

CIVICS

Chapter 3: Democratic Rights



Democratic Rights

Life without Rights

Democracy is regarded as the best form of Government. In a democratic country, not only does the Government work within the limits of the Constitution but rights and freedoms are also provided to the citizens. In a monarchy or in a dictatorial nation, basic rights and freedoms are denied to the people.

The Rights of Citizens in Saudi Arabia

Saudi Arabia is a monarchy, a country which is ruled by a king. Some facts about Saudi Arabia:

- The position of the king is hereditary.
- The legislature, executive and judges are appointed by the king. The latter can reverse any of their decisions.
- The formation of political parties is illegal, and the media cannot publish anything which the king does not like.
- The people of Saudi Arabia cannot follow their religion freely. Non- Muslims can follow their religion only in private.
- Many restrictions are imposed on women. The testimony of one man is considered equal to that of two women.



Women in Saudi Arabia do not have the right to vote

Prison in Guantanamo Bay

USA is a democratic country. However, a question arises of whether it treats people of other religions in a democratic manner.

- After the September 2001 attacks on the United States of America, about 600 people were arrested by the US forces and were imprisoned in Guantanamo Bay. It is an area near Cuba which is controlled by the American Navy.
- These people were arrested without any warrant and without informing their families.
- Neither the family members nor the UN members were allowed to meet them.
- The prisoners neither faced any trial before any magistrate in the US nor could they approach the courts in their home country.
- An international human rights organisation, Amnesty International, collected various reports on the Guantanamo Bay prison and reported the torturing of the prisoners which itself violates US laws.
- Prisoners were not released even when they were declared not guilty.
- The US Government did not pay any heed to the UN Secretary General who said that Guantanamo Bay should be closed down.



Prisons in Guantanamo Bay

The Massacre of Ethnic Albanians in Kosovo

- Kosovo presents a case where a government elected by the people indulged in a large-scale massacre of citizens.

- Kosovo was a province of Yugoslavia before it separated. The Serbians were in a majority in Yugoslavia, and the ethnic Albanians were in a majority in Kosovo.
- Milosevic was elected as the leader of the country. As he was a Serbian, he wanted to establish Serbian domination in the country.
- Thus, large-scale attacks on the ethnic Albanians were carried out by the soldiers. Thousands of Albanians were killed in Kosovo.
- Many countries intervened to end this massacre. Milosevic was later tried by an International Court of Justice for committing crimes against humanity.



Milosevic

While Saudi Arabia shows us the features of a dictatorial government, Guantanamo Bay prison shows us how civil rights such as the Right to Live and Detention without Trial were denied to people. Kosovo is an example of an elected government carrying out the massacre of an ethnic minority.

The rights of citizens are given utmost importance in any democratic country.

Rights of Citizens in a Democracy

Rights are claims of a person over other fellow citizens, over society and over the Government. However, it has to be kept in mind that our rights should not hurt or harm others; the Serbians in Yugoslavia cannot claim rights which could harm ethnic Albanians. Thus, rights are reasonable claims of persons recognised by society and sanctioned by law. Rights are required in a democracy to protect the minorities from the oppression of the majority. Rights also protect citizens from the tyranny of the Government.

Rights Guaranteed by the Constitution of India

The Constitution of India provides basic rights and freedoms to its citizens. These are

➤ Right to Equality

- Our Constitution declares that every citizen irrespective of caste, creed, sect, religion or gender is equal before the laws of the country.
- No person is above the law whether it is a political leader, ordinary citizen or police personnel. This is known as the rule of law.
- Any citizen can use public places such as parks, public hospitals, bathing ghats, roads, wells and tanks.
- All citizens have equality of opportunity for getting appointed in any governmental institution or organisation.
- Untouchability has been abolished so that people belonging to every caste get socially equal treatment.



Right to Freedom is an important right guaranteed to the people of India.

➤ **Right to Freedom**

- **Freedom of speech and expression:** Every citizen has the right to criticise the policies of the Government or of any institution. The media of the country are also free to opine their views on any matter. However, one cannot use this freedom to instigate violence against other communities or the Government.
- **To assemble peacefully:** People can assemble or hold rallies to protest against any issues without any arms. However, these protests should be peaceful.

- To move freely from one part of the country to the other part
- Freedom to reside in any part of the country
- Freedom to form associations and unions
- Freedom to practice any profession and to carry out any trading and business activities
- A person arrested and detained by the police should be produced before the nearest magistrate within 24 hours of arrest. An arrested person has the right to consult a lawyer or hire a lawyer for his/her defense.

