by printing and circulating leaflets, or writing articles in newspapers and magazines?
3. Children aged below 14 years are not allowed to do dangerous work in locations like factories, mines, ports or railways. The village head also cannot compel a child to work.

Which right is involved in this example?

4. Why is it necessary for the minorities to preserve their language, culture and religion?

**Minorities** – At a national level, they include not just the religious minorities. There can be other kinds of minorities like linguistic minorities. In any region of the country, the majority of the people speak one language. But there are also minorities who speak other languages or dialects. For example, in Andhra Pradesh, the majority speaks Telugu, but Telugu-speakers are a minority in Karnataka. In a similar way, minority and majority communities can be defined on the basis of religion or culture.

Which fundamental right protects the minorities?

5. There is a factory in our locality that discharges effluents that are polluting the drinking water. Diseases such as diarrhea, jaundice, skin rashes etc are spreading because of the polluted water. This endangers people's life and health.

Which Fundamental Right does this violate?

### 13.4 Institutions that Protect our Rights

Giving legal recognition to rights is not enough to ensure that they are properly implemented and not violated. There must be institutions to implement and protect these rights. These institutions have to oversee whether these rights are being implemented properly or not. Such institutions are needed at the central and state level. Examples include the Human Rights Commission, Commission for Protection of Child Rights, Commission for Women etc.

Let us now take a closer look at some of these agencies that protect people's rights:

#### The Courts

We read about the courts in the previous classes. We know that the courts do not only deliver justice but they safeguard the constitution as well. If any person or institution violates our rights, we can appeal to the courts for justice. The denial of rights could be in any aspect of life, whether in education, environment or anything else. The fundamental rights in our constitution give us the right to file a suit in India's Supreme Court or any of the High Courts in the states if we are denied any of these rights.

There are several other institutions, apart from the courts, that act as protectors of our fundamental rights:

## Human Rights Commission

The United Nations Security Council adopted the Universal Declaration of Human Rights on December 10, 1948. (This is why we celebrate Human Rights Day on this date every year.) Human rights are based on the premise that all human beings are equal and no human being is born to be a slave of another person. The idea was propagated to challenge inequalities based on race, ethnicity, religion, gender etc. All modern democratic nations have created special institutions to formulate laws and generate awareness to protect people's rights.



The Declaration of Human Rights accepts and includes all basic human needs as well as all key democratic ideals - such as freedom, equality, justice, human dignity etc. All signatory nations have set up human rights commissions to oversee the proper implementation of these rights and prevent their violation.

India constituted an independent National Human Rights Commission in 1993. A retired chief justice is appointed to head the commission. It cannot penalize anyone but has the authority to conduct an independent and impartial probe into any case of violation of human rights. They include cases where government officials stand accused of violating or preventing the violation of these rights. The violations cover social discrimination and boycott, domestic violence, child abuse and violence, child marriage, dowry harassment, abuse of prisoners, child labour, bonded labour, pollution, revenue, human trafficking etc.



Like any court, the commission can issue summons to eye-witnesses to appear before it, question any government official, and demand any government document. It can also visit the place where the violation took place to conduct an inquiry or send an expert team for an on-the-spot investigation.

Like the National Human Rights Commission for the entire country, every state has a State Human Rights Commission. The state government appoints the members of their state-level body. It has a chairperson (a retired Judge of High Court) and seven members and serves a term of five years.

The commission tries to prevent human rights violations occurring in the state. For example, in Chhattisgarh, the State Human Rights Commission had 1,121 cases of human rights violations on its register on December 10, 2014. Of these, 1090 people received justice while 730 cases are still under investigation. Address: Chhattisgarh State Human Rights Commission, near DKS Bhavan, Raipur 492 001. Tel: 0771-2235594

### Summons:

**It is issued by a court to any individual to present himself/herself before the court.**

Let us look at one of these cases. A prisoner named Manoj Singh was undergoing life imprisonment in the Central Jail of Ballarpur. He was suffering from hernia. But he could not be taken for treatment because no guard was available to escort him. He registered a complaint with the commission, which looked into the matter. The commission instructed the jail superintendent of Bilaspur to arrange to have the prisoner escorted to the Raipur Medical College for treatment.