➤ **Right against Exploitation**

- Our Constitution prohibits any trafficking in human beings.
- No child below the age of 14 can be employed in factories, mines and other hazardous works.
- Begar or forced labour is prohibited by the Constitution.



Our Constitution prohibits
any kind of trafficking in
human beings

➤ **Right to Freedom of Religion**

- All citizens of the country are free to profess, practice and propagate their religion.
- India is a secular state. It neither encourages nor discourages the practice of any religion.
- However, the right to freedom of religion does not apply in those cases where liberties of other citizens are compromised. For example, the sacrifice of human beings and the brutal treatment meted out to widows are illegal.

➤ Cultural and Educational Rights

- A minority community has the right to preserve its culture, language and script.
- Admission to any governmental educational institutions cannot be denied to any citizen on the basis of language or religion.
- Every minority community has the right to establish and maintain institutions of their choice.

National Human Rights Commission (NHRC) is an independent organisation. It enquires into cases where the rights to liberty and basic freedoms are denied to citizens. It however cannot decide cases and punish the guilty. It just highlights the issues and cases. Any person or group of persons can file cases in the court if their freedoms and rights are violated. If the violation of rights is of a larger social or public interest, a **public interest litigation** (PIL) can be filed in the court.

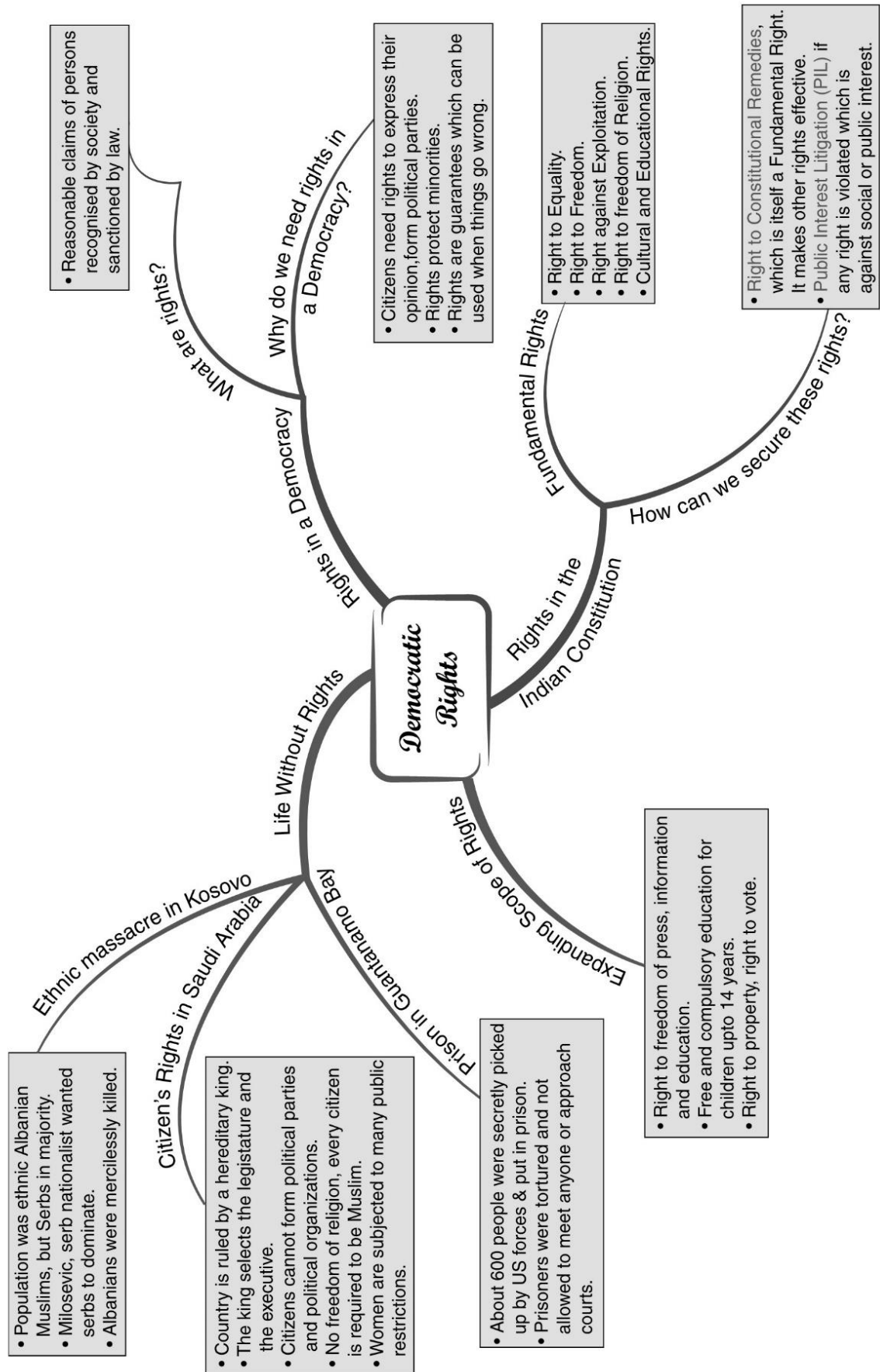
Scope of Fundamental Rights

- Because fundamental rights are the source of all rights and our Constitution, the scope of these rights has expanded over years.
- Of late, the right to education has been added to the Constitution of India. It is the responsibility of the Government to provide free and compulsory education to children up to the age of 14 years.
- Another right, the Right to Information to the Citizens has also been added under the Right to Freedom of Thought and Expression.
- Rights such as the Right to Property and the Right to Vote are important constitutional rights.
- Expansion of all fundamental rights takes the form of human rights.

Some New Rights Guaranteed by the Constitution of South Africa to its Citizens are

- Right to Privacy
- Right to safe and clean environment
- Right to have access to housing
- Right to have access to healthcare facilities

CHAPTER- 5 DEMOCRATIC RIGHTS



Important Questions

Multiple Choice questions-

Question 1. A person who has been arrested and detained has to be produced before the nearest magistrate within how many hours?

- (a) 24 hours
- (b) 48 hours
- (c) 72 hours
- (d) None of these

Question 2. Which right was called by Dr. Ambedkar as 'the heart and soul of our Constitution'?

- (a) Right to equality
- (b) Right of constitutional remedies
- (c) Right to freedom
- (d) Right against exploitation

Question 3. Who has the power to issue 'writs' for the enforcement of the Fundamental Rights?

- (a) Supreme Court
- (b) High Court
- (c) (a) and (b)
- (d) None of these

Question 4. What is the full form of P.I.L.?

- (a) Postal Interest Letter
- (b) Private Interest Law
- (c) Public Information Law
- (d) Public Interest Litigation

Question 5. Who protects the fundamental rights of the citizens?

- (a) Legislature
- (b) Executive
- (c) Judiciary

Question 6. Under which Fundamental Right 'begar' stands abolished?

- (a) Right to equality
- (b) Right to freedom

(c) Right against exploitation

Question 7. Which fundamental rights used to enforce fundamental rights?

(a) Right to Equality

(b) Right to Constitutional Remedies

(c) Cultural and Educational Rights

Question 8. What type of right is 'Right to Vote' in India?

(a) Moral Rights

(b) Social Rights

(c) Political Rights

Question 9. Which Fundamental Right is also called 'cluster of six freedoms'?

(a) Right to Equality

(b) Right to Freedom

(c) Right to Constitutional Remedies

Question 10. How many Fundamental Rights have been included in the Indian Constitution?

(a) Five Fundamental Rights

(b) Six Fundamental Rights

(c) Seven Fundamental Rights

Question 11. Guantanamo controlled by:

(a) Indian Navy

(b) Russian Navy

(c) American Navy

(d) Chinese Navy

Question 12. Kosovo was earlier a province of:

(a) U.S.S.R.

(b) Yugoslavia

(c) U.S.A.

(d) None of these

Question 13. Out of the following which is not a Fundamental Right:

(a) Right to equality

(b) Right to freedom

(c) Right to property

(d) Right to freedom of religion

Question 14. Right to vote is a right.

(a) Social

(b) Political

(c) Economic

(d) Moral

Question 15. Which right explains about abolition of untouchability?

(a) Right to equality

(b) Right to freedom

(c) Right against exploitation

(d) Right to freedom of religion

Very Short:

1. With do you think that the constitutions of different countries have sections on rights?
2. How many rights are there in the Right to Freedom?
3. Is an Indian state allowed to discriminate against a citizen on the basis of place of birth?
4. In which form does the Indian Constitution provides for special provisions while guaranteeing the right to equality?
5. To whom the reserved posts have been provided?
6. Which of the fundamental rights has abolished untouchability?
7. What will be done to a person practising untouchability?
8. What kind of titles have not been abolished by the constitution?
9. On what basis the government can restrict the fundamental rights?
10. Name the various kinds of the writs.

Short Questions:

1. Define rights.
2. Mention some qualities of rights.
3. Mention some types of rights with example.
4. Are all types of rights available to all the people? State with examples
5. Discuss the relationship between rights and democracy.
6. Explain briefly the evolution of rights.