**What problems would people face in places where there is no human rights commission? Why would they face such problems?**

**Is it possible for a human rights commission to protect the rights of all individuals?**

**Discuss the following statements among yourselves and then say which human right was violated in each case:**

- 1. In India, 183 people died in police custody and 1,114 people died in legal custody in 1998-99.**
- 2. Around 3,000 prisoners were interned in Meerut jail, which had a capacity to accommodate only 650 prisoners.**

## **Right to Information Commission**

Malti lives in a slum near Bhilai. She has been trying for several months to get a ration card. She filled the form for the fifth time and submitted it to the block development office. When she went a few days later to collect her ration card, the concerned official told her that the office had not received her application. When she showed him the receipt of the form she had submitted, he told he would have to trace the application. Malti was upset by his answer.

While on her way home, she met Ramesh, a boy who lives next door to her. Seeing her so agitated, he asked her, “What’s the matter?”

She told him she had submitted her application form for a ration card four times, but every time the block development office told her it could not be traced.

Ramesh asked her, “Why don’t you enquire about the status of your application under the right to information?”

He told her, “Anyone can ask for information from any government office under a law enacted in 2005. All you have to do is fill in a form and deposit a fixed fee. It’s called the Right to Information (RTI) Act.”

Malti confessed, “Son, I don’t know anything about this law.”

Ramesh replied, “Don’t worry aunty, I’ll bring the RTI application form tomorrow, fill it up and we can then demand the information about your pending ration card from the block development office.”

The next day, with Ramesh’s help, Malti demanded information from the block development office on the status of her application under the RTI Act. About 20 days later, she received a letter from the government saying that her ration card was ready and she could collect it from the concerned office.

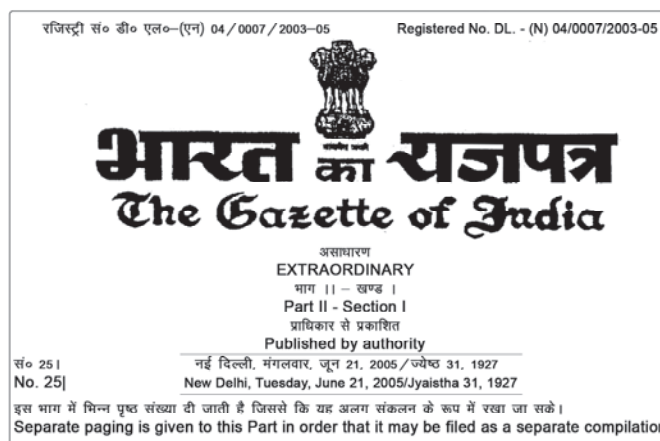
In this way, the right to information gives us the authority to protect our rights. After the Parliament passed this act it came into effect from October 1, 2005. Information commissions have been set up at the central (Central Information Commission) and state (State Information Commission) levels. We can examine documents and records under the RTI and also get certified copies of records from any organization. If the organization fails to provide the information, we can file a complaint with the State Human Rights Commission.





The RTI Act mandates that the required information should be provided to the petitioner within 30 days. If the matter concerns an individual's right to freedom or right to life, the information should be provided within 48 hours. Failure to provide the information in the stipulated time invites a daily penalty of Rs250 on the defaulting organization or authority, subject to a maximum fine of Rs25,000.

The RTI has brought transparency to the functioning of both public and private institutions and also ensured that records are maintained properly.



**What problems did people face in getting information from various departments in the absence of the RTI? Discuss among yourselves.**

**How has the RTI brought transparency to the various departments?**

**Who is the present information commissioner of Chhattisgarh state and who is the present central information commissioner?**

**Fill in the RTI application form given below:**

**(Draft application form under the Right to Information Act)**

1. Name of the applicant` .....
2. Address .....
3. Tel No (if any) .....
4. Date of application .....
5. Name of the office.....
6. What information do you want .....