7. Write is short note on Human Rights.

Long Questions:

1. Point out some aspects of the Rights to equality enjoyed by the citizens of India.
2. Describe special provisions which are provided for the advancement of the backward classes.
3. "The right to freedom is a cluster of six freedoms." Explain.
4. Write short notes on:
5. How can we secure our fundamental rights?

Answer Key:

MCQ:

1. (a) 24 hours
2. (b) Right of constitutional remedies
3. (c) (a) and (b)
4. (d) Public Interest Litigation
5. (c) Judiciary
6. (c) Right against exploitation
7. (b) Right to Constitutional Remedies
8. (c) Political Rights
9. (c) Right to Constitutional Remedies
- 10.(b) Six Fundamental Rights
- 11.(c) American Navy
- 12.(b) Yugoslavia
- 13.(c) Right to property
- 14.(b) Political
- 15.(a) Right to equality

Very Short Answer:

1. It is so only to emphasise that such rights are fundamental for the development of human personality.
2. 6
3. No.
4. The Indian Constitution provides for special provisions in the form of reserve posts while

guaranteeing right to equality..

5. The reserved posts have been provided to the scheduled castes, scheduled tribes and to the backward classes.

6. Right to equality.

7. A person practicing untouchability would be punished by law.

8. The Constitution has not abolished two types of the titles

Military titles

Academic titles.

9. The government can restrict the fundamental rights in the interest of the independence, sovereignty and integrity of the nation.

10. Name the various kind

- Habeas Corpus
- Mandamus
- Prohibition.
- Quo Warranto
- Certiorari.

Short Answer:

Ans: 1. Rights are those conditions of social life without which no man can seek to be his best self. They are claims recognised by society and protected by law.

Ans: 2. Some qualities of rights are as follows:

- Right is claim which has to be recognised by others. My right should be respected as should be yours.
- Right is recognised by society. It is social in nature. What is against society is not a right. What is against the interest of society is also not a right.
- Right has to be protected and Sanctioned by law.

Ans: 3. Rights are of different types. They may be classified as civil, political, economic and social and cultural rights: Right to life, to equality, to family, right to freedoms, to acquire and own property, etc. are civil rights. Right to vote, to contest elections, and to seek any political office are political rights.

Right to work, to earn a reasonable wage, and to fulfil basic needs are economic rights. Right to culture, to religion, to speak in one's own language, to get education, and to lead a decent life are social and cultural rights. However, all these rights are interconnected. These days we call all of them together as human rights.

Ans: 4. Some of the rights are available to citizens as individuals. For example, the right to life is one such a right. Some rights are available to persons as members of a community. For example, the right to culture or language. Some rights are available to all persons residing in a country, whether one is a citizen or not.

For example, European or the refugees from Bangladesh or Sri Lanka living in India have certain rights along with Indian citizens. Similarly, Indians living in the United States too have some rights like that of the American citizens. Some right are available to citizens of a specific age. For example, the right to vote or to contest in elections only when one grows up.

Ans: 5. Rights are necessary for the development of society, individual personality and for the realisation of human potential. Democracy becomes meaningless if we do not have rights and the means to secure them. It is the availability of these rights that make any political system democratic.

Even among democracies, we can know how democratic a country is by looking at the kind of rights available to its people and to what extent they are effective. So the expansion of democracy in any country is closely linked to the expansion of citizens' rights. Democracy and citizens' rights are therefore mutually complementary.

Ans: 6. Rights did not emerge all of a sudden. They had evolved over a long time. They are a result of struggles of people. They change with changes in society. New rights emerge as societies develop. Over the last two hundred years, most democracies have adopted basic rights as essential ingredients of their constitutions and government.

The French National Assembly recognized certain rights of the citizens. It was called the Declaration of the Rights of Man. It proclaimed that all citizens are 'equal in the eyes of the law. All have an equal right to all public places and employment according to their capacity and talent. In the same year, a Bill of Rights was added to the Constitution of the United States, of America. It gave to American citizens rights such as freedom of speech press, religion, assembly and to petition the government.

Ans: 7. The Universal Declaration of Human Rights adopted by the United Nations in 1948 was an important milestone in the long struggle for rights in the world. It recognized certain rights as fundamental to human life. They are the right to life, liberty and security of person; the right to freedom of opinion and expression: the right to freedom of throughout, conscience and religion: and the right to own property.

Long Answer:

Ans: 1. Right to equality is one of the most important fundamental rights provided by the Constitution.

These rights have been given in the Articles 14 to 18 of the Indian Constitution.

- Article 14 establishes equality before the law, It says the state shall not deny to any person equality before the law or equal protection of the laws within the territory of India.

- Article 15 prohibits any sort of discrimination among the citizens of the Republic on grounds of religion, race, caste, sex, place of birth or any of them.
- Article 16 of the Constitution of India provides equal opportunities in all fields of public employment.
- Article 17 has erased the age-long slur on the face of the Indian social order. Practising of untouchability in any form has been made an offence punishable by law.
- Article 18 puts an end to all the titles other than educational and military.
- Thus, the Indian citizens have been provided the right to equality to enjoy their lives.

Ans: 2. Special provisions are also provided for the advancement of backward classes of citizens and those of the Scheduled Castes and Scheduled Tribes. Equality does not mean that everyone gets the same treatment, no matter what they need. Right to equality allows special treatment in favour of persons who belong to the weaker sections. For example, government reserves some seats in public educational institutions, or provide stipends to such persons. Similarly, government reserves some posts in favour of backward classes of citizens who are not adequately represented in government services.

But for such special provisions, it would not be possible for the boys and girls of these groups to get admission in premier educational institutions or to get good jobs. These special provisions and reservations are aimed at promoting socio-economic equality. For promoting social equality, the Constitution forbids the practice of untouchability in any form. Untouchability 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.

Ans: 3. The right to freedom given by the constitution to its citizens includes six freedom rights. Hence the right to freedom is called a cluster of six freedoms.

These rights are the following;

- Freedom of speech and expression.
- Freedom to assemble peacefully and without arms.
- Freedom to form associations and unions.
- Freedom to move freely throughout the territory of India.
- Freedom to reside and settle and
- Freedom to adopt in any profession or the right to carry on any occupation, trade or business.

Every citizen has the right to all these freedoms. That means you cannot exercise your

freedom in such a manner that violates others' right to freedom. Your freedoms should not cause public nuisance or disorder. You are free to do everything which injures no one else. Freedom is the absence of interference by other's in our affairs, so far as such affairs do not adversely affect other's lives.

So our freedoms have some limitations. However, such restrictions have to be reasonable. They should be as per the law. Accordingly, the government imposes certain restrictions on our freedoms in the larger interests of the society.

The Constitution ensures protection of individual life and personal liberty. It says that no person can be deprived of his life or personal liberty except according to procedure established by law. That means no government or police officer can interfere with the life and liberty of a citizen unless his action is supported by some provision of law.

Ans: 4. (i) Right Against Exploitation: This is a very important fundamental right. Earlier people were made to do work free of charge for landlords or the wealthy persons. This was known as beggar or forced labour.

It was the kind of labour which was done without any wage in return. Begar is now a crime and punishable by law.

Providing this right the Constitution also forbids employing of children below the age of 14 years in dangerous jobs like factories and mines. This right makes us conscious about the fact that the children are our assets. They must be allowed to get education and lead happy childhood.

In actual practice, it is very easily seen that the children are working in much less wages. This is done because the child labour is much cheap. Children in fact cannot work like an adult hence they are given low wages. This is, however, a gross violation of the spirit and provisions of the constitution. In this situation, the right against exploitation is a legal weapon to protect today's children. This right is considered a legal weapon because if this right is violated, one can go to the court of law to get justice.

(ii) Right to Freedom of Religion: Ours is a secular country. That means the government of India would not give any undue bias or preference to any religion. Every religion is equal before the state. Citizens of India are free to practice their respective religions. This is one of the fundamental rights of the citizens given by the Constitution. Foremost objective part of this right is to sustain the principle, of secularism in the country. No state-run institutions can give religious education. However, religious communities are free to set up charitable institutions of their own.

(iii) Cultural and Educational Rights: India is a vast country with a number of religions, languages as well as cultures. Hence the Indian Constitution provides special measures to protect the rights of the minorities. Any community which has a language and script of its own has the right to conserve and develop them. No citizen can be discriminated against for, admission in state or state-aided institutions because of religion or language. All minorities, religious or linguistic, can set up their own educational institutions. Thus, they are able to preserve and develop their culture.

Ans: 5. One important characteristic of the rights in the Constitution is that they are enforceable. We have a right to seek the enforcement of the above-mentioned rights. This is called the 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 right is 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 as the heart and soul of our Constitution.

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. 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 law's of the central and state governments, the policies and actions of the government or the governmental organizations like the nationalized banks.

The Supreme Court and High Courts are empowered to declare such laws or acts as invalid. They also enforce the Fundamental Rights against private individuals and bodies. The Supreme Court and High Courts have tire power to issue directions, orders or writs for the enforcement of the Fundamental Rights. They award compensation for the violation.