(Copy, work inspection, record inspection, certified copy of record, certified sample)

7. Fee deposited with application form Rs10  
(cash/challan/money order/non-judicial stamp)
8. Is the applicant below the poverty line? Yes/No  
(If yes, kindly provide BPL card number)

Signature of applicant

## Commission for Women

Some days ago, a woman arrived in search of employment. She works as a housemaid, sweeping, swabbing, and washing utensils. Her husband is addicted to alcohol. He beats her up and snatches her hard-earned money. He comes home drunk every night and beats her up.

One day, I saw her bruised face and asked her why she did not protest against this physical violence. “What can I do? I am only a woman. Who will listen to me?” she responded in a defeated manner.

There are many women like her who face such hardships but hesitate to seek justice in the women’s police station, court or human rights commission. This is why a commission for women has been set up at the central and state levels. The commission undertakes initiatives and organizes programmes in different places to generate awareness among women about their rights and the laws passed for their security.

A woman teacher once participated in one of the programmes organized by the commission in a school. We would like to share with you the information she gave to the audience:



The commission for women has been set up to improve the social and economic status of women and advise the government on women’s welfare. It works to give women constitutional and legal protection, investigate cases of bonded women, and make women self-confident and independent. The National Commission for Women works to abolish child marriage; ensure financial assistance to abandoned, widowed or divorced women; prevent female foeticide; and uplift minority and

backward caste women. It also works to create awareness among women to fight against exploitation and injustice.

**Why did the need to create a women’s commission arise?**

**How does the commission for women help affected women?**

**Address: Chhattisgarh State Commission for Women, Gayatri Bhawan-13, Jal Vihar Colony, Raipur, Tel: 0711-4241400**

## Commission for Protection of Child Rights

Somaru works in a big hotel. The hotel manager makes him work hard the whole day until 10.00pm. One night, a teacher passing that way noticed Somaru leaving the hotel. The teacher asked him what he was doing there so late in the night. Somaru told him he worked in the hotel.

The teacher asked him, “Why do you work here? Why don’t you go to school? Somaru told him his parents are labourers who earned very little money. This was not sufficient for their household expenses. Hence, Somaru also had to work.

In our society and across the world, the resources we need to earn a livelihood - such as water, forests, land, mines, and industries - are not divided equally among the people. This is the reason why some people are very rich and some are very poor. The poor do not have enough money or work to

educate their children. Poor children like Somaru work at an age when they should be studying in school. So they remain illiterate.

Children below the age of 14 years who work are called child labour. Children of that age have many needs. If these needs are not fulfilled, their physical and mental development is affected. Keeping this in mind, all countries at the international level set up commissions for the protection of child rights. The consensus on child rights among these countries was that these rights should be respected and protected even in the most distressing situations such as war.



India, too, set up the National Commission for Protection of Child Rights, while the states have set up state commissions. The mandate of these commissions is to prevent all violations of child rights, whether by social institutions or by the state. Their special focus is on child abuse, child trafficking, child labour as well as the health and education of children. They prepare status reports on child rights from time to time. They also advise and give instructions to all concerned institutions.

**What kind of work are child labourers usually engaged in? List the different kinds of work.**

**Why was the commission for the protection of child rights established?**

**Address:** Chhattisgarh State Commission for Protection of Child Rights, A-34 Sector-1,  
Shankar Nagar Nigam Zone Office, Near water tank, Raipur I.  
**Toll Free:** 18002330055, **Tel:** 0771-2420095

### 13.5 Democracy and Child Rights in the Changing Context of Rights

We observed in our discussion on the concept of rights that rights change as human needs and thinking evolve. Apart from some basic needs, different aspects of human life, different values and ideals, gain importance in society from time to time. It is for this reason that the notion and context of rights has changed across the world over the past several decades. For example, many European countries now recognize sports as a fundamental right of children. Similarly, many countries have formulated special rights for people with special needs. India, too, enacted the PWD Rights Act 1995 to protect the rights of people with special needs. The act has special provisions for the education, employment and rehabilitation of 'People With Disabilities' (PWDs).

Fifty years ago, it was probably difficult to imagine that children would need special rights for their well-being and security. It was the growing problem of child labor in the country and across the world that led to the enactment of Child Labour (Prohibition and Regulation) Act of 1986. The act seeks to prohibit the employment of children aged below 14 years in dangerous occupations.



The Right to Information Act of 2005 can also be seen as an outcome of the changing context and scope of rights. Around 30-40 years ago, no one would probably have imagined that citizens would be granted something like an RTI act. The need to establish this act was felt because people realized they were unable to access information on various government projects, hence they could not share the benefits. Whether it was a case of labourers in Rajasthan not getting the minimum wage, or a panchayat's share of funding in a government project, the lack of information was depriving people of their benefits. This demand to know slowly gained momentum, leading to the right to information becoming a statutory requirement in the country.

In the past several years, India's Supreme Court and the High Courts in many states have been viewing different cases through the prism of fundamental rights. They have given judgments in many cases on the basis of the fundamental rights listed in the constitution. The courts now accept that clean drinking water, pollution free environment, food and education should be seen as integral to the right to live a dignified life. For example, in a case filed by Mohini Jain against the state of Karnataka in 1992, the Supreme Court ruled in her favour, asserting that the need for education is integral to the fundamental right to freedom and life. The court reasoned that education was necessary for humans to progress in life and live with dignity. The parliament passed the 86<sup>th</sup> Amendment Act of 2002 to guarantee education as a fundamental right on the basis of this ruling.

This example shows that if a social demand is universal, just and for the public good, the right will be given legal status by the court and parliament.

In today's world, rights are the most important medium for countries that call themselves democracies to uphold the dignity and respect of their citizens. Apart from government entities, there are many public and private institutions and organisations that are mandated to implement and monitor citizens' rights. Even today, many countries and many citizens in India are denied some of their rights. Many people are still struggling to realise their rights. They are also demanding new rights as their lifestyles and life needs evolve. The scope of rights keeps widening. It is the responsibility of citizens to acknowledge the importance of rights and fight to acquire them. That is why it is important for citizens to remain alert and be aware of their rights to prevent governments from becoming authoritarian and dictatorial.

**Address: National Human Rights Commission, Human Rights Commission block,  
CGPO Complex, INA, New Delhi. Tel: 011 24651330**

## EXERCISES

### 1. Fill in the blanks:

1. The French Revolution occurred in .....
2. The slave trade began in the ..... century.
3. The ..... was created to protect women's rights.
4. The constitution defines child labour as children aged below ..... years.
5. Martin Luther King Jr led a movement for the rights of..... people.
6. The present chairperson of the National Women's Commission is.....

**2. Choose the correct option:**

i) Which constitutional amendment granted the right to education?

- |                     |                      |
|---------------------|----------------------|
| a) 82 <sup>nd</sup> | b) 84 <sup>th</sup>  |
| c) 86 <sup>th</sup> | d) 100 <sup>th</sup> |

ii) The current minimum voting age in India is:

- |             |             |
|-------------|-------------|
| a) 16 years | b) 18 years |
| c) 21 years | d) 25 years |

iii) Coloured people are the native inhabitants of:

- |            |           |
|------------|-----------|
| a) America | b) Europe |
| c) Africa  | d) Asia   |

**3. Answer the following questions:**

1. What does slavery mean?
2. What is a summon?
3. How are human rights violated?
4. How does the Human Rights Commission protect human rights?
5. When did the coloured people in America get unrestricted right to vote?
6. What functions does the commission for women perform?
7. Why was the commission for protection of child rights set up?
8. What was the main reason for racial discrimination of the coloured people by white Americans?
9. Why is the right to information important in your life?
10. Discuss whether the fundamental rights in the constitution are a reflection of universal human rights.

